Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street , Suite 1110
Miami, Florida 33128-1902
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FINAL AGENDA

Board of County Commissioners
Stephen P. Clark Center, 2nd Floor Commissioners Chambers, 111 NW 1st Street, Miami, FL
Thursday, March 20, 2025 at 9:30 am

PREVIOUSLY DEFERRED

A.	Z2022000118	Garcia Carrillo 56 Street Revocable Trust	22-118	54-40-24	N

APPEALS

CURRENT

1.	Z2023000174	Shemesh, Inc. - concurrent CDMP	23-174	53-41-16	N
2.	Z2024000020	Diego Daniel Rodriguez, Trustee	24-20	57-38-26	N

MIAMI-DADE COUNTY

03-07-25 Version #1

MIAMI-DADE COUNTY COMMISSIONERS ZONING HEARING

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI, FL

DATE: MARCH 20, 2025

TIME OF MEETING: 9:30 AM

DEFERRED ITEM	**8A1** **(The public hearing has not been held. The public hearing is subject to the rules of procedure.)**
PH:	**Z2022000118**
Applicant	**GARCIA CARRILLO 56 STREET REVOCABLE TRUST.**
District	**07**
Summary of Requests	The applicant seeks approval of a district boundary change on the subject property from EU-1 (minimum 1-acre lots) to EU-M (minimum 15,000 square foot lots). Additionally, the applicant also seeks to permit 0' of street dedication for the portion of the site fronting along SW 60 Place roadway.
Location	5979 SW 56 Street, Miami-Dade County, Florida

CURRENT ITEM	**8C1** **(The public hearing has not been held. The public hearing is subject to the rules of procedure.)**
PH:	**Z2023000174**
Applicant	**SHEMESH INC.**
District	**02**
Summary of Requests	The applicant seeks to permit a rezoning of the entire subject site which consist of BU-1, BU-2 and BU-3 (Business Uses) and RU-1 (Residential Use) zoning districts, in order to unify the zoning on the subject site to BU-3 (Liberal Business District) to expand the existing warehouse uses on the adjacent parcel. A Zoning Covenant has been voluntarily proffered that restricts the use on the property to cold storage, pre-cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses, with dissimilar use buffering and screening from the adjacent residential properties.
Location	6851 NW 32 Avenue and lying east of NW 32 Avenue between NW 68 Street and NW 69 Street, Miami-Dade County, Florida

CURRENT ITEM	**8C2** **(The public hearing has not been held. The public hearing is subject to the rules of procedure.)**
PH:	**Z2024000020**
Applicant	**DIEGO DANIEL RODRIGUEZ, TRUSTEE**
District	**09**
Summary of Requests	The applicant seeks to permit a rezoning of the subject site from AU (5-gross acre lot) to RU-4L (up to 23 units per net acre), in order to develop the property with a 2-story high, 146-unit townhouse development. Additionally, the applicant also seeks to have less common open space for the detached units than required.
Location	Lying between SW 355 Street and SW 356 Street and between SW 189 Avenue and SW 192 Avenue, Miami-Dade County, Florida

COUNTY COMMISSION MEETING OF MARCH 20, 2025

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION 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 COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

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

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

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

SWEARING IN OF WITNESS

DEFERRED ITEM
GARCIA CARRILLO 56 STREET REVOCABLE TRUST. Z2022000118 **BCC/District 07**
THE APPLICANT IS APPEALING THE DECISION OF COMMUNITY ZONING APPEALS BOARD #12, WHICH DENIED WITHOUT PREJUDICE, THE FOLLOWING:

The application is to permit a rezoning of the subject property from EU-1 (minimum 1 gross acre lots) to EU-M (minimum 15,000 square foot lots), which could allow the property to be developed with more residential units than currently allowed.

(1) DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District to EU-M, Estate Modified District.

(2) NON-USE VARIANCE of zoning and subdivision regulations requiring five-acre fractional lines to be 60' in width; to wave same to permit 0' of dedication for the eastern portion of SW 60 Place (35' required).

LOCATION: 5979 SW 56 Street, Miami-Dade County, Florida.
SIZE OF PROPERTY: 4.92 Acres

Recommendation of the appeal: **Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of re-quest #2. Overrule CZAB 12 decision (Reversal of CZAB 12 decision would require the affirmative votes of 2/3 of the Board members present).**

Previous Recommendation to the CZAB: **Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2**
(Original Staff Recommendation to the CZAB is attached).

Protests: 157 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

CURRENT ITEM

SHEMESH INC. Z2023000174 **BCC/District 02**

The application is to permit a rezoning of the entire subject site which consist of BU-1, BU-2 and BU-3 (Business Uses) and RU-1 (Residential Use) zoning districts, in order to unify the zoning on the subject site to BU-3 (Liberal Business District) to expand the existing warehouse uses on the adjacent parcel. A Zoning Covenant has been voluntarily proffered that restricts the use on the property to cold storage, pre-cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses, with dissimilar use buffering and screening from the adjacent residential properties.

District Boundary Change from BU-1, Neighborhood Business District, BU-2, Special Business District, BU-3, Liberal Business District, and RU-1, Single-Family Residential District, to BU-3, Liberal Business District.

LOCATION: 6851 NW 32 Avenue and lying east of NW 32 Avenue between NW 68 Street and NW 69 Street, Miami-Dade County, Florida
SIZE OF PROPERTY: 1.78 Acres

Department of Regulatory and Economic Resources Recommendation: **Approval, subject to the Board's acceptance of the proffered covenant (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014 and it becoming effective) *.**

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

CURRENT ITEM

DIEGO DANIEL RODRIGUEZ, TRUSTEE. Z2024000020 **BCC/District 09**

The application seeks a rezoning of the subject parcel from AU (Agricultural, minimum 5-gross acre lot) to RU-4L (Limited Apartment House District, minimum 23 units per acre) which would allow the property to be developed with more units than currently allowed. Additionally, the application seeks to provide less open space than required by Code.

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

(2) NON-USE VARIANCE to permit an open space of 25.25 % (30% required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "MDC Diego Rodriguez by: Lennar Homes", prepared by Pascual Perez Kiliddjian Starr, consisting of 6 sheets, dated stamped received 11/13/2024, floor plans and

elevation plans consisting of 44 sheets, dated stamped received 8/1/2024, civil plans as prepared by Robayna and Associates, Inc., consisting of 5 sheets dated stamped received 11/13/2024, and landscape plans as prepared by Witkin Hults + Partners, consisting of 5 sheets, dated stamped received 11/13/2024, for a total of 60 sheets. Plans may be modified at public hearing.

LOCATION: Lying between SW 355 Street and SW 356 Street and between SW 189 Avenue and SW 192 Avenue, Miami-Dade County, Florida
SIZE OF PROPERTY: ±12.75 gross (±10.44-net) 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 re-quests #2 (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective) *.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

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

PH: Z22-118 **March 20, 2025**
Item No. 8A1

Recommendation Summary	
Commission District	7
Applicants	Garcia-Carrillo 56 Street Revocable Trust
Summary of Requests	The applicant seeks approval of a district boundary change on the subject property from EU-1 (minimum 1-acre lots) to EU-M (minimum 15,000 square foot lots). Additionally, the applicant also seeks to permit 0' of street dedication for the portion of the site fronting along SW 60 Place roadway.
Location	5979 SW 56 Street, Miami-Dade County, Florida
Property Size	4.92 acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Single Family Residence
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 dua, *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map of the Comprehensive Development Master Plan (CDMP)
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval of request #1, subject to the Board's acceptance of the proffered covenant, and modified approval with conditions of request #2.**

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this appeal pursuant to Section 33-314(B)(1), "The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows: Applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis."

PROCEDURAL HISTORY

This application was indefinitely deferred during the January 24, 2024, meeting of the Board of County Commissioners (BCC) at the applicant's request.

The public hearing on this item has not been held.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District to EU-M, Estate Modified District.

2. NON-USE VARIANCE of zoning and subdivision regulations requiring five-acre fractional lines to be 60' in width; to wave same to permit 0' of dedication for the eastern portion of SW 60 PL (35' required).

CZAB 12 Action

CZAB 12 September 13, 2023	**Denied without prejudice (Resolution #CZAB12-17-23)**

Staff Recommendation

Recommendation on the Appeal	**Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2** **Overrule CZAB 12 decision** **(Reversal of CZAB 12 decision would require the affirmative votes of 2/3 of the Board members present)**
Previous Recommendation to the CZAB 12	**Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2** **(Original Staff Recommendation to the CZAB is attached)**

Timeline

1. On May 8, 2023, the item was deferred to the June 8, 2023, meeting of the Community Zoning Appeals Board (CZAB) 12 due to a lack of quorum.

2. On June 8, 2023, the item was deferred by the applicant to the September 13, 2023, meeting of the CZAB 12 in order to allow for proper advertising and noticing.

3. September 13, 2023, the CZAB #12, denied without prejudice the subject application (Resolution # CZAB12-17-23).

4. On September 29, 2023, the applicant, Garcia-Carrillo 56 Street Revocable Trust., appealed the CZAB #12 decision to the BCC.

5. On January 24, 2024, this application was indefinitely deferred by the Board of County Commissioners (BCC) at the applicant's request.

6. As an alternative to the application that is currently before the Board of County Commissioners, on February 26, 2025, the applicant submitted a workforce housing application under pre-permit application #R2025000020 for the development of the subject property, which will include duplex buildings with a total of 16 units. This development is eligible for the density bonus pursuant to ARTICLE XIIA, Workforce Housing Development Program. This type of workforce housing application is administrative and is not before the Board.

7. The application, which was most recently deferred on January 24, 2024, was noticed for the March 20, 2025 BCC Meeting.

ANALYSIS:

The applicant Garcia-Carrillo 56 Street Revocable Trust is appealing the CZAB 12 decision to the BCC. The subject application was denied without prejudice pursuant to Resolution #CZAB12-17-23. The applicant seeks to develop the ±4.92-acre subject parcel with up to a maximum of 17 single-family residential units which would be **consistent** with the maximum density threshold permitted in areas designated for Estate Density Residential uses on the CDMP Land Use Plan (LUP) map and **compatible** with the natural transition of residential zoning trend of development in the surrounding area. Staff supports the district boundary change and opines that approval of the EU-M zoning district on the subject property would be a natural transition to the bordering RU-1 zoned parcels and other existing residential development along this area that is denser than EU-1 zoning. Staff notes that EU-

1 zoning district allows a minimum lot frontage of 125', whereas, the EU-M district allows a minimum lot frontage of 120', which would not be a significant departure and would be compatible with the existing single-family homes in the area that have similar lot frontage. Additionally, for the reasons explained in the Comprehensive Development Master Plan Analysis section of this application, the request for a zone change is compatible with the natural transition of residential zoning trend of development in the surrounding area. As such, staff opines that the approval of EU-M zoning would be in keeping with the character of the surrounding area, would be **compatible** with same and **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map.

Staff notes that the site, currently zoned EU-1, is eligible for an additional density bonus by right through participation in the Workforce Housing Development Program (WHU) pursuant to ARTICLE XIIA of the County Code. Section 33-193.7.1 permits a density bonus of up to 25% for workforce housing over the maximum density allowed under the applicable CDMP designation. This program, among other intensity standards, allows reductions in lot size, minimum lot frontage, and up to 3 units for a single lot, provided each lot meets the minimum workforce housing development standards, totaling 24 units after subdividing into individual EU-1 zoning lots.

As an alternative to the current proposal for a district boundary change from EU-1 to EU-M that is before the Board on appeal from the CZAB, on February 26, 2025, the applicant submitted an administrative workforce housing application under pre-permit application #R2025000020 for the development of the subject property. The proposed plan includes a lot split to create eight (8) individual lots, which the applicant intends to develop with eight (8) duplexes, totaling sixteen (16) dwelling units. Staff reviewed the pre-permit application and issued deficiency comments on March 3, 2025. These comments included, but were not limited to, ensuring that the design of the duplexes is consistent with the character of the surrounding area. Specifically, the duplexes must maintain the appearance of single-family homes to align with neighborhood aesthetics.

As mentioned above, staff notes that the County's WHU regulations impose specific requirements, including compatibility with both the existing and proposed structures, such as building height, maintaining the appearance of a single-family home, and ensuring that parking is distributed across the site to preserve the character of the surrounding area. Please note that this is a preliminary analysis, as the application recently received certain deficiency comments, and this administrative workforce housing application is not before this Board for approval.

Staff had previously recommended approval of the applicant's requested district boundary change from EU-1 to EU-M and staff continues to recommend that the Board consider a zoning change from EU-1, Single-Family One Acre Estate District, to EU-M, Estate Modified District, subject to the board's acceptance of a proffered covenant limiting the development to the maximum density permitted per the CDMP, which will be subject to meeting the development standards under EU-M. In staff's opinion, this requested district boundary change would be more compatible with the surrounding area than the applicant's alternative workforce housing concept. This maximum density is the applicant's proffered covenant is also consistent with the property's CDMP future land use designation of Estate Density Residential. Said designation permits up to 2.5 dwelling units per acre. Therefore, the allowable development envelope is a maximum of 13.25 residential units on the subject site, plus an additional bonus of (3.31 units) through the provision of workforce housing which permits a density bonus of up to 25% for workforce housing over the maximum density allowed under the applicable CDMP designation. Submitted in conjunction with this request is a survey prepared by Royal Point Land Surveyors, Inc. dated March 14, 2022. Be advised that for purposes of calculating lot area for workforce housing developments credit is given for dedicated right-of-way which is 1/2 the distance from the property line to the centerline of the abutting right-of-way. In this regard, the dedicated right-of-way is SW 56 Street which is included in the lot area. Based on the survey staff aggregated the total square feet for the property and calculated a total of approximately 50' frontage and ±231,161.42 square feet or ±5.30 acres including credit for the right of way. When multiplying the approximate gross lot area, including the density bonus, the maximum number of units permitted is **17 residential units**, which is **consistent** with the maximum permitted density in the CDMP.

Below is a table outlining the existing and proposed maximum allowable density. Please note that the maximum density is contingent upon compliance with building content, setbacks, compatibility, single family home appearance and site area requirements, including, minimum lot area, maximum lot coverage, minimum lot width, among others.

Existing and Proposed Density						
	Acres	**Maximum Number of Lots**		**Workforce Housing Code Section**		**Maximum Density**
Estate Density Residential (CDMP)	4.92	12 lots	**-**	**-**	**-**	**12 single-family homes**
Estate Density Residential (CDMP)* 25% Density Bonus for Workforce Housing	5.3	17 lots	**-**	**-**	**-**	**17 single-family homes**
Existing Zoning EU-1 (Net Acres)	4.92	4 lots	**-**	**-**	**-**	**4 single-family homes***
Existing Zoning EU-1 (Gross Acres Workforce Housing)	5.3	8 lots	X	Section 33-193.12(C) of the County Code: Each lot may be developed with up to three (3) units per lot with a reduction in lot size to 29,040 sq. ft. (including r/w)	=	**8 triplexes* (24 units)**
Proposed Zoning EU-M (Net Acres)	4.92	14 lots	**-**	**-**	**-**	**14 single-family homes***
Proposed Zoning EU-M (Gross Acres Workforce Housing)	5.3	19 lots	X	Section 33-193.12(C) of the County Code: Each lot may be developed with up to three (3) units per lot with a reduction in lot size to 12,000 sq. ft. (including r/w)	=	**19 triplexes* (58 units)**
* Subject to compliance with building content, setbacks, compatibility, single family home appearance and site area requirements.						

Therefore, for the aforementioned reasons, as well as those outlined in the Comprehensive Development Master Plan and the zoning analysis included in the attached staff recommendation, staff recommends the **Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2**. As shown above, the EU-M zoning when using WFH permits a significantly higher number of units; therefore, a covenant is required to ensure the proposed development remains consistent with the CDMP. Additionally, Section Sec. 33-193.16(C) states that the total number of dwelling units permitted on an eligible property may exceed the permitted maximum density allowed in the underlying zoning district in accordance with the foregoing provisions, provided that the density shall not exceed the maximum allowable density bonuses set forth in the CDMP, which also aligns with the proffered zoning covenant.

Staff notes that on February 6, 2025, the City of South Miami transmitted Resolution #006-24-16111 opposing the recommended modified approval of the applicants request to waive the required 35' ROW dedication for SW 60 Place. A copy of said resolution has been included as exhibit.

Specifically, under request #2, the applicant had sought approval of a non-use variance to provide 0' of dedication, where a 35' ROW dedication would otherwise be required all along the western portion of the subject site in order to allow the theoretical SW 60 Place to connect all the way down to SW 56 Street (Miller Drive). Staff's recommendation for request #2 has always been for a modified approval which although supports not having to provide a full dedication through the subject site, but requires that a smaller, 35-foot dedication be provided at the northwest corner of the property which would allow for SW 60 Place (that currently dead-ends at the north of the subject site) to connect to the existing SW 54 Terrace, which further connects to SW 60 Court, which in turn provides the final connectivity down to SW 56 Street. Staff notes that the Platting and Traffic Review Section has also reviewed request #2 and concluded as well that said 35-foot dedication on the northwest side of the property will allow for the required connectivity down to SW 56 Street, by way of SW 54 Terrace and SW 60 Court. As such, staff opines that the modified approval of request #2 will not be out of character with prior approvals along SW 60 Place and will not create any new impacts on traffic along the roadway, and will not have an adverse impact on the adjacent residential parcels lying to the north and west of the application site.

For these aforementioned reasons, and the reasons outlined in the Comprehensive Development Master Plan and zoning analysis within the attached original staff recommendation to the CZAB, staff recommends **approval of request #1, subject to the Board's acceptance of the proffered covenant, and modified approval with conditions of request #2**. Staff further opines that the CZAB 12 decision of denial without prejudice should be overturned, and the appellants' request for a reversal of the CZAB 12 decision should be **approved** as per staff's recommendation.

CONDITIONS FOR APPROVAL: for request #2 only.

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 the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Platting and Traffic Review Section of the RER Department as contained in their memorandum dated April 12, 2023, that is part of the record and is incorporated herein by reference.

3. That the applicant dedicates that portion of the east 35' of SW 60 Place located along the northwest side of the subject property to provide connectivity to SW 54 Terrace.

Staff Recommendation: Approval of request #1, subject to the Board's acceptance of the proffered covenant, and modified approval with conditions of request #2.

ES:JB:SS:EA

Eric Silva

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

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board No. 12

PH: Z22-118 **September 13, 2023**
Item No. A

Recommendation Summary	
Commission District	7
Applicant	Garcia-Carrillo 56 Street Revocable Trust
Summary of Requests	The applicant seeks approval of a district boundary change on the subject property from EU-1 (minimum 1-acre lots) to EU-M (minimum 15,000 square foot lots). Additionally, the applicant also seeks to permit 0' of street dedication for the portion of the site fronting along SW 60 PL roadway.
Location	5979 SW 56 Street, Miami-Dade County, Florida
Property Size	4.92 acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Single Family Residence
2030-2040 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2**

This item was deferred from the May 8, 2023, meeting of the Community Zoning Appeals Board (CZAB) 12 due to a lack of quorum. Subsequently, the item was deferred by the applicant from the June 8, 2023, meeting of the Community Zoning Appeals Board (CZAB) 12 in order to allow for proper advertising and noticing. The public hearing on this item has not been held.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District to EU-M, Estate Modified District.

2. NON-USE VARIANCE of zoning and subdivision regulations requiring five-acre fractional lines to be 60' in width; to wave same to permit 0' of dedication for the eastern portion of SW 60 PL (35' required).

PROJECT HISTORY AND DESCRIPTION:

In 1976, pursuant to Resolution No. Z-398-76, the Board of County Commissioners granted non-use variance requests permitting an existing tennis court to remain located in front of the principal residence and within required setback areas. A non-use variance request was also granted permitting an overnight chain link fence and allowing said fence to remain closer to a certain property line than permitted. In 2000, pursuant to Resolution No. CZAB-12-9-00, the Miami-Dade County Community Zoning Appeals Board 12 (CZAB) denied without prejudice a District

Boundary Change (DBC) from EU-1, Single-Family One Acre Estate District to EU-S, Estate Use Suburban accompanied by various non-use variances for the development of six (6) single-family residential units. The aforementioned decision was appealed to the Board of County Commissioners (BCC) which concluded with the withdrawal of the appeal and the application without prejudice pursuant to Resolution No. Z-24-00.

The applicant now seeks approval to allow a district boundary change from EU-1, Single-Family One Acre Estate District, to EU-M, Estate Modified District. The applicant also seeks approval of a non-use variance of the zoning and subdivision regulations requiring five-acre fractional lines to be 60' in width; to wave same to permit 0' of dedication for the east half of SW 60 PL (35' required). The applicant plans to demolish the existing single-family home in order to be able to develop the subject parcel with more residential units than currently allowed. Staff notes that there were no plans submitted for this subject application.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
North	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
South	City of South Miami; single-family residences	Low Density Residential (2.5 to 6 dua)
East	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)
West	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The 4.92-acre subject property consists of an existing single-family residence located at 5979 SW 56 Street. The surrounding area is characterized by single family residences consisting of approximately one (1) acre lots, located to the north, east and west of the subject site. There are single-family homes located to the south of the subject parcel that are located within the boundaries of the City of South Miami.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the property under the EU-M zoning regulations, which will provide additional housing for the area, which could have traffic impacts as well as impacts on other County services. Based on memoranda from the departments reviewing this application, the additional impacts will be minimal and will not cause their facilities and services to operate below their adopted levels of service standards. 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, does not exceed the acceptable Level of Service (LOS) on the neighboring roadways and will generate approximately 14 PM peak hour vehicle trips.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and designated as **Estate Density Residential** use on the Comprehensive Development Master Plan (CDMP)

Land Use Plan (LUP) map. *The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.* This allows the applicant to develop the ±4.92-acre subject site with a total of 12 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map. The applicant seeks a district boundary change from EU-1 to EU-M. Staff notes that EU-M, Single-Family Modified Estate District, has a minimum lot size of 15,000 sq. ft. net and approval of this application could allow the applicant to develop the ±4.92 acre subject parcel with up to a maximum of 14 residential units which would exceed the maximum density threshold allowed under the CDMP. However, staff notes that the applicant has proffered a covenant restricting the number of units to the maximum density allowed under the CDMP, which would be **consistent** with the maximum density threshold permitted in areas designated for **Estate Density Residential** uses on the CDMP Land Use Plan (LUP) map.

ZONING ANALYSIS:

The applicant seeks approval of a request for a district boundary change from EU-1, Single-Family One Acre Estate District, to EU-M, Single-Family Estate Modified District on the subject parcel (request #1). When the applicants' request to rezone the subject parcel is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County and would be **compatible** with the surroundings 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 health, safety, morals, 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 approval of the EU-M zoning district on the subject property would be a natural transition to the bordering RU-1 zoned parcels and other existing residential development along this area that is denser than EU-1 zoning. Staff notes that EU-1 zoning district allows a minimum lot frontage of 125', whereas, the EU-M district allows a minimum lot frontage of 120', which would not be a significant departure and would be compatible with the existing single-family homes in the area that have similar lot frontage. Additionally, for the reasons explained in the Comprehensive Development Master Plan Analysis section of this application, the request for a zone change is **compatible** with the natural transition of residential zoning trend of development in the surrounding area. As such, staff opines that the approval of EU-M zoning would be in keeping with the character of the surrounding area, would be **compatible** with same and **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map.

Staff's research notes that the subject property is located in an area with properties zoned EU-1 to its north, east and west. The parcels to the south are composed of walled-in single-family residences zoned RU-1 located within the jurisdiction of South Miami with lots that range from 9,986 to 15,092 square foot in size and no direct access to Miller Drive. In addition, staff notes that further to the west there is a pocket of EU-M developed parcels, that do not adjoin the subject property, but are separated from the site by some large EU-1 zoned parcels. Staff notes that these EU-M zoned properties with existing single-family residences are less than a minimum of 15,000 square foot lots. Based on the foregoing analysis, staff opines that, approval of the EU-M zoning district on the subject property is compatible with the existing development in the area. Staff notes that although no site plans were submitted for this application, at the time of permitting any future

residential development of the property would have to comply with EU-M zoning requirements, which require the development to be compatible with the adjacent uses through the implementation of adequate buffering, site planning, and/or design features. Based on the aforementioned reasons, staff opines that approval of the request to rezone the subject parcel to EU-M, subject to the proffered covenant, would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the zone change in relation to the present and future development of the area.

Staff notes that the approval of the applicants' request to rezone the property with the acceptance of the proffered covenant will be consistent with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Their memorandum also indicates that the proposed development will meet the traffic concurrency criteria for an Initial Development Order. Said memorandum indicates that the proposed development will generate 14 PM daily peak hour vehicle trips, and it lies within the urban infill area where traffic concurrency does not apply, as specified in the memorandum dated April 12, 2023. Additionally, staff notes that the memorandum from the Environmental Division of RER dated September 1, 2022, indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. Based on the aforementioned department memoranda, staff opines that approval of the applicant's request for a district boundary change will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, and would ensure safety from fire and other dangers. **Therefore, staff recommends approval of request #1, for a district boundary change to EU-M, Estate Modified Residential District, under Section 33-311, District Boundary Change standards, subject to the Board's acceptance of the proffered covenant**.

Additionally, in order to effectuate the future development on the site based on the proposed zoning district, the applicant also requests a non-use variance of zoning and subdivision regulations requiring five-acre fractional lines to be 60' in width; to wave same to permit 0' of dedication for the eastern portion of SW 60 PL (35' required) (request #2). Staff notes that the Platting and Traffic Review Section, of the Department of Regulatory and Economic Resources (RER) memorandum, dated April 12, 2023, objects to the request to waive the right-of-way dedication. Because under the proposed EU-M zoning the applicant would be required to comply with the development standards of the County Code which includes, but are not limited to, lot width and lot coverage the request to permit 0' of dedication for the eastern portion of SW 60 PL (35' required) is inextricably intertwined with request #1, which staff supports on a modified basis that requires a half dedication of 35' on the northwest side of the property. The 35' half dedication on the northwest side of the property would allow for connectivity to SW 54 Terrace and circulation to SW 60 Court. In addition, the dedication of the portion along the northwest side of the subject property will not have an adverse impact on the adjacent residential parcels lying to the north and west of the application site. As such, staff opines that the modified approval of request #2 will not be out of character with prior approvals along SW 60 Place and will not create any new impacts on traffic along the roadway. **As such, staff recommends a modified approval with conditions of request #2 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and modified approval with conditions of request #2 for a half dedication on the northwest side of the property.

CONDITIONS FOR APPROVAL: for request #2 only.

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 the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Platting and Traffic Review Section of the RER Department as contained in their memorandum dated April 12, 2023, that is part of the record and is incorporated herein by reference.

3. That the applicant dedicates that portion of the east 35' of SW 60 Place located along the northwest side of the subject property to provide connectivity to SW 54 Terrace.

4. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Water and Sewer Department as contained in their memorandum dated August 29, 2022, that is part of the record and is incorporated herein by reference.

NK:JB:JR:SS:EA

Nathan Kogon

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

ZONING RECOMMENDATION ADDENDUM

Garcia-Carrillo 56 Street Revocable Trust
PH: Z22-118

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

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

Estate Density Residential (Pg. I-29)	*This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.*
Uses and Zoning Not Specifically Depicted (Pg. I-33)	*Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the parcel exists, including all the provisions for density averaging and definition of gross density.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

ZONING RECOMMENDATION ADDENDUM

Garcia-Carrillo 56 Street Revocable Trust
PH: Z22-118

	(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida; *(4) 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;* *(5) 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.*
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*

RESOLUTION NO. 006-24-16111

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, OPPOSING MIAMI-DADE ZONING APPLICATION NO. Z2022000118 FILED BY GARCIA CARRILLO 56 STREET REVOCABLE TRUST FOR THE REZONING OF THE PROPERTY LOCATED AT 5979 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA, PARTICULARLY OPPOSING RECOMMENDED CONDITION NO. 3 WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO DENY THE APPEAL OF ZONING APPLICATION #Z2022000118; PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.

WHEREAS, on May 24, 2022, Garcia Carrillo 56 Street Revocable Trust (the "Applicant") submitted a zoning application to Miami-Dade County requesting the approval of (1) a district boundary change for the property located at 5957 SW 56th Street, Miami-Dade County, Florida (the "Property"), from EU-1, Single-Family One Acre Estate District, to EU-M, Estate Modified District, and (2) a non-use variance of zoning and subdivision regulations requiring five-acre fractional lines to be 60 feet in width and to wave same to permit 0 feet of dedication for the eastern portion of SW 60 Place (the "Application"); and

WHEREAS, the parcels to the south of the Property are located within the jurisdiction of the City of South Miami (the "City") and consist of walled-in single-family residences zoned RS-3 with lots that range from 9,986 to 15,092 square foot in size with access to Miller Drive limited to SW 60th Avenue; and

WHEREAS, on September 13, 2023, the Miami-Dade County Community Zoning Appeals Board ("CZAB") held a public hearing on the Application and denied the application with prejudice, as detailed in Resolution No. CZAB12-17-23 attached hereto as Exhibit "A;" and

WHEREAS, the Applicant filed an appeal to the Board of County Commissioners (the "BCC") and the Application was noticed for the BCC Zoning hearing on January 24; 2024, however the item was deferred to the March 21, 2024; and

WHEREAS, the Staff Reports for both the CZAB and the BCC recommend approval of the Application under Section 33-311(A)(4)(b) of the County Code, with certain conditions, including condition no. 3 that the Applicant dedicate 35 feet along the northwest side of the Property to allow for connectivity between SW 54 Terrace/SW 60th Place to SW 60th Court; and

WHEREAS, the City Commission finds that the dedication of the 35 foot portion along the northwest side of the Property would have an adverse impact on the City's residents who reside in the neighborhood, because it would enable connectivity that would encourage additional cut-through traffic through the established RS-3 neighborhood further south from SW 62nd Avenue via SW 60th Avenue; and

WHEREAS, the City Commission desires to oppose the Application and any condition of approval which would require or result in additional roadways for connectivity to SW 54 Terrace/SW 60th Place to SW 60th Court; and

WHEREAS, the City Commission finds that this Resolution is in the best interest and welfare of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Opposition. The City Commission hereby opposes the Application, particularly condition no. 3 which requires a dedication of 35 feet to establish connectivity between SW 54 Terrace/SW 60th Place to SW 60th Court. The City opposes any new connectivity between SW 54 Terrace/SW 60th Place to SW 60th Court.

Section 3. Urging Board of County Commissioners to Deny Application. The City Commission hereby urges the Miami-Dade County Board of County Commissioners to deny the Application.

Section 4. Transmittal. That the City Commission hereby directs the City Clerk to transmit a copy of this Resolution to the Miami-Dade Board of County Commissioners, Planning and Zoning Staff, the County Clerk, and the County Attorney's Office.

Section 5. Implementation. The City Manager is authorized to take any and all actions necessary to implement the Agreement and the purposes of this Resolution.

Section 6. Corrections. Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final resolution for signature.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 6th day of February, 2024.

ATTEST:

CITY CLERK

APPROVED:

MAYOR

READ AND APPROVED AS TO FORM, LANGUAGE, LEGALITY AND EXECUTION THEREOF

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Fernández:	Yea
Vice Mayor Bonich:	Yea
Commissioner Calle:	Yea
Commissioner Liebman:	Yea
Commissioner Corey:	Yea

City Commission Agenda Item Report

Meeting Date: February 6, 2024
Submitted by: Daniela Cimo
Submitting Department: City Attorney
Item Type: Resolution
Agenda Section:

Subject:
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, OPPOSING MIAMI-DADE ZONING APPLICATION NO. Z2022000118 FILED BY GARCIA CARRILLO 56 STREET REVOCABLE TRUST FOR THE REZONING OF THE PROPERTY LOCATED AT 5979 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA, PARTICULARLY OPPOSING RECOMMENDED CONDITION NO. 3 WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO DENY THE APPEAL OF ZONING APPLICATION #Z2022000118, OR IN THE ALTERNATIVE, DELETING CONDITION NO. 3 OF THE STAFF RECOMMENDATION WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

Attachments:
Memo - Opposing MDC Zoning Application for 5979 SW 56 Street

483700803-Resolution_Opposing_Zoning_Application_for_Property_in_MDC - CAv3.docx

CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM

TO:	The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM:	Lillian Arango and Tony Recio, City Attorneys
CC:	Genaro "Chip" Iglesias
DATE:	February 6, 2024 City Commission Meeting
SUBJECT:	A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, OPPOSING MIAMI-DADE ZONING APPLICATION NO. Z2022000118 FILED BY GARCIA CARRILLO 56 STREET REVOCABLE TRUST FOR THE REZONING OF THE PROPERTY LOCATED AT 5979 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA, PARTICULARLY OPPOSING RECOMMENDED CONDITION NO. 3 WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO DENY THE APPEAL OF ZONING APPLICATION #Z2022000118, OR IN THE ALTERNATIVE, DELETING CONDITION NO. 3 OF THE STAFF RECOMMENDATION WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT

The accompanying Resolution was prepared and placed on the agenda at the request of Mayor Fernández as a result of comments raised by residents who spoke at the January 16th, 2024 City Commission Meeting.

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

GARCIA-CARILLO 56 STREET REVOCABLE TRUST/GARCIA-CARILLO AS CO TRUSTEE OF THE PEDRO AND MARIA	5979 SW 56 ST **MIAMI-DADE COUNTY, FLORIDA**.
APPLICANT	**ADDRESS**
Pending	Z2022000118
DATE	**HEARING NUMBER**

FOLIO: 30-4024-000-0920

REVIEW DTE OF CURRENT ENFORCEMENT HISTORY:
February 20, 2025

NEIGHBORHOOD REGULATIONS OPEN:
There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:
There are no open or closed cases in BSS.

VIOLATOR:
GARCIA-CARILLO 56 STREET REVOCABLE TRUST/GARCIA-CARILLO AS CO TRUSTEE OF THE PEDRO AND MARIA

OUTSTANDING LIENS AND FINES:
There are no outstanding liens or fines.

Memorandum

MIAMI-DADE COUNTY

Date: April 28, 2023

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: Z2022000118-2nd Review
Pedro Garcia Camillo and Maria Garcia Carrillo
5979 SW 56th Street
DBC from EU-1 to EU-M
(EU-M) (4.92 Acres)
24-54-40

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.

Potable Water Service and Wastewater Disposal

This request for a district boundary change from EU-1 to EU-M does not include a site plan or proposed development information. Pursuant to the Code, based on the development allowed under the requested district boundary change and an analysis of water and sewer infrastructure in the area, any future residential development is within feasible distance to connect to public water and public sanitary sewer. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

Under section 24-43.4(2)(b)(iii) of the Code, once a property or portion thereof is determined to be within feasible distance, the owner shall record, in the Public Records of Miami-Dade County and at the owner's expense, a covenant in a form acceptable to the Director acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

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

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida

Department of Environmental Protection and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins which have been determined not to have adequate capacity cannot be approved, until adequate capacity becomes available.

Conditions of Approval: That the owner submit a covenant in accordance with the requirements of section 24-43.4(2)(b)(iii) of the Code.

Stormwater Management

Any development/ redevelopment involving 2 acres or more of impervious area shall require a DERM Surface Water Management General Permit 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 (305-372-6681) for further information regarding permitting procedures and requirements.

Stormwater should 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 5-year/1-day storm event.

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

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

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater) and non-specimen trees. The subject application was reviewed to determine whether the proposed request is in accordance with the specimen tree protection standards contained in Section 24-49.2 of the Code; however, no information regarding these tree resources was submitted with this application. It is noted that the applicant has not submitted a site plan for consideration with the application.

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, including the specimen tree standards. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process. The subject application, which requests a zoning

change from EU-1 to EU-M could result in tree removal/relocation activity to specimen trees. Because the subject application does not include a proposed site plan, it cannot be determined at this time whether the applicant's future plans for the property, which are yet to be submitted--would comply with specimen tree standards.

DERM approval of the zoning change shall not be interpreted as DERM approval of removal or relocation of tree resources.

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 Andrea Dopico at Andrea.Dopico@miamidade.gov for additional information or concerns regarding 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: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: August 29, 2022

To: Nathan Kogon, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

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

Subject: Zoning Application Comments - 5979 Miller Drive Rezoning
Application No. Z2022000118

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: 5979 Miller Drive Rezoning

Location: The proposed project is located at north of Miller Drive between SW 60th Court and SW 59th Avenue with Folio No. 30-4024-000-0920, in unincorporated Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from EU-1 (Estates, Single-Family, 1 acre or more in area) to EU-M (Estates modified, single-family, minimum lot area 15,000 ft2 net).

The estimated total water demand cannot be provided at this time, as a site plan for the proposed development was not provided with this Zoning Application.

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

On April 21, 2021, WASD Agreement No. 31095 was offered for the subject development; however, said Agreement has expired. The applicant will need to contact WASD's New Business Section in order to request a re-offer of said Agreement.

Per approved points of connection (P.O.C.) dated April 16, 2021, for WASD Agreement No. 31095, the subject property is currently being served by WASD. If an additional connection is required, there is an existing 8-inch water main along SW 56th Street abutting the southern boundary of the property to where the developer may connect to provide service.

There are water mains within the property, either in existing dedicated R/W or easements, which need to be removed and relocated if in conflict with the proposed development. Easements associated with mains to be removed and relocated may be closed and vacated before starting construction in the easement(s) areas. In case of right of way to be closed and vacated within the property, mains may 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's supervision. Services to existing customers cannot be interrupted.

A Water Supply Certification (WSC) letter from WASD was issued on April 21, 2021, through WASD Agreement No. 31095, which is currently expired. Said WSC will be re-issued at the time WASD Agreement No. 31095 is re-offered. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to http://www.miamidade.gov/water/water-supply-certification.asp

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A and 18-B of the Miami-Dade County Code and consistent with Policies WS-5E and WS-5F of the CDMP, respectively.

For more information about our Water Conservation Program, please go to http://www.miamidade.gov/conservation/home.asp

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the WWTP, consistent with Policy WS-2 A (2) of the CDMP.

Per approved points of connection (P.O.C.) dated April 16, 2021, since this property is connecting to WASD's sewer system for the first time, the developer is required to install a gravity sewer main along one entire boundary of the property, as per WASD's Rules & Regulations, Section 3.02(6) and 3.04(2)(d). Therefore, the developer may connect to the wet well of Pump Station (PS) No. 181 and extend an 8-inch gravity sewer northerly at full depth across SW 56th Street to the center of the street, thence, extend the same 8-inch. gravity sewer westerly at full depth in SW 56th Street to the southwestern corner of the property. Also, the developer shall connect to the aforementioned proposed manhole north of the public PS and extend the same 8-inch gravity sewer easterly at full depth in SW 56th Street to the southeastern corner of the property.

In addition, the developer may connect to the aforementioned proposed 8-inch gravity sewer in SW 56th Street and extend the same within the property in a dedicated public right of way and/or in WASD's easements as required to provide service to Lot 1 per T-24449.

The developer is responsible for obtaining access to the existing sewer system either by right of way dedication and/or an easement. If unity of title does not apply, then any gravity sewer within the property shall be public and 8-inch minimum diameter.

The sewage flow from the proposed development will be transmitted to PS No. 181. Said pump station is currently in OK Moratorium Code Status.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

http://www.miamidade.gov/water/construction-development.asp

http://www.miamidade.gov/water/construction-service-agreement.asp

http://www.miamidade.gov/water/construction-existing-service.asp

http://www.miamidade.gov/water/library/forms/service-agreement.pdf

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 Benita Ramirez at (786) 552-8121 or benram@miamidade.gov.

Memorandum

MIAMI-DADE COUNTY

Date: February 27, 2025

To: Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources

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

Subject: Z2022000118
Name: Pedro Garcia Carrillo and Maria Garcia Carrillo
Location: 5979 SW 56 Street
Section 24 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **objections.**

1. Additional dedication will be required along SW 60 Place.
2. This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **14 PM** daily peak hour vehicle trips (*)

(*)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:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- 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

MIAMI-DADE COUNTY

Date: August 15, 2022

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2022000118

The Miami-Dade Fire Rescue Department has **no objection** for zoning designation change from EU-1 to EU-M with a 8/10/2022 "EnerGov" upload date. Any future site plans will need separate approval.

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



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2022000118

Section: 24 Township: 54 Range: 40
Applicant: Garcia-Carrillo 56 Street Revocable Trust
Zoning Board: C12
Commission District: 7
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

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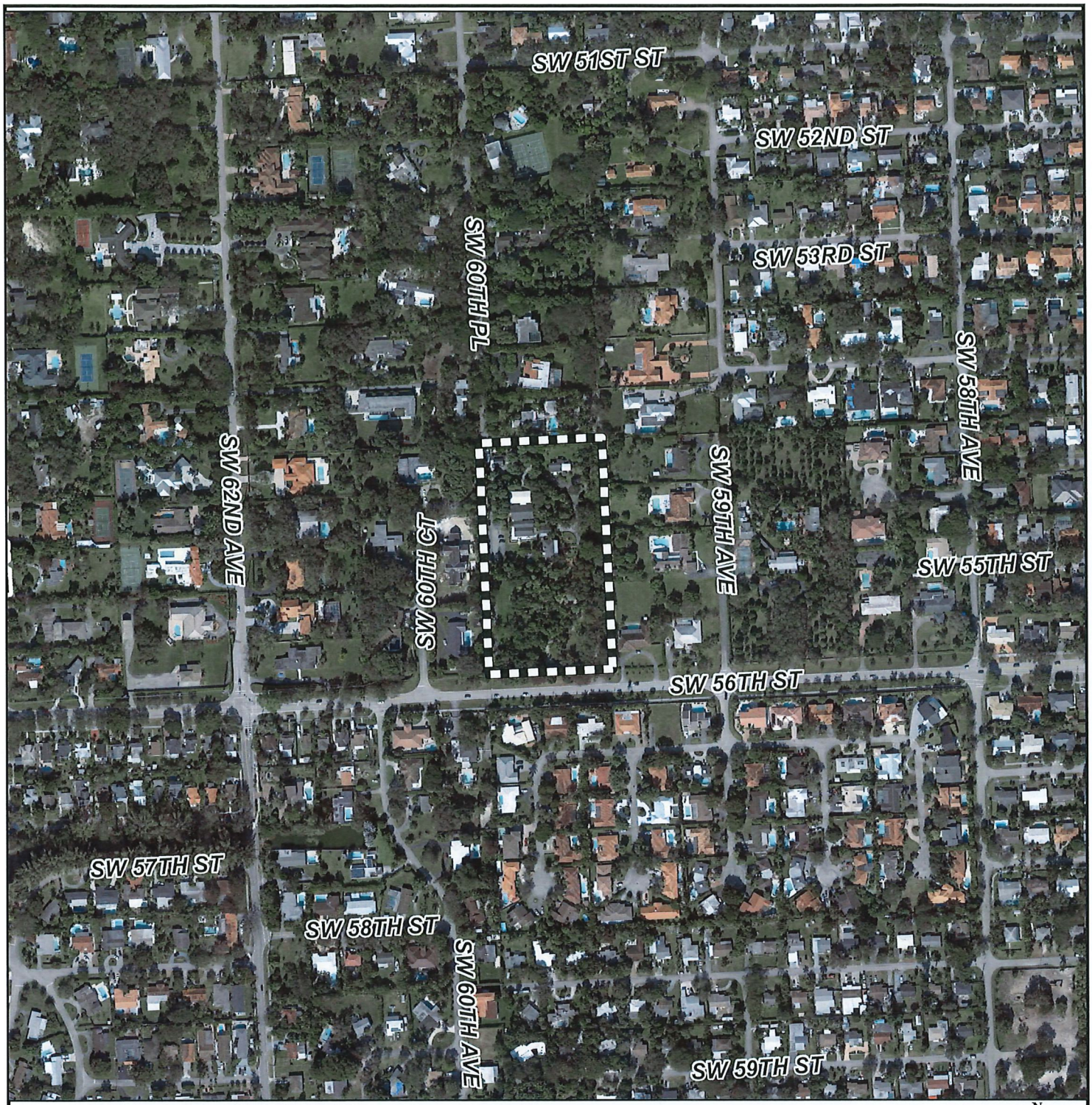
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, August 11, 2022

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

AERIAL YEAR 2021

Process Number

Z2022000118

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Subject Property

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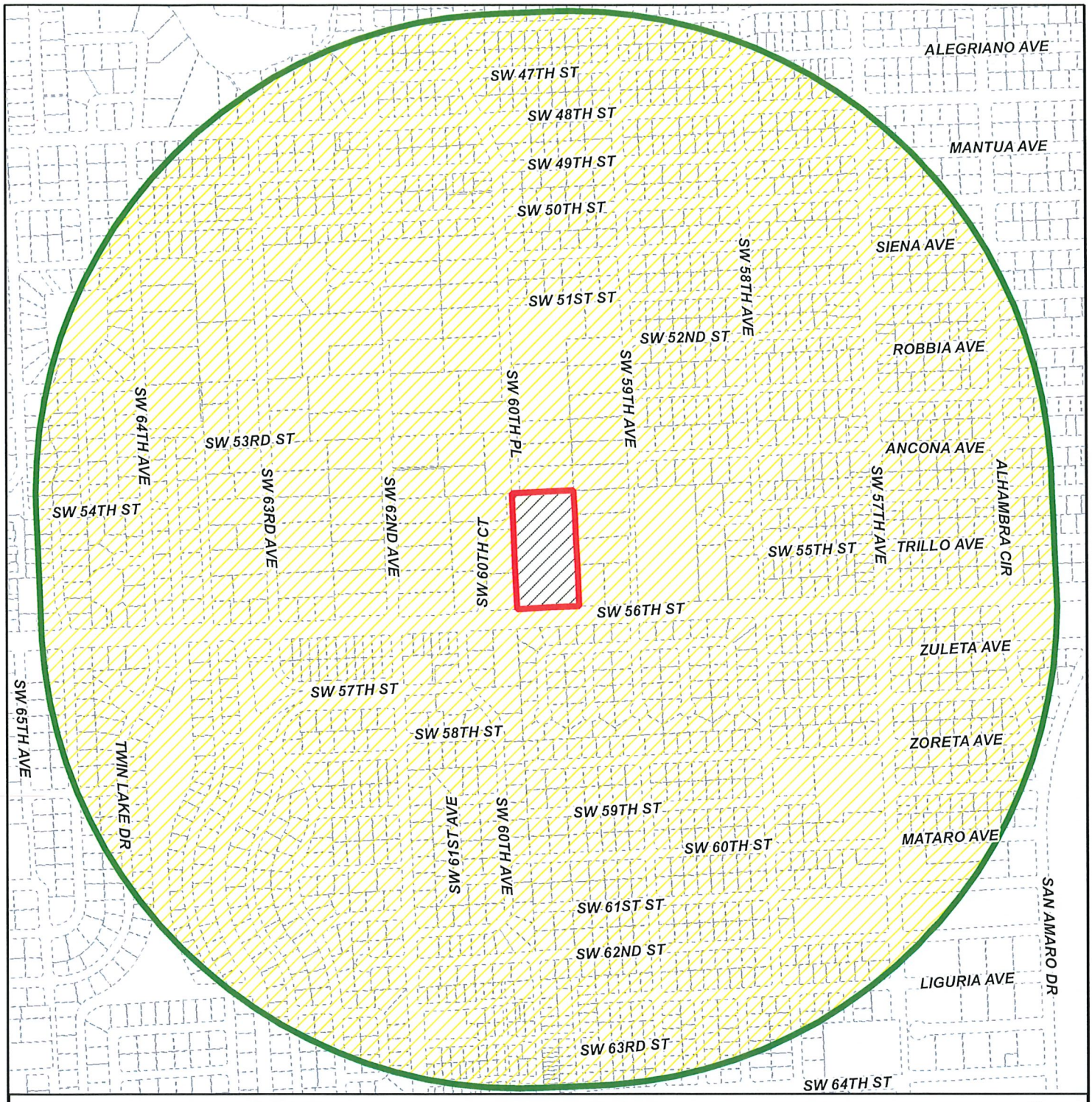
Section: 24 Township: 54 Range: 40
Applicant: Garcia-Carrillo 56 Street Revocable Trust
Zoning Board: C12
Commission District: 7
Drafter ID: EDUARDO CESPEDES
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, August 11, 2022

REVISION	DATE	BY

21



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2022000118

RADIUS: 2640

Section: 24 Township: 54 Range: 40
Applicant: Garcia-Carrillo 56 Street Revocable Trust
Zoning Board: C12
Commission District: 7
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

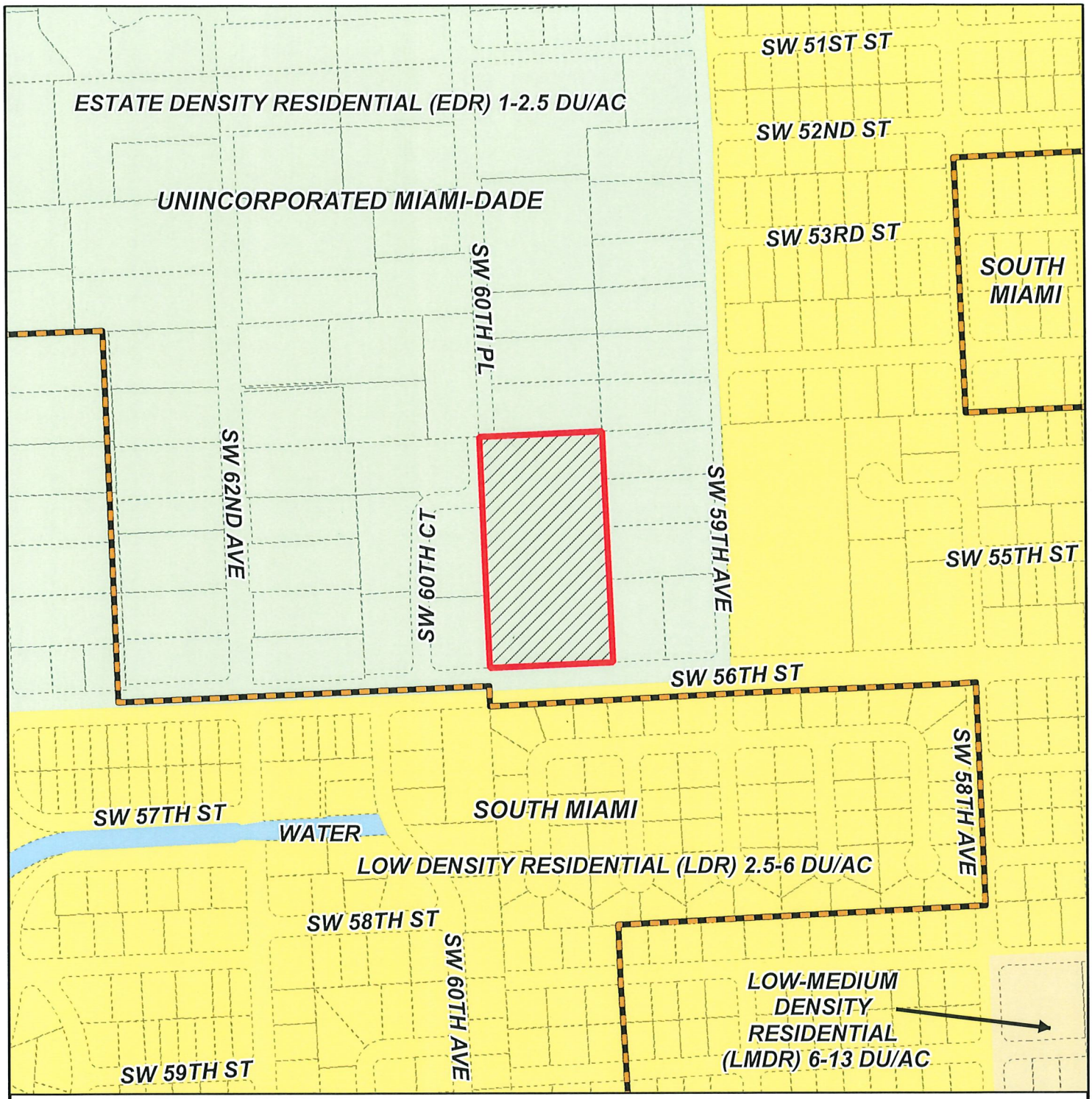
- Subject Property
- Buffer
- Property Boundaries

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MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, August 11, 2022

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2022000118

Legend

Subject Property Case

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Section: 24 Township: 54 Range: 40
Applicant: Garcia-Carrillo 56 Street Revocable Trust
Zoning Board: C12
Commission District: 7
Drafter ID: EDUARDO CESPEDES
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, August 11, 2022

REVISION	DATE	BY
		23

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: The Garcia Carrillo 56th Street Revocable Trust Dated January 9, 2020

NAME AND ADDRESS		PERCENTAGE OF INTEREST
Pedro Garcia Carrillo	5979 SW 56 St., Miami, Florida	50%
Maria Garcia Carrillo	5979 SW 56 St., Miami, Florida	50%

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.*

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MIAMI-DADE COUNTY
PROCESS NO: Z22-118
DATE: MAR 23 2023
6 BY: CABR

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.

Maria Chamizo — Signature

Maria Garcia Chamizo — Print Name

Sworn to and subscribed to before me on the 8th day of June, 2022

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

Notary: Aymet Ramos

[Stamp/Seal]

AYMET RAMOS
Notary Public - State of Florida
Commission # HH 46883
My Comm. Expires Oct 12, 2024
Bonded through National Notary Assn.

Commission expires: Oct 12, 2024

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

FORM REVISION 2019/3

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z22-118
DATE: FEB 13 2023
BY: CABR

This instrument was prepared by:
Name: Elinette Ruiz-Diaz de la Portilla, Esq.
Gunster, Yoakley & Stewart, P.A.
Brickell World Plaza
600 Brickell Avenue, Suite 3500
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, **Pedro and Maria Garcia-Carrillo as Co-Trustees of the Garcia-Carrillo 56 Street Revocable Trust**, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z2022000118 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) The maximum number of dwelling units on the Property will not exceed the maximum density allowed under the Miami-Dade County Comprehensive Development Master Plan.

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MIAMI-DADE COUNTY
PROCESS NO: Z22-118
DATE: FEB 13 2023
BY: CABR

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration 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 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.

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PROCESS NO: Z22-118
DATE: FEB 13 2023
BY: CABR

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]

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DATE: FEB 13 2023
BY: CABR

Exhibit A

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z22-118
DATE: FEB 13 2023
BY: CABR

PROPERTY ADDRESS:

5979 SW 56 STREET MIAMI, FL 33155
Folio# 30-4024-000-0920

LEGAL DESCRIPTION

The West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 Less the South 50 feet thereof, in Section 24, Township 54 South, Range 40 East, of the Miami-Dade County, Florida.

COMMUNITY ZONING APPEALS BOARD 12
Kendall Village Center, Civic Pavilion
8625 SW 124 Avenue, Miami, FL
Wednesday, September 13, 2023 at 6:30 p.m.

ITEM

Z2022000118
Garcia Carrillo 56 Street Revokable Trust
22-118

Board Members
(Present)

Christopher Carbonell, Chairman
Jason B. Krieger
Alina Lago
Carla Victoria Llaneza
Richard Praschnik

County Attorney's Office

Abbie Schwaderer Raurell
Assistant County Attorney

Staff

Jose Rivero, Supervisor
Zoning Hearings Section

(Witnesses were duly sworn).

"In accordance with the Code of Miami-Dade County, all items to be heard this evening have been legally advertised in the newspaper, notices have been mailed and the properties have been posted. Additional copies of the agenda are available here at the meeting.

Items will be called up to be heard by agenda number and name of applicant.

The record of the hearing on each application will include the record of Regulatory and Economic Resources.

All these items are physically present this evening, available to all interested parties and available to the Members of the Board, who examine items from the record during the hearing.

Parties have the right of cross-examination.

This statement, along with the fact that all witnesses have been sworn, shall be included in any transcript of all or any part of these proceedings.

In addition, the following

departments have representatives present here at the meeting to address any questions: The zoning evaluation and plat and traffic review section of the Department of Regulatory and Economic Resources and the County Attorney's Office.

All exhibits used in presentation before the Board become part of a public record and will not be returned unless an identical letter size copy is submitted for the file.

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.

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.

(Thereupon, an unrelated item was heard, whereupon, the aforementioned item was called and the hearing commenced as follows:)

CHAIRMAN CARBONELL: At this time, can staff call the next item on the agenda?

MR. RIVERO: Sure. The next item is application Z2022000118, Garcia Carrillo 56 Street Revokable Trust. There's 78 protests and zero filed waivers.

And as per the report, the Department's recommendation is approval of Request 1, with acceptance of the proffered covenant, and modified approval of conditions of Request No. 2."

CHAIRMAN CARBONELL: The applicant, please step forward.

MR. DIAZ DE LA PORTILLA: Good evening, Mr. Chairman, Members of the

Board, Public. My name is Miguel Diaz De La Portilla. I'm an attorney at Gunster, 600 Brickell Avenue, 35th Floor, Miami, Florida. I'm joined here by my wife, Elinette Ruiz-Diaz De la Portilla, who's also an attorney at Gunster. And I'm joined by Pedro Garcia Carrillo, and the son, Michael Garcia Carrillo. I'm here on behalf of the Garcia Carrillos 56 Street Revocable Trust.

And, Mr. Carrillo, please stand up so that the Board see you, and that's Mike Garcia Carrillo.

I'm glad to be here finally to be able to present our application before you.

The property is located at 5979 Southwest 56 Street. That property, it's in your packet, it's a 4.2 -- 4.92-acre parcel. Garcia Carrillos have lived there for over 20 years on the property. There is a single-family, approximately 10,000 square foot house, on that bigger than 5-acre lot.

Now, I know there are a lot of people

in the audience today that may not be fully aware of what it is exactly that we're requesting today and what our application is about.

So I want to start by saying what our application is about and what it isn't about. I know that a lot of the people in the audience, because I spoke with them last time, we couldn't have a hearing due to a defect in the advertising, are concerned about street immediately to our northwest, and that's 60 Place. Take a look. I may have to approach, because of the size of this and lack of easel, but 60 Place is -- and the property is between 59 Avenue and 60 Court, approximately. That's where we're at. So off of Miller, you go to 60 Court, and it turns to 54 Terrace, and then it hooks up north and that's 60 Place.

A lot of people are concerned about that street being widened and opened to create connectivity from the property to the south, meaning the Garcia Carrillo property and those properties to the south

to the properties that are north of us. Right now, that street dead-ends, so it's a dead-end street. Cars can't cut through 60 Court to get to the streets to the north. They have to turn back around and go back on Miller.

And so the concern in the neighborhood is that if our project moves forward, our application moves forward, that that street would be opened, that there would be connectivity to the north and that what is now a dead-end street would be an open street with cut-through traffic.

So I want to make real clear from the outset that we have two requests and two requests only for you.

One, and I'll start with the second one first, is to specifically waive the requirement to open that street and to widen that street. So right now the code requires a dedication of 35 feet immediately to our northwest corner, so that County can widen that street and connect it to the streets to the north.

So our Request No. 2, in the application that is before you, is to waive that requirement so that we don't have to give a 35-foot dedication, so that you permit zero dedication.

The first request is to rezone the property from EU-1 to EU-M. Now, when you combine these two requests, what you end up with is the road to our west, if granted. If the non-use variance is granted will remain exactly as it is, which is what I think the majority of the people in this room are concerned about, as are we.

So I want to make it real clear, we want to keep the road immediately to our west exactly as it is. We want to keep every road immediately to the west exactly as they are. We don't want to open that street, we don't want it to connect to the north and that's why we have that second request for the non-use variance, so that that doesn't happen.

So I want to say it again to be real clear, we want 60th Place to remain as it

is forever. That's why we made the request, second request, which is for the non-use variance to permit zero dedication, with 35 feet dedication -- of dedication are required on 60th Place.

We've also, and we'll talk about it a little bit later, proffered a covenant, which showed to you we have a fully executed covenant that guarantees that none of the streets to our west, which has been told to me by the neighbors as one of their main concerns, if not the main concern, will remain exactly as they are in perpetuity, forever.

So the application, two requests: To rezone the property from EU-1, which are 1-acre land to EU-M, which allow 15,000 per lots. That would allow us to go from what we can do as of right now with severable use rights, which is about seven units, to 12. 12 is allowed, the maximum allowed, under the current land use designation for the property, which is estate density residential.

Also, as part of our covenant, we are

committing to keep it within the maximum allowed by the County's Comprehensive Development Master Plan, which, again, would allow 12 dwelling units maximum.

So we're here talking about keeping the street as it is in perpetuity, so you don't have cut-through traffic, and basically increasing by five houses over what we can do as of right, but we're requesting the additional five are consistent with the County's Comprehensive Development Master Plan, consistent with the land use designation for the property, which is estate density residential, which allows between 1 and 1.25 dwelling units per acre. You multiply that by 4.92 acres, you have three dwelling units per acre. We are capping it at 12. What this would result in are 17,500, 18,000 square foot lots. Twelve 17,500 to 18,000 square foot lots.

The second request, again, is to allow a variance of the requirement to dedicate the 35-feet right-of-way to the west, permit zero dedication, which will

guarantee that the street will remain exactly as it is.

Now, talk about the declaration, we'll get into more detail on that in a second, but I want to make very, very clear, we're here with a positive staff recommendation. Your professional staff, the County's independent zoning department, all folks that reviewed at every division of the County's Regulatory and Economic Resources Department is in favor of the application, and the packet before you has a recommendation of approval of our first request, the rezoning from EU-1 to EU-M, and then they have a modified approval of Request No. 2. Again, that's the non-use variance to permit zero dedication along our northwestern side.

What the County is saying, give us half a loaf on that. They want a partial dedication at the very top, but that partial dedication would also open the streets. We respectfully are asking you here today to grant our application as we

requested, notwithstanding the County's modified recommendation approval for the non-use variance, because the way we're requesting it, which is zero dedication along the northwestern side, will keep the street exactly as it is, will keep it from being widened, will keep it from connected to the north, will keep it as a dead-end street and will not have connectivity to the north, to the streets to the north.

And I'll say to you that under your code 33-311, you're allowed to approve it. You have the power to approve both, of course, our Request #1, which the County is wholeheartedly recommending to rezone the property from EU-1 to EU-M, and also our Request No. 2, which is the non-use variance.

The record before you, the recommendation before you, shows that our request would yield a maximum of 14 peak-hour trips. This property is in the urban infill area. This property meets all the requirements of traffic concurrency and levels of service for

every single public service provided by the County. And I'll go over that in a little bit more detail in a second.

Now we have support from some of our neighbors. Obviously, there are a number of people here who are in opposition. I would hope that after it's made very clear, and I hope I have, that we have no interest whatsoever in opening that street to our west, 60th Place and connecting it to the north, that we are aligned with the neighbors on this, I would hope that we would get additional support for our requests.

I'm going to introduce the letters of support that I have, supporters that we have for our application is the neighbor immediately to our east, and that's Dr. Vicente Lago, who is immediately to our east in this property right here. And so he's one of the longest tenured property owners in the area, and with others in the letters that are being submitted.

Now, if you go to page 3 of your staff recommendation, I think you have the

meat of the reasoning and rationale for the staff's strong support for our rezoning request. And that's, basically, based on two things: One, as I said earlier, we are consistent with County's Comprehensive Development Master Plan's land use designation for this property, together with our covenant of 12 units maximum. We are consistent with the plan.

Staff opines that we're also compatible with the area, that our request to rezone from EU-1 to EU-M is compatible with the surrounding area. As you can see in the map next to you, and as I'll get to more detail as I read from staff's recommendation, we have single-family lot to our south. Those lots range in size from 9,000 square foot lots to up to 15,000 square foot lots. We have pockets EU-M development just like ours, on the east or our west.

I would tell you, and your staff recommendation makes it clear, that even though they have the same zoning designation that we're requesting at EU-M

are actually smaller than 15,000 square feet, because they obtained lot size variances, so they could be smaller than 15,000 square feet. Again, our proposal is 12 units of 17,500 square feet to 18,000 square feet.

If you look at the zoning trend in the area, most of the properties are, again, 15,000 square feet or lower or smaller.

If you look at the County Commission's decisions on similar lot splits, like the one we're proposing, the County commission has approved those invariably in the last five to six years. Why? Because it meets the County's policy of increasing density to the max allowed under the Comp Plan when you're talking about infill property. So when you're consistent with the Comp Plan's threshold for density, which we are, and when your infill and when all levels of service remain exactly the same and are not affected because of a di minimus, minor, insignificant impact, the County

Commission has, on the whole, been approving these.

So there is a natural trend and pattern on these requests when they're reasonable, when they make sense, when they're compatible, when they comply with the Comp Plan, when they're infill.

Now, compatibility. And you're going to say, well, you know, oh, you have to be exactly like your neighbor, and that's a very common misconception. The law very clearly indicates compatibility doesn't require you to be exact to your neighbor, but similar.

And I would proffer to you that it's very, very clear, it's, in fact, it's irrefutable that under the land use designation of estate density residential, EU-1's, EU-M's, and EU-S's are compatible with each other and what you see, with the trend of development in this area, particularly with single-family 9,000 to 12,000 foot lots directly across the street from us, we are more than compatible with the surrounding area. Our

request is more than compatible with the surrounding area.

Like I said, the County's traffic and streets division says 14 trips. This justifies approval.

DERM, which is the Division of Environmental Resource Management, the Fire Department, the police department, Miami-Dade County Public Schools, the Department of Transportation and Public Works, none of them object. Again, this isn't because they like us. This is because on the facts, on the merits, we have no adverse impact on infrastructure. We have no adverse impact of the services. We have no adverse impact on level of service.

Now, I know that despite the fact that I think I've made it very, very clear here tonight that we don't want to dedicate 35 feet of right-of-way to our northwest and we don't want to open and expand 60 Place, but there's still going to be some folks that are going to be objecting, because they don't want us to

do anything on our property, change anything. And I understand that, and I respect that. I want to make it real clear to everyone in this room, I respect that.

But zoning decisions have to be based on substantial competent evidence. They have to be based on the record. And so just like the property around us have their rights, so does the Garcia Carrillo family, their property rights, private property rights that are one of the fundamental pillars of our nation that they have.

And as long as what they are seeking is consistent with the Comp Plan, doesn't adversely impact infrastructure, and is compatible with the area, which, again, your professional staff opines that it does, if you look in the area, and the neighborhood shows that it is, then it is a proper and reasonable request that we have before you.

I want to talk about -- I'm handing you a copy. I believe it's earlier

restrictions that we're proffering. So, again, we're here with the positive staff on our request to rezone from EU-1; we have a modified recommendation of approval to our second request, which is a non-use variance to permit zero dedication. Again, the County wants us to give them half a dedication, partial dedication.

Our proffered covenant, which I have in the past shared with some of our neighbors. I know Marko and his wife I did, because I've known them, you know, for 30 years, from the time I worked at the County as a County Commissioner.

And what we're doing in the covenant is very, very clear. This is what it says: The maximum number of dwelling units on the property will not exceed the maximum density allowed from the Miami-Dade Comprehensive Development Master Plan. You're looking at your staff recommendation, that's 12 units, and that's in our restrictive covenant, which the Garcia Carrillos have executed, have notarized and we have copies of those.

The owners agree that Southwest 60th Court, Southwest 54th Terrace, Southwest 60th Avenue Place, a little bit of an overkill there, because we threw in the streets as their numbers changed, but that was in part with my discussions prior to June 8th with Tom Marko to make sure that there were belts and suspenders on this thing. Again, you know, once again, to buttress our commitment to not dedicate those 35 feet, of course, with your approval, and not to widen the street, and not to connect it, to keep that street exactly as it is today.

So it says, all streets shall remain as they presently are and should dead-end on their property's northwestern boundary.

Consequently, the owners agree that they will not dedicate any right-of-way along their property's entire western boundary to the County for right-of-away purposes.

So, again, our request asks for a waiver -- for a non-use variance so that there is zero dedication. Our covenant

ties us to that. It's a binding commitment running with the land. And so we're underscoring, again, in addition to what I'm telling you here today, we don't want to touch that street. We want to leave it exactly the same.

And, moreover, the County's own traffic analysis shows that it isn't even needed, because with 14 trips, you don't need to expand 60th Place. You don't need to connect it anywhere. The impact is so small, miniscule, that it can continue operating as it is without any expansion, without touching that street at all.

The third commitment that we're making in our Declaration of Restrictions, which I had not discussed with Tom, because we're thinking what else can we -- what other assurance could we provide to neighbors who are in opposition that we're serious about what we're saying? And so that restriction on ourselves is that all ingress and egress to the property shall be exclusively from Southwest 56 Street, through Miller.

So what does that mean in real terms? What it means is that the only access you can have for a binding commitment is through Miller and 56, that further supports not opening, and not widening and not doing anything to our west, again, to underscore, buttress, support the idea we don't want to touch the streets to our west. We want to keep it exactly as is.

So that's the covenant that is before you. The Declaration of Restrictions that's before you. I have additional copies, but we handed two copies to the staff that have been executed by the Garcia Carrillo Family.

And then, again, finally, I would like to say that we respectfully request that you support staff's recommendation to rezone the property from EU-1 to EU-M, and that you support our request for a non-use variance to permit zero dedication, that you accept our proffered covenant that we've submitted to you and to the staff and we ask for your strong support.

We want to do what's right. We want

to, of course, take advantage of our property rights, but we want to respect the streets the way they are. We're talking about building an enclave of multimillion dollar homes in an area that would do nothing but improve the area, an enclave ensconced by dense landscaping, a number of specimen trees that we need to either relocate on the property or leave in place, which we plan to, because that's what makes the property the attractive property that it is. It's a little burnt feed? 42:39: We want to keep it that way.

And so we ask for your support. Finally, I'd like to reserve 10 minutes for rebuttal. Thank you for your attention and thank you for your time.

CHAIRMAN CARBONELL: At this time, can we call anybody to the podium that will speak in support of the application?

No one online wants to speak in support?

MR. RIVERO: No speakers online.

CHAIRMAN CARBONELL: Anyone here that

wishes to speak in opposition to this application, please come forward to the podium, state your name and address clearly for the record. Unfortunately, I can't speak to you until you're at the podium.

MR. WINKER: Good evening. Dave Winker. I'm an attorney for Biltmore Heights Neighborhood Association. That's everyone here in white. I filed a letter to intervene. I represent residents that live within a thousand feet.

I'm going to get my presentation over very quickly, because I think it's very important that you listen to the residents and their concerns.

As you know, we're here on up zoning of 5979 Southwest 56 Street, very important to put this into context for what's happened.

This is an extremely unique neighborhood. You're going to hear about it. Every neighborhood thinks it's unique. You're going to hear that this is one of the more unique neighborhoods,

because of the size of the lots, and because of the expectations there.

This is the definition of spot zoning. There's nothing preventing them from building as of right, improving their property and enjoying their ownership rights.

They are asking to up zone from one-acre lots, which I'm going to show you on the map, the entire surrounding area, to 15,000 square foot lots. I think it's important to remember that they're here asking for something that they're not entitled to. They have criteria for why they'd like to.

We often talk about property rights, and here in South Florida we pull people who fled countries and respect property rights.

And I think it's always important to remember that part of property rights is what everyone here bought into, bought into a neighborhood, certain expectations of what would be built. This is a radical change from that expectation. I went

through acre lots, 15,000 square foot.

You guys are here today, giving your time, so appreciated, so appreciated, that everyone gives a chance to give their perspective. You're charged, under Section 33-311, which is the duty to give reasonable consideration to the character of the district, an area and its particular suitability for particular uses.

You're going to hear the neighbors talk about what happens in this neighborhood and how this is going to adversely affect what they have.

This is also inconsistent with the code under Section 33-311. When you're reviewing an up zoning, this Board is charged with approving something provided that the non-use variance would otherwise be compatible with its surrounding land uses. That's (a)(4)(b). Then F(1) says, it's consistent with applicable area where neighborhood studies or plans and would serve a public benefit warranting the granting application at the time that is

considered.

You've heard a lot about a covenant. Part of that covenant, not where that covenant, we think it's premature to give that covenant. I hear about the road. We're here about the zoning. Neighbors are not misinformed about what's happened. They don't want the increased density on this lot.

You're going to hear from the neighbors: Proposal is not consistent, it's not compatible and it's not in character with the neighborhood.

If I can just wrap up by showing you a map.

MR. RIVERO: Microphone, please.

MR. WINKER: Sorry.

You can see it's a sizable neighborhood and close to 90 acres. The area we're talking about, the area that we're talking about, as you can see, is absolutely surrounded by consistent zoning. It's spot zoning by definition, and you can't look at this map and not say that's spot zoning. If you build as of

right, five homes right there, which is what everybody else can do and bought into with the expectation. This is the compatible area. It's not consistent and it's not in character.

If I can just turn -- I'll just close with this, because I want to turn it over to the neighbors. (Inaudible) it shows on (inaudible) and it shows the opposition to the property. I thought it was important for you to see points that they're in, if you can point to their pin, show you where they are, how long they lived in the neighborhood and why they're opposed, but, as you can see, the neighbors are overwhelmingly opposed to a project that they understand, there is no misunderstanding, and they are going to ask you to vote no.

MR. DIAZ DE LA PORTILLA: Mr. Chairman, very briefly.

CHAIRMAN CARBONELL: Just to indicate --

MR. DIAZ DE LA PORTILLA: No, I'm going to save my rebuttal for after

everything.

CHAIRMAN CARBONELL: This counts as part of your rebuttal.

MR. DIAZ DE LA PORTILLA: I'm sorry?

CHAIRMAN CARBONELL: Please sit down.

MR. DIAZ DE LA PORTILLA: I'm just telling you what I'm going to do. Thank you.

MR. MARKO: Good evening, Members. Thomas Marko, my wife Benni. My wife Benni and I live at 5976 Southwest 50 Terrace. We live near the application site.

I wanted to ask a point of order first. I've got a little lengthy -- it's not too long, but it's a little lengthier than you might expect, so we do have some speakers who might wish to donate a little bit of time, so that we don't -- anyway, I don't know if that's an issue for you or not.

CHAIRMAN CARBONELL: How much time do you need?

MR MARKO: Nine. I need nine minutes.

CHAIRMAN CARBONELL: Nine minutes?

MR. MARKO: Yes.

CHAIRMAN CARBONELL: Do you know at least one or two people that can dedicate time to you? Lovely. Thank you for your time. There you go.

MR. MARKO: Thank you. Thank you.

We are against the zoning application. And I want to thank you for giving us and other Biltmore Heights -- we call ourselves the Biltmore Heights. It's the unincorporated in South Miami area mix. We call ourselves the Biltmore Heights. And the residents we're here to speak on the application itself and to educate you a little bit more on our special neighborhood that we have.

Our area is fully residential. It's older. It's a built-out neighborhood, has about 400 homes in it and the attorney was showing it to you. Both attorneys were. It includes the five acres that is in question with the application we're here tonight.

This area is bound by 57 Avenue and

67 Avenue on the east and west, and by 48 Street and 56 Street, Miller, on the north and south. So that area is what we call Biltmore Heights. An association has been formed for that, The Biltmore Heights Association. And it's between those four (inaudible), to the north/south east/west to give you orientation for that. And we call it Biltmore Heights, because one of the areas within our 400-home area was platted or is platted as Biltmore Heights, and so it's kind of stuck and we use that as a name.

So, as members that are voting on the issue tonight, you're counting on a complete application. You're also relying on staff's agenda item, which you have before you and comments here tonight, to give you accurate and full information to formulate your information or your decision leading up to your vote. That's what the County code requires.

Unfortunately, as you will see from me and from other neighbor owners commenting here tonight, staff's agenda

item to include the Assistant Director's recommendation, which is built into, of course, to the agenda item, while it's well-intentioned, is respectfully both incomplete and incorrect. And so we want to offer some information that we think will complete and give you correct information.

The applicant has provided next to no information on their development site and development plans. I learned, in fact, this evening, when we got here, that one of the attachments to the application has been showing 12 homes, but apparently that has been removed and that is no longer a part -- so part of the point that I'm trying to make is, there's very little application information coming from anybody, really, on this application, going from EU-1 to EU-M. Even your recommending County departments are advising you that the zoning application is highly incomplete.

So if you take a look at the information that the County departments

put, you'll see that they're indicating, hey, this is pretty incomplete. There's just not much substance here.

And while the various County departments filing written responses to this application have noted this lack of information, they oddly are recommending your approval. So the half a dozen or so County departments, who have taken their time, gone over the item and given you written information are basically telling you, if you get into those items and read them, that there ain't much here. They just haven't given us much to work with.

And, in fact, the traffic section is also asking, as their attorney, Mr. Diaz De La Portilla indicated, that they're asking for the roadway dedication that only traffic section staff is the only one asking for that information or for that dedication. Nobody else is asking for that roadway dedication. No one else wants a new roadway dedication or is anyone else asking for changes to any local existing roads, so nobody here wants

that.

With so many unknowns, you and the County are being asked by traffic staff, because that's who's asking for the roadway changes, to effectively sign a blank check for millions of dollars, public dollars, to rebuild area roads and substantially change the character of our Biltmore Heights neighborhood just to accommodate this proposed 12-house subdivision.

Even the applicant, as their attorney has indicated to you, is against the right-of-way dedication and the traffic section proposed traffic flow. And that's an important issue, because Miguel, their attorney, referenced, and we need to talk a little bit about the traffic flow.

So why approve new traffic, new through traffic and opening a decades-old dead-end road for 12 homes, when the traffic and opening will negatively affect hundreds of our existing homes and families. It just doesn't make sense.

On page 2 of the RER recommendation,

the staff report that you have, the assistant director tells you, quote, unquote, that based on the memorandum from the departments reviewing this application, the additional impacts of the project will be minimal, unquote.

The department memorandum do not state that and such an inference cannot logically be gleaned. It just doesn't make any sense to come up with that. The project impacts will not be minimal in any way under any interpretation.

What is clear, is that there is minimal application information for departmental staff to make credible recommendations to you. So they've had very little information to put forward. Their attorney indicated, well, they have indicated to you that they're okay with the application, that they're fine with the application, but if you get into the meat of what they've said, it's very little and they just don't have a lot to say. They said they haven't been given much information and that we can make

better decision down the road as perhaps this development project moves.

Well, we're here today on the zoning application, and we don't concur with that, and, in fact, what's happening is that staff is indicating they just don't have the information to really give you a credible recommendation, although I will say they are telling you that they are in favor of it, but then they say, Tom, we don't have any information to give you.

And most of the online attachments, because there are a number, I'm sure you've reviewed online attachments, they're like over 100 protest letters that all of us have written, more than 100, and that our part of the application, but I don't know if they're part of your agenda kit. I don't believe that it is. I looked at the agenda kit just before coming here. It doesn't look like protest letters are a part of the agenda kit, but we just don't know if you're aware of them.

And I say that, yes, there are over

100 protest letters that have been filed, but staff's agenda item before you today says that 78, I believe it says 78 protest letters have been received. If you go online, onto their website, it will show you that, well -- they even state, staff states well over a 100 letters have been received. In their agenda item to you, they say only 78. I don't know what's correct. I don't know. It's hard to know. And just in case, here are 98 of the protest letters that were sent in, so I'll be happy -- thanks for that. Okay.

Further, staff does not advise you that as CZAB, you have the ability to waive subdivision requirements. It was mentioned by their attorney that you have the ability to waive subdivision requirements for cause when the project's detriments are found to outweigh public benefits, and this is per subdivision code Section 28.19, variances. It's unclear to me why the agenda item does not -- a full reporting in fairness add this into the record, that you have that ability, as

CZAB, said and you're voting on this tonight.

This agenda item advising you tonight is largely, in my judgment, written with a one-sided slant toward development and increased density. It skimps on the beauty and the feeling of our community; and it doesn't address the impact that such denser living and construction of new housing and roads would have. It's one-sided. And that even zoning staff supports traffic staff, and road dedication and connection likely without site review and study. There's been hardly anything done in support of this application.

Environmental resources staff in their memo to you agrees to a rezoning. So in their statement to you, they agree, the environmental resources, staff agrees to a rezoning for five-acre plus tree and habitat removal absent hardly any application information.

And the traffic section staff, in their recommendation memorandum, advise,

quote, unquote, that traffic concurrency is based on the maximum density of the property resulting in 14 daily peak hour (inaudible).

CHAIRMAN CARBONELL: Just before you go on, do you have a lot more to go?

MR. MARKO: No.

CHAIRMAN CARBONELL: Okay. Just because the time, I'll give you another 30 seconds, or if you would like someone else can --

MR. MARKO: No, I would like more than 30 seconds. That's why a number of people raised their hands.

CHAIRMAN CARBONELL: It was how many of you raised your hands? Okay. I see there's more than enough. I'll let you go on.

MR. MARKO: While traffic section does not advise you on the impact of numerous pass-through daily traffic trips that will take place with an open Southwest 60th Place, it's important to note that when this application was originally scheduled -- and reference has

been made to that, that this was originally scheduled before you for May 8th, and a lot of us were here, couldn't be held and heard that night, staff advised attendees that night that the County wants Southwest 60th Place to become a through road connecting our neighborhood at the north of the proposed project to both the project site itself and to Miller Road, so that's a substantial change. It's not just building 12 houses and associated vehicle trips for 12 houses. It's also to be a pass-through road connecting 48 Street to the north, coming down 60th Place, and past or into connecting to the new subdivision and out onto Miller.

CZAB members, this application is very incomplete, some County departments in their departmental advisement memos to you provide their own project information incredibly what I will call carrying the weight where the application didn't, so you can see in the departmental memos to you where they're saying there's just not

any meat here, there's hardly anything here, but then they go ahead and provide you with some of their own, because they're experts in these fields. So they provide some information carrying the weight where the applicant didn't.

It just seems to me that there's a rush to approve when the applicant has provided so little information. County departments have brought their approval of recommendations to you when even they admit to you in the record that they weren't supplied with adequate application information.

The reviewing departments' mantra seems to say, yes, to the application, which approves the rezone and the road dedication, and not to worry, because the building impacts will be addressed later, but here's the rub. The building impacts to be addressed down the road will then be allowed as a matter of right after the rezoning and the road dedication and connection to Southwest 60th Place will be part of that rezoning package.

Respectfully, it's a risk to approve this application with so many unknowns.

Members, it is important to note that on page 4 of the report, staff writes that this County's proposed connection to an opening of Southwest 60th Place is inextricably intertwined with the rezone request, inextricably intertwined, impossible to detangle. That's what staff is telling you. Again, I believe staff is incorrect, roadway dedications and connection roadway openings are subdivision roadway and plat requirements. They're not road requirements, which I'm aware. And your action tonight is solely a zoning action.

I understand why traffic section is attempting to use a zoning action to grab roadway land early or earlier in the possible development process on this project, but tonight zoning action should not be held hostage to a roadway dedication and opening request solely by traffic section.

In closing, Members, we have been

advised that the RER Assistant Director for zoning, the person who signed tonight's report advising you on this item is leaving his position I think in a couple of weeks. Therefore, it may not be the right time to approve what he is recommending.

In any event, Members, please do not bring this increased housing density and roadway changes into Biltmore Heights, into our beautiful tree build community, our neighborhood. Please deny this application. Thank you very much.

CHAIRMAN CARBONELL: If you don't mind, we have a couple of questions, sir.

BOARD MEMBER LAGO: Yes, hi. Through the Chair, I believe the applicant stated that they weren't interested in making any road changes, that the development will only have one street leading out to Miller drive, correct? 'Cause you were discussing a lot of road changes and why (inaudible).

CHAIRMAN CARBONELL: Please speak into the microphone, please.

MR. MARKO: Until you all vote and then it could be appealed after that, so, #1, most importantly, one person that we need to get appropriate things into the record, that we need to say how we feel. And, yes, attorney Miguel Diaz De La Portilla did say that, but that doesn't mean that that's what's going to come about at the end of the day, so we have to put forward our comments.

BOARD MEMBER KRIEGER: Through the Chair, hypothetically speaking, if there was a ruling that said that the roads could not be moved, that they must stay as they are, would you still feel that this development negatively impacts the neighborhood?

MR. MARKO: Well, so I'm one person, there's a lot of people here, and everyone has a different opinion.

I would be very pleased, personally, my wife and I, if the road doesn't change at all. I wouldn't be ecstatic about the houses. Personally, I don't have a problem with, say, what's been discussed,

but that's off the table, as I understand it, when I walked in. Earlier there was a diagram showing a cul-de-sac coming up from Miller with six houses on one side and six houses on the other. Myself, I wasn't terribly upset with that. That's something that I could live with. I understand that housing needs to be built, so I don't have any problem with that, but I'm only speaking for myself.

BOARD MEMBER KRIEGER: Thank you.

MR. MARKO: And there's others that have different opinions.

MR. CARLSON: My name is Bruce Carlson. I live at 5851 Southwest 51st Street. I've lived there since May -- March 1982. I've been a longtime resident. The neighborhood has always been a Coconut Grove-like neighborhood, a green space.

The proposal is not compatible with our community. It has numerous negative affects on our neighborhood. Any proposed rezoning should be an enhancement to the community.

The increased density will have a direct impact on the existing green space and the overall canopy. This loss of green space is an environmental impact and will have further -- and will further decrease our property values. Multiple studies have concluded that the lack of green space, childhood development, leads to a higher risk of developing neurotic stress related or psycho disorders. These are a few of the studies the national institute of health, national library of medicine proceeding, the national academy of science of the United States of America 2019, March 12th, Section 116115188-5193DUI10.1073PNAS. Childhood is associated with lower risk of psychiatric disorders of adolescents into adulthood. And the environmental research publication issue 2062022112591, green space quality and adolescent mental health. Those are the two studies I read. From my understanding, there is numerous others. We value our green space.

The area bounded on my drawing that

you see in front of you is bounded by 48 Street to the north, 57 Street to the east, a historic State Road 959, a two-lane historic State Road. That road will never, unless there's some, you know, blessing of God, change from a two-lane road. It is the congestion that makes the planning -- whoever came up with wanting a through road, which never is gonna change how the traffic is going to change off of Miller Road, off of 48 Street and off of Bird Road. Those three streets and Sunset are always going to come down to 57 Avenue and die into a two-lane road, so it will never get any better. Adding more density is not good for the community.

And then bounded by to the south by 56 Street, Miller Road. My drawing goes to 63rd Avenue. That is because the continuity of the EU zoning district actually extends further westward, but since the city of South Miami was carved up and we now live in that carved up space back in the early -- if I'm not mistaken, the 30's, or it could be the 40's, but my

understanding is it is in the 30's, but that carved out space that you see, the light blue areas with a single proper City of Miami, three properties, two properties, a couple of blocks.

My square footage number that you see in front of you include those areas except for that southwest corner bounded by EU -- the EU-1 zoning. The total area of EU is three million nine hundred two thousand three hundred seventy-eight square feet where 89.59 acres. That includes -- that's the green space. That includes that portion of the right-of-way. That is not roadway.

It has 67 built properties and two undeveloped properties. This is all within the Dade County EU-1 area.

The typical average constructed coverage is approximately 4900 square feet per property totalling 330,000, approximately 330,000 square feet or a coverage of 8.5% of the open space.

The single-family area, excluding the one EU-M property, not multiple, there's

only one adjacent to this property, to this zone, excluding that one, is a total of -- and including the city of South Miami, is a total of 4,242,206 square feet, 97.39 acres. Also including that portion of the right-of-way and the green space.

We have 349 developed properties and two undeveloped properties.

The typical average constructed is approximately 1 million square feet or 23% of the open space.

The one property that I've excluded in those square footage numbers was two properties that were rezoned to EU-M. They are a total of 40,500 square feet. The typical average constructed area of these two properties is 10,700 square feet or 26% of the open space. This is greater than the existing single-family. This is what will -- is this what we're going to be getting, an EU-M that's greater in density of coverage, a loss of green space?

The lack of consideration for these

important factors concerning and further emphasis the incompatibility of the proposal of our community, I strongly oppose the proposed rezoning and urge you to reject it. Thank you.

How the adjacency is not -- the zoning it's not -- it's a spot zoning as previously stated. It is encumbered by EU, not an adjacent zoning of single-family like the one EU-M rezoned property.

CHAIRMAN CARBONELL: Thank you.

Excuse me, before you come forward, you're allowed, I just wanted to ask you a question. How many of you are going to be speaking just so we can get a count of heads so we can divi up time?

Do you think the rest of you guys can keep it to, like, two minutes?

AUDIENCE: Yes.

CHAIRMAN CARBONELL: Yes? Okay, lovely. I'll keep a timer here. I'll let you know. Now you guys are on the clock.

MS. LEVINE: Hi. My name is Cheryl Levine and my address is 5895 Southwest 50

Street, in Biltmore Heights. Biltmore Heights, I've lived there for seven years and I'm against this application.

The applicant is asking you to engage in illegal spot zoning. For those that don't know, spot zoning is a rezoning that is inconsistent with the zoning of surrounding parcels and results primarily in the benefit or favorable treatment to a particular property owner.

When considering whether local government's zoning decision constitutes illegal spot zoning, the courts often look at the following four factors: One, the size of the spot; two, compatibility with the surrounding areas; three, the benefit to the owner, and, four, the detriment of the immediate neighborhood.

When the zoning of the surrounding parcels are of a much different density, a court is likely to find illegal spot zoning.

The parcel rezoning request from EU-1 to EU-M would allow for a considerably denser properties than adjacent properties

and easily fits the criteria of illegal spot zoning. The adjacent parcels are an acre plus per house and the zoning change would allow on this site at least 12 houses to occupy less than five acres. Changing the ratio from one home per acre to three homes per acre, a significant increase in density.

Next, let's say you do make an exception to benefit this one property owner, what is to stop the surrounding property owners to state that what was an exception for one is now, in fact, precedent? I am very concerned about the slippery slope and domino effect on my immediate neighborhood with this shortsighted and very misguided act.

In addition, I want to celebrate this moment. This is democracy in action. Constituents are coming to our elected officials to share our expertise about our neighborhood. We actually know what is at stake and hope that you will listen and choose to preserve our quality of life. Please deny this application. Thank you.

MS. DORITY: Good evening. Thank you for having us this evening. My name is Lisa Dority. I've lived in the neighborhood for 31 years.

BOARD MEMBER KRIEGER: Please state your address for the record.

MS. DORITY: Yes, 5959 Southwest 50 Street.

This evening, you are going to hear from many people asking you to deny this application. You will hear many good reasons why we oppose the zoning change, but I'd like to take a moment to tell you about what we support, what we cherish and what we so passionately want to protect and preserve. That's where you come in, our elected officials. You're the ones that can help us with that. We do not feel that the staff recommendations adequately identified and looked at the impacts of our neighborhood.

Let me introduce you to the neighborhood referred to in the director's summary as the residential parcels lying to the north. These parcels are, in fact,

beloved, identifiable, energetic neighborhood. It is a neighborhood of approximately 400 homes, with a variety of lot sizes, from 5,000 square feet up to multi-acres estates. Over the past few years, much of the original inventory from the 40's and 50's has been completely renovated, creating a vibrant mix of architectural styles and price points.

While we are bound, as you have been told, by busy heavily traveled state roads, we are buffered from the heavy traffic and congestion to the south by precisely these acre estates, this EU-M -- EU-1 zoning along Miller, and, in fact, along all of our north/south corridors. Acre estates also align the north/south corridors in our neighborhoods to our west forming a large zone of acre estates. The zone of acre parcels is what makes this neighborhood so unique. And, as a real estate agent, I can tell you I know of no other neighborhood in Miami that acre estates are alongside these densely populated areas. They are there and still

undeveloped.

I just have another minute, if you don't mind.

CHAIRMAN CARBONELL: Will the person behind you like to yield their time?

MS. DORITY: Thank you. No, we have it.

CHAIRMAN CARBONELL: You have one more minute.

MS. DORITY: You'll hear many people speak tonight about our walking culture. How is it that Biltmore Heights has come to have this walking culture? And we credit that to the brilliant design by the early Dade County planners that has remained in play since the neighborhood was developed. Specifically, our two main avenues, 59th Avenue and 60th Place, have a small break in the road, so we have no cut-through streets, which happily the applicant agrees that we should maintain. Only Red Road, 62nd Avenue and 67th Avenue go from Miller to Bird. This is incredibly simple feature is what allows this neighborhood to function as a central

park for the entire area. We have walkers come from the Gables, to the west, to the south, to the north.

Biltmore Heights, and this is very important, is the type of neighborhood urban planners dream about creating: Mixed density, different price points, architectural diversity, tree canopy and a strong neighborhood culture that you can see here tonight and you can see on these red pins. Each of these people physically pinned their homes. There's over 250 neighbors who came here and put these pins up.

Families can walk to their local elementary school, grocery stores are within a mile, two micro parks, University of Miami is within walking distance. Seriously, Miami-Dade should use Biltmore Heights as a poster child for good urban planning. Biltmore Heights is a neighborhood the County should be looking to replicate. It's very hard for you to preserve something if you haven't been told it exists.

The zoning change will fundamentally alter the very character of our neighborhood. Please help us protect this incredible resource that has supported the health and welfare of its residents for 80 years. I respectfully ask that you deny this application. Thank you.

BOARD MEMBER KRIEGER: Ma'am, ma'am, ma'am, I have a question.

Through the Chair, you highlighted the diversity of lot sizes in the neighborhood as a benefit. So is your opposition to this application solely regarding the street closures?

MS. DORITY: No. I think the part that makes this neighborhood so unique and so different than all the other areas, is most areas in Dade County that have acre estates are very exclusive communities, very expensive. There's not this cohabitation, if you will, of people on small lots and big lots. This is all in a zone. And so that buffering of that large district acre estates really does create a parklike area.

MR. RIVERO: You need to go to the microphone, please.

MS. DORITY: People do come into that green, that dark green area you see there. It functions as a park for people to walk, bike, walk their dogs, people can meet and greet. It's there, but also there's a shared community of very wealthy homes, multimillion dollar estates with small little bungalows. It doesn't happen anyplace else. It happens here. And if all those acre estates are changed, and we don't have that, we're going to have frankly a community -- I'm not criticizing Pinecrest or those other places. Neighborhoods tend to be very homogenous. Ours is not. And those acre estates are important part of that. And it really does cut down on the traffic and cut down on the amount of congestion we have and allows our neighbors to get out, walk, meet each other.

In this neighborhood, people know people from blocks and blocks away, because everyone walks and they walk

because those acre estates are helping to buffer the traffic that comes through. The north/south corridors that only has five houses instead of 20 keep the traffic down. And it's an integral part. It's amazing they thought about this in the 40's. None of the roads off of Miller cut through, none of them. Even to the west of us, they all terminate sometimes after one or two blocks.

But I also do want to mention on this covenant, because I know you seem very concerned or happy with it. I really -- it's premature, but how does the covenant get enforced? Who can undo it? Can the county director of planning just decide it's not a great idea? I think these are the things -- it's not an easy thing for you all to decide here. The application, as we read it, said it's inextricably linked. That one had to go with the other, but, no, I believe, the acre estates is very important to the character of the neighborhood. Thank you for asking.

BOARD MEMBER KRIEGER: Thank you.

CHAIRMAN CARBONELL: Would you mind shedding some light on that matter?

MS. SCHWADERER RAURELL: The question is how can a covenant be enforced? It's enforced through the department, the Department of Regulatory and Economic Resources.

In terms of how a covenant can be changed, like if the question is, can, for example, the limitation on opening that street be changed, that would need to come back before a board, a public hearing board. So whether that's this board, it couldn't be done administratively. So it's not in perpetuity as was suggested.

(Inaudible).

MS. SCHWADERER RAURELL: No. Well, this is a covenant that runs with the land. These are things that, if someone applied to be changed and for private property, has a right to request a change, I'm not saying it's a right to be granted, but everyone has a right to request a change, then that request would come back

before a board for a public hearing.

MS. DORITY: Thank you.

I only have one page. I don't even think I'm going to have to bother for the two-minute time. I'll do it just in case.

My name is Noel Cleland. I live at 5990 Southwest 50 Street. It's the wooden house in the neighborhood. I've lived in this neighborhood since 1962. I'm chairperson of the Sierra Club Miami, which is part of the largest environmental group in the nation, and I needn't remind you that 2023 was the hottest year in the last hundred years, so maybe we should start realizing that it may be the coolest in the next 10 years.

We need to stop calling it climate change and start calling it a climate emergency. We should be doing everything we can to address not only adaptation, but mitigation as we hear predictions of what is in store for us.

We're the first city in the United States with a chief key officer, and Jane Gilbert is tasked with addressing extreme

heat, which includes increasing our tree canopy, to reduce heat islands that are part of our urban landscape.

The more concrete and asphalt, the hotter the air will be unless you're in the shade. Heat kills more Americans than any other weather-related disaster and the climate crisis has been making these extreme events more deadly. So far, 34 persons in Dade County have died as a result of heat this year. In fact, next month, our County Commissioners will decide on an ordinance or heat standard for outdoor workers that will include water and rest breaks in shade. Shade is important.

This request under consideration moves our efforts to increase our tree canopy in the wrong direction. Even with all the trees that we see planted in the past several years, we've not seen an increase in the tree canopy in the County, mostly due to development projects that end up removing trees.

The property under review will do

just that. Looking at the aerial view of this property, it is disheartening to see such a large stand of trees and the wildlife that comes with it and yet disheartening --

CHAIRMAN CARBONELL: You have much more to go?

MR. CLELAND: -- to realize how easily that can be thrown away. I urge you to reject the rezoning request of this property and allow this parcel to remain a respite from (inaudible) development.

MR. SARIOL: Hello. My name is Mario Sariol. I live at 5850 Southwest 51st Street. I've lived there for 21 years. I'm against the rezoning of this application hands down.

We basically -- in the agenda, in the agenda item, County staff advises that a roadway dedication is required in the northwest corner of the parcel to tie in 60th Place and/or 54th Street, but for subdivision code 2819, your County Zoning Board exists, in part, to grant variances to subdivision requirements when

detrimental aspects overweigh public benefit. It is of concern that the County's planning and traffic review section has built so much road construction language into their comments to include a new roadway dedication as well as additional roadway dedication along existing 60th Place.

Also, in your application, the applicant makes references to zoning estates on Miller and 67th. They mention that this is a comparable development as to what they want to do. However, this development zoning estates located on 67 and Miller is more than half a mile from our nearest home in the area, divided by a canal and lakes. Their area composes of a multifamily apartment, commercial sites across the street, 711 and a Walgreen's and high density townhouses. That development has nothing in common with our area. It would be comparing apples to oranges.

In essence, so -- I'm sorry, our neighborhood has nothing to do with this

property. I have no -- we have no commercial or multifamily apartments in (inaudible). We are pedestrian friendly, green space without sidewalks. Given these characteristics, we are an exception to the typical Miami-Dade suburban neighborhood, and supporting this rezoning will destroy inherently -- the inherent special nature. Basically, if you approve this, you're going to destroy a way of life. In other words (in Spanish).

CHAIRMAN CARBONELL: Thank you for your time.

MR. GARCIA: Before you start your timer, I've been asked at the end of my two minutes, if some of the kids can come and say one thing and take one additional minute, if that's okay, kids.

So my fame is Fausti Garcia. I've been in the neighborhood since 2008, and I am opposed to the rezoning, because of the precedent it will set.

BOARD MEMBER KRIEGER: Please state your address.

MR. GARCIA: I'm sorry. 5881

Southwest 51st Terrace.

BOARD MEMBER KRIEGER: Thank you.

MR. GARCIA: I'm opposed to the rezoning, because of the precedent that it will set, which will absolutely increase the congestion and traffic into our little neighborhood. It's merely the tip of the iceberg. A neighborhood that is defined by the peace, quiet and security that the residents have enjoyed for up to 60 years in some cases. This congestion, regardless of the opening of the road, would definitely have a negative impact in the traffic that comes through our neighborhood. We're actually already seeing it down 58th Avenue, as people try to avoid the traffic on Miller in the mornings and afternoons.

We don't have sidewalks. We don't have street signs. We don't have streetlights. We don't have the infrastructure to support increased density and traffic.

What we do have is a strong sense of security and safety that's really the core

and culture of our little neighborhood. Residents can and do walk their dogs at all hours, kids play on their bikes, ride their skateboards, visit theirs friends blocks away and the parents enjoy a confidence and security knowing that their kids are going to be safe. This is certainly going to end if you open the roads from Miller to Board Road, but regardless of the opening of the road, the increased density in the area will ultimately find their way through our neighborhood when apps like Waze finds streets like 58th, which is already happening right now.

So, to me, it's a little bit sad, but also beautiful that the residents that are going to be impacted by this, I'm sure most of you guys haven't even seen the neighborhood, haven't seen the neighborhood, but the ones that are going to be impacted by this are here in droves begging you, begging the people that have our best interest in mind, Please, keep our neighborhood safe, man. Keep it as

is. This is what we're asking. So this is us asking you to do the right thing, keep our neighborhood safe.

With your permission --

CHAIRMAN CARBONELL: What's the time limit for each?

MR. GARCIA: They've signed in. They're going to take 30 seconds. They just want to share one thing each that they would miss if the culture of the neighborhood is changed by the increased density. Thank you so much.

JAGGER: Jagger.

51st Street.

MS. SCHWADERER RAURELL: Minors don't need to give their addresses.

JAGGER: Hello, members of the Commission. I'm Jagger, a 10 year old that lives in Biltmore Heights. I want to tell you why I'm against the rezoning in our neighborhood.

My neighborhood friends and I love playing outside. We play basketball, ride our bikes, walk our dogs, play catch and so much more. There are no sidewalks in

our area. So if another street is open, it will bring more cars and increase the likelihood of us being hit by a car.

I know the members of this commission will do what's right for us and keep us safe. We love Biltmore Heights and do not want anything to change.

SOFIA: Hello. My name is Sofia. The reason I do not want this road to open is because I love how peaceful it is that I could just run on the road. I love also how I can ride my bike when I want to. This is my reason why I would like you to reject this application. Thank you very much.

MR. GARCIA: Thank you so much.

DR. MUSTELIER: Good evening. I'm Dr. Jessica Mustelier, resident of Biltmore Heights. I live at 5851 Southwest 51st Street. I'm not only a resident, I'm also a member of the Biltmore Heights Neighborhood Association.

In the interest of time, I'm not going to repeat what everybody already has said. I do want to bring forward a

petition that the Biltmore Heights Association has put together as well as with the surrounding areas and Coral Gables. Tom has brought forward 98 letters. I have 600 signatures opposing the rezoning from EU-1 to EU-M for the 5979 Southwest 56 Street. I brought some of these signatures with me today.

So we've brought forward many, many points as to why we're opposed to this rezoning. One of the reasons was the opening of 60th Place, but there are several other reasons: The loss of irreversible open green space. As we continue the urban development, we're continuing to reduce our green space, which is not favorable to the environment.

We will also need to increase traffic, even if you do not open the space. Increased traffic leads to increased crime and transient individuals. And as it is, we have very limited police presence in the neighborhood. And we're very thankful for that, because we don't

need it, but with more traffic, more people are aware of the neighborhood and may lead to increased crime.

Furthermore, the lack of the sidewalks and the streetlights exasperate dangerous conditions caused by the increased traffic, endangering your residents as well as my neighbors.

So I urge you to strongly, strongly oppose this. Thank you.

CHAIRMAN CARBONELL: Thank you.

MS. LARRAZ: My name is Astrid Larraz, and I own my house at 5900 Southwest 51 Terrace, where I live for 40 years. My husband and I raised our children here in a peaceful, safe and friendly environment. Our neighborhood is calm and with dozens families. We can walk our pets on the streets and children can play and ride their bikes or skateboards with the parents or gatekeepers without worrying about accidents, because the traffic is only from cautious neighbors.

I can say that for me and for my

family, it's like a paradise. I stand with our neighbors to oppose any change to our streets and to preserve this wonderful characteristics of our community ensuring they are passed down to future generations. Thank you.

MS. MISKIEL: Good evening. My name is Lynn Miskiel. I live at 5841 Southwest 51st Terrace. I have been there for 33 years now, over 33 years, close to this application site.

I'm against the zoning application, as I'm sure you understand, and we appreciate you all taking the time to hear our passion about our neighborhood.

One reason people buy into our neighborhood is David Fairchild Elementary that we can walk there with our kids. You hear a lot about our walkability, the kids can go out and meet friends. The adults can go out and meet our friends in our street.

We appreciate that the County has looked at ways of traffic control in

our area. There's circles, and stop signs and streets that have been closed off across Red Road, and we appreciate that. So we don't really understand again the staff recommendation to change that into open roads and make it less walkable for us.

So we really appreciate your time in listening to us and really hope you keep our neighborhood and the kids that you heard from and us adults safe. Thank you so much.

MR. MISKIEL: Hi. Good evening. My name is Ed Miskiel. I live with my wife at 5841 Southwest 51st Terrace for over 33 years. I live near the application site, and I'm against the zoning application.

On page 3 of the staff report to this Board, which states the purpose of Section 33-311 of the Code is to, among other things, lessen congestion and promote safety, convenience and general welfare.

But by opening Southwest 60 Place, and adding 11 or so new homes and the

associated vehicle trips for those additional houses, it will do the opposite. Why is the County staff recommending new, denser housing without an adequate traffic study? I couldn't find one in the application. It just said there's 14 additional trips during rush hour. For 12 houses, I don't see how that works, but, also, that street goes to Miller, which is two lanes.

Getting out of our neighborhood during rush hour that is backed up solid, so opening up the street is only going to divert that traffic into our neighborhood.

So if you approve this application, it's a 1 to 2 punch to us. Punch 1 is additional traffic due to the increased number of those houses and beyond the current zoning to density in our neighborhood. You'll add more houses than our neighborhood is zoned for.

And Punch 2 is the additional cut-through traffic that will result from traffic coming from Miller Drive and Bird Road and Southwest 60 Place. Please deny

this application.

CHAIRMAN CARBONELL: Thank you for your time.

CHAIRMAN CARBONELL: Jose, Jose.

MS. SCHWADERER RAURELL: Excuse me, Mr. Chair. I just wanted to remind the Board and Members of the Board, we need (inaudible) the rules for this hearing to say (inaudible) no clapping, applauding, verbal outbursts to support or opposition to the speaker. (Inaudible).

MR. HERNANDEZ: I'm not as eloquent as most of those other people, so I don't expect any claps. My name is Jose Hernandez. I live in 5928 Southwest 49 Street.

I know that our concerns were minimized and simplified at the beginning, but, as you've seen, it is about walkability, it is about safety, it is about greenery, it is about character of neighborhood, it is about additional traffic, spot zoning and, most importantly, the domino effect that this will have in our neighborhood.

I'm gonna skip around my speech, 'cause I'm not -- I'm going to spare you from repeating what other people have said, but my reality is, a dog, two houses down from me, was killed and ran over because someone was speeding through our street. We had to put speed bumps in our street, because people are cutting through our street.

I almost got ran over by -- and my dog, me and my dog, a couple of weeks ago, because the traffic was detoured from 62nd Street through our neighborhood and people were running the stop sign or not running it, but, you know, gliding through them. And we had to -- I had to actually call the cops, because it was happening so often. That's our reality.

And in spite of all of that, the fact that we live between two highways, which is what's considered by the County, and 62nd and 57th, we have been able to keep the community a walkable neighborhood. I've lived there for 10 years. We bought into this type of living and zoning and

now one person wants to change that.

And I'm not necessarily talking about Mr. Carrillo. I'm talking about the director of planning, who's going against most of the recommendations of the Department. Echoing what Tom said, this application is highly incomplete and yet they're pushing for it.

I want you to look at the board. Our community is strong. It is a tight neighborhood. It is filled with green canopy that inspire health, outdoor activities, overall wellness and human interaction and connection, mental health, all the things that the County is trying to create in other places and yet they're actively and relentlessly trying to destroy that one that already exists.

I don't want to tell Mr. Carrillo what to do with his property. I don't want anyone to tell me what to do with my property. But he knew what he got when he got there and now he wants to change the rules and help himself, and the County is piggy backing off of that.

They've linked it to the rezoning to the opening of the street and your decision will make our neighborhood less safe. I ask you to please respectfully vote no on this rezoning, and thank you.

CHAIRMAN CARBONELL: Guys, again, again.

MR. BRENNER: Mr. Chairman, Members, my name is Jason Brenner. I live at 5751 Southwest 50 Terrace. I've lived there for about 8 1/2 years. And what I'd like to speak about is the impact with respect to crime in our neighborhood.

When I was getting ready for today, my wife called me, who couldn't be here, but she wanted to be, but -- and said, remember, when I told you about the property, you ran the crime stats and said this is fine, because this property, this neighborhood has a unique aspect to it. Crime is inevitable, and it's something that we all have to live with, but the unique nature of this community is that it uses the environment to create a natural barrier from what would-be criminals would

want to come into for opportunistic crimes.

If you look at the acre properties on 56th, it's a natural barrier into our community. You have no through streets. That is why all the children, all the families, everyone can gather, know each other and walk safely throughout.

Just this morning, one of our neighborhood members sent a text on the group chat and said there's a suspicious van traveling through. You want to know why? Because we all know each other's cars. Mercedes. I know the other one has a Mercedes. I know the Ford Ranger. Because when we walk, we know each other and we stop. My daughter and my son, we love to take walks, and we go right down 51st up to 60 Place. She goes to see Mr. (Inaudible) horse, who is a boy, but she says it's a girl and her name is Penelope. I do not want to take that away from her.

I've lived all over Miami, from Kendall, to Pinecrest, to the Gables, to Brickell, and in those areas, there is an

expectation that if you live in an urban setting or you have a high trafficked area that is something you're going to have to deal with, but I specifically bought this property, because it gave me what I had in my childhood, a safe street, to be with my children and neighbors that I know. And one that recently passed away gave my son his first tricycle that he gave to his grandson when he was learning how to ride a bike. There isn't another community in Miami where I can say that happens. We're against.

CHAIRMAN CARBONELL: Thank you. Everybody, please.

MR. SIERRA: Don't applaud for me, please. I get enough of that already. Listen, I just want to be brief. Everyone has sad everything that I feel. I'm totally against --

BOARD MEMBER KRIEGER: Sorry. Can you state your name and address for the record?

MR. SIERRA: My name is Dennis Sierra. I live with my wife at 4900

Southwest 60 Place.

I just want to say that I'm totally against it obviously. We've been living there for about 33 years. This is a place where people walk their dogs, as everybody else has said, walk their children, kids playing, basketball and stuff. It's a community nothing, but love. There's nothing but love. Some of us unfortunately have forgotten what that word means. You have to love yourself in order to love others. This is all about money, big business. I ask for your consideration in not allowing this to happen. Thank you.

MR. CAMACHO: Good evening. My name is Manuel Camacho. I live in 5255 Southwest 60th Place. I'm about 80 meters away from the end of 60th Place. Been there for about 42 years, so I'll be directly impacted.

I'm not going to mention all the things that I wanted to say, 'cause they've been said. I'm just going to say some straight facts. I want you to look

at this.

BOARD MEMBER KRIEGER: You need to speak into the microphone, sir.

MR. CAMACHO: This here, you can't even find it. It's all green, okay? I live in the property somewhere in here. I can't even find it. It's all green, okay? It used to be the house of the caretaker of Fairchild's garden. We spent probably over 50 years planting the area. I've got centenarian trees there. I saved them, okay? So that's all going to be destroyed as a direct or an integral part of this project, if it gets passed, if the street gets open.

So if you're thinking -- you're thinking about green, look at all of this, you can't even see the street, okay? Number 1.

Number 2, this has been brought up at least three times that I can remember in the past 42 years. For one reason or another, it's been voted always -- always voted down. I'm not sure what the difference is this time.

Lastly, I'll add this, illegal counsel for the developer, if I heard him right, he said he had some people onboard. Well, he mentioned one person, Dr. Vicente Lago. I just spoke with him on the phone. He's not on board. So you may want to clarify this, okay? By the way, his legal representative, his true legal representative, is here, his son-in-law, who's also a lawyer. That's it.

CHAIRMAN CARBONELL: Thank you for your time.

MS. REVERTE: Good evening, esteemed Members of the Zoning Board. My name is Cecilia Reverte. I live at 5980 Southwest 49 Street, and I am heartbroken. It's not easy to buy a property and maintain it by yourself for 14 years. Now, I don't know what's going to happen to my neighborhood. I chose my house in the Biltmore Heights neighborhood, because of the trees and because of the peaceful streets. Biltmore Heights is the most unique neighborhood in Dade County. It is a cross between the Grove and the Gables with a relaxed

crime-free atmosphere, standards of beauty, a real life Maybury. It is a friendly place where young and old share the streets. We call it the Bubble.

My neighborhood is my gem. I walk, bike ride and engage with my neighbors, and so does everyone else. And now that I am a retired teacher, I expect to enjoy my neighborhood in the manner that I intended when I bought the house. The ability to safely walk, run and bike in Biltmore Heights keeps us residents healthy, both mentally and physically. We need more neighborhoods like this one, and this one should be a model for other neighborhoods.

Adding density and opening the road would come at a terrible environmental cost to the flora and fauna, but it will also come at a terrible cost to our human environment. Our society is rampant with social isolation, but as you can see, by looking around the room, we are a family. Don't break up our family. Our County government should protect us homeowners. Please vote no. Thank you very much.

CHAIRMAN CARBONELL: Thank you.

MR. GALARRAGA: Morning, Chairman, Members of the Board, my name is Daniel Sanchez Galarraga. I and my wife Suzie, and my two young daughters live at 6030 Southwest 50 Street. I've lived there for 16 years.

I would echo a lot of the sentiments you've already heard, so I'm not going to go over them. I have concerns about the density and how this is a tipping point for more development later on acre estates, but I just really want to ask -- bring up one point.

We've asked -- Members of the Board, we've been even asked, as a community, many times if we would support the application if the street was irrevocably closed off. I would ask the same thing to the applicant, the converse to the applicant. If the street is opened, and they can't get that second item approved, would they withdraw their application for the increased density?

I think it's a fair question to ask

them. You ask that of the neighbors, if they're still onboard with closing off the street, if they withdraw their application, if the Board approves the opening of the street? That's all I have to say. Daniel Sanchez Galarraga.

CHAIRMAN CARBONELL: Thank you.

MS. SARIOL: My name is Julia. I live at 5850 Southwest 51st Street. I attend the University of Miami. Living less than a 10-minute walk away from my school is a great blessing that I'm grateful for every day, because I have the ability to reduce gas, save money on parking and enjoy a beautiful shaded walk that only millions of Americans would dream of.

However, the most important aspect of my daily commute that I cherish is the fact that I am safe as a pedestrian and as a resident of Biltmore Heights.

The most dangerous thing I do on day-to-day basis, in fact, is crossing 57th Avenue, known as Red Road, only once I get out of this neighborhood. The risk

associated with this reasoning, however, would effectively destroy the safety of my daily walk. While I am just one member of this community whose life will be affected by this rezoning, I think I speak for all residents of this neighborhood who engage in similar activities daily, exercising, walking their dogs, et cetera, when I say that the approval of this application is the first domino to fall in the destruction of our neighborhood. Our neighborhood is an anomaly in Miami, but if you approve this rezoning, rest assured that would ensue afterwards is construction, traffic, increased crime and the loss of one of the most unique neighborhoods in Miami-Dade County. Thank you.

MS. McAULIFFE: My name is Kathleen McAuliffe, and I live at 5301 Southwest 60 Place, which is the dead-end street that would have to be opened if you approve the rezoning.

As a previous speaker pointed out, you can't even see it on that satellite

picture, because it is such a green, beautiful street. It's like -- when you come down, it's kind of, like, a tunnel, and that's part of what attracted me to the street in the first place. I've lived in over a dozen places over my lifetime, and I'd say it is by far the most unique neighborhood. You know, just when I go to pick up my mail, the number of people that congregate on that street is just incredible. Women, young women walking babies, dog walkers, people on skateboards, just older people strolling. It is a very, very unique place. Everybody knows each other.

I just wanted to talk a little bit more about the green canopy, because as I think probably most of you know, Mayor Cava made preserving and growing the tree canopy a top priority precisely, because, you know, trees are such amazing cooling machines, but only in large part to development, the canopy cover has remained, this is in Miami-Dade County, it's remained essentially flat at 20%.

The County is now rushing to play catchup, investing millions of dollars in a tree planting campaign. Just over 17,000 were planted in the County last year. That's progress, but there's absolutely no way the County can meet its goal of having a canopy -- having 30% by the year 2030. We're far behind most other urban centers.

Not only will the proposed development, if it's (inaudible) zoning turn a lot of beautiful existing green space into concrete and asphalt, but it will require the widening of 60 Place, and, thus, the destruction of still more trees. A dense canopy of old trees grow all along the easement. That's why everybody is there. That's why everybody wants to be there. That's why people love the neighborhood. The loss of a precious commodity like greenery in return for the benefit of providing housing for so few people just doesn't make sense. Changing zoning laws in this concept is counterproductive to the massive effort and --

CHAIRMAN CARBONELL: Excuse me, excuse me.

MS. McAULIFFE: -- and huge sources that the County is now funneling into growing the canopy.

MR. COHN: Hi. My name is Daniel Cohn. I'm 26 years old and I've lived at 5301 Southwest 60 Place with my mother, who you just saw, for 23 of those 26 years.

Everybody's spoken to the human element here, so I thought I'd speak to the non-human element. These kinds of decisions are often fraught with human concerns, and they're all valid and important, but I'd like to remind the Board and everyone here that part of being a human is the power to alter landscapes as well as the power to act as a steward of nature to protect and preserve.

If there's one things I've learned from a course I took in under grad called Ecology in Crisis. I studied biology. It's a well-established fact that construction is one of the most aggressive

forces of habitat disturbance and fragmentation, and that disturbed habitats are more vulnerable to ingress of invasive species, peacocks, feral peacocks, and more susceptible to loss and biomass and biodiversity.

I've observed firsthand the development -- sorry, the effects of climate change in increased development in the surrounding area over the past decade. I'm an amateur entomologist, and I have an insect collector and I've witnessed a significant decline in the abundance and diversity of our native fauna in the area.

The proposed development alone would assuredly damage an already precious and vulnerable ecosystem, but would also involve the removal of trees and green space, home to all the aforementioned creatures.

While I may not be familiar with the intricacies of zoning law that dictate whether traffic flow modifications are required by the County's platting and traffic review board, I am confident that

by approving this rezoning, the Board will open legal avenues for future property owners of the proposed rezoning subdivision to open the real avenue in question, 60th Place. Please oppose.

CHAIRMAN CARBONELL: Thank you for your time.

MR. GUERRA: Good evening, Board Members. My name is David Guerra, and I am here tonight to speak on behalf of my family, two kids, abuelas. My wife, her children and I have been residents of Biltmore Heights for over 20 years. First, we lived on 5850 Southwest 51 Terrace and now we live at 5050 Southwest 60th Place.

My family's future is directly impacted by the proposed zoning, changes to zoning. I chose Biltmore Heights, because we fell in love with the layout, the neighborhood, the location, its walkable streets, its large tree canopy, the acre lots. The fact that we can see neighborhood, children playing outside, something that you are hard pressed to

find in neighborhoods today.

We say that what a wonderful place to raise our children. It has been. And it has largely (inaudible). We fell so much in love with the neighborhood that when we outgrew our house, we just moved two blocks down the street to their house, proposed changes just down the street from 60th Place, on 60th Place. What makes this neighborhood so special is its residents, caring neighbors behind me and its current zoning.

This is the only neighborhood that's unique where you still see children playing outside, riding their bicycles, playing catch with their father, mothers jogging with their children. The only neighborhood where you still see people walking to commute to work, riding their bike to work or walking their kids to school. The only neighborhood that's unique where you see multigenerational families walking together with their abuelas. Why? Because the fact that their traffic is low, streets are walkable

and the neighborhood possess certain qualities to make it so.

You have over 400 people here today for one reason, and that's to tell you that we do not want to change the zoning of our neighborhood. We stand opposed to the proposed changes. One change -- one change will have the domino effect, as mentioned earlier today several times, if you allow one today, one will follow tomorrow, because you won't be able to stop.

The people of Biltmore Heights are here united to say no to the rezoning being proposed. This change will lead to the destruction of natural environment, including removal of dozen of trees as mentioned.

And just one more thing to close, according to Miami-Dade County's own urban tree canopy assessment, on a per resident basis zip codes, with higher percentage urban tree canopy tend to have fewer respiratory related illnesses and overall hospitalization rates. We don't want any

change. This change will inevitably lead to the construction of new roads, it will destroy our neighborhood and destroy our value, property value.

CHAIRMAN CARBONELL: Thank you.

MR. GUERRA: No zoning change.

MR. LEON: Danny Leon here, 5440 Southwest 59 Avenue. First and foremost, I want to thank you all for being here. I know it's getting a little bit late, and you've been listening to all the neighbors that obviously are very much opposed to this project, and so I want to thank you for listening to us.

Now, I'm really here for two reasons. Number 1, I'm the son-in-law that they were speaking about earlier. So on behalf of Dr. Vicente Lago, I know that he was mentioned earlier as he was in support of the project. I just want to make it clear for the record that he is not in support of the project. That's number 1.

Then the other thing, and I don't just want to rehash what everybody has already mentioned ad nauseam over and

over, but one of the issues, whether it's spot zoning, an issue you see when you change the zoning of just one particular area. As we all know over time that you'll tend to see is that other people in the area try to piggyback and start rezoning themselves. So it's kind of a slippery slope that everyone had mentioned, that's kind of a domino effect.

Those are the two main things, but obviously we are against, not for the rezoning. That's it. Thank you.

CHAIRMAN CARBONELL: Thank you.

BOARD MEMBER KRIEGER: Question, sir, through the Chair.

Was I not mistaken, but was there a packet exhibit with a letter signed by Dr. Lago?

MR. RIVERO: That's correct, there is a letter that was submitted in support letters for the applicant, Dr. Vicente Lago, the letterhead.

MR. LEON: I can go ahead and speak to that as well. When that was first submitted, it was brought to his attention

that the most amount of homes that would be there would be, at most, eight homes, and they also did talk to him about, you know, there be no other changes whatsoever. That's obviously not the case.

As far as the application before us today, from my understanding, there's at least 12 homes that they're trying to build and there is discussions obviously regarding street openings and traffic, even though they're, you know, talking about a covenant, which we know covenants can always be changed later on in the future.

So as far as the letter is specifically concerned, when he did do that about a year and a half ago, two years ago, it was brought to him kind of just, you know, very quickly, "oh, at most, we're going to do eight homes or so. It's not a big deal". Obviously, since then, he's learned quite a bit.

And I believe he actually did send an e-mail to the County specifically

regarding that, denying that letter.

BOARD MEMBER KRIEGER: Thank you for that clarification.

Were there any other details that he was provided about the development at the time?

MR. LEON: At that time, absolutely nothing that I'm aware of.

BOARD MEMBER LAGO: When was that letter dated?

MR. RIVERO: This letter was dated May 4, 2023.

BOARD MEMBER KRIEGER: Through the Chair, per staff, there is an e-mail. Are we aware of any e-mail in question?

MS. SCHWADERER RAURELL: I mean, I can let Mr. Rivero answer the question, but I just want to point out to the Board, letters that are received, they are kept in file, they're in the record, they're not supporting testimony.

What you're hearing today is sworn testimony. I will say the gentleman who is testifying now that it is hearsay. It's not testimony prohibited considering

you should give it the weight the gentleman who submitted this letter is not here today.

So these, of course, questions you all can ask, but please give it the appropriate weight. The letters are not supporting testimony unlike the testimony you've heard today.

BOARD MEMBER KRIEGER: Thank you for the clarification. Thank you.

MR. LEON: And, just for the record, while I'm an attorney speaking on his behalf, if that carries any weight. Thank you so much. I appreciate it.

MR. MENDOZA: Good evening. My name is Augustin Mendoza. We live at 5301 Southwest 62nd Avenue. I support everything that has been said here tonight. I come to speak on behalf of the one-acre lots. Nobody is talking about the one-acre lots.

When I bought the property, I knew I could only have half a horse. I never petitioned to have one horse, because I wouldn't do that to my neighbors. It's

not good neighborly to put a horse in your backyard.

When the Petitioner bought the property, he knew that he could subdivide into five acres. Now for greed, for money purposes, he wants a variance.

I urge you not to vote for it, because what would happen if I would want to subdivide for my four grand kids, free of charge, no greed, to make one house per each. Do you think it's right for me to do that to my neighbor, you know, when we have a full block of one-acre lots? I wouldn't do that to my neighbors, the same way I don't think he should do that to his neighbors, because if he's doing that, he's not going to be living there. He's going to be selling and giving it to a developer, making money and the heck with the neighbors.

So I think we should protect the one-acre lots, and I think we should stay within the boundaries of what he bought this land that he should do. Thank you.

MR. SUAREZ: Good evening. Mark

Suarez, 5353 Southwest 62nd Avenue. I'm here to speak -- by the way, I want to thank my neighbors for getting me out at bath time and bedtime.

I want to say something. The applicant that owns this home for 20 years is a developer and has developed beautiful homes, one and acre homes. And for 20 years, they've decided they didn't want to do this. Now they're coming in front of us with this.

I am the guy that is not supposed to be up here where a lot of folks have raised their hand and deferred their time, because they're in the real estate business as I am. They built -- as I said, they built beautiful homes.

I've never seen a 12-home community with one road on a cul-de-sac or allowed fire to do that. Don't get me wrong. I know a little bit about this, okay?

What I have seen is that these covenants that the County attorney referred to, these properties have been sold to Lennar recently, because these

homes are now worth $5 million, $4 and half, 5 million dollars, when they were worth $2 million and those covenants, they've gone away with that.

And so I would encourage the developer to build what is as right, what is compatible and what is there.

There's two threshold for this application: Master Plan has to abide by comprehensive master plan and the other one is compatibility. And if you folks on the Board think that what they're proposing after what you've heard today is compatible, and is not going to cause a domino effect, then, you know, that's something that's up to you guys, but I think you heard enough. Thank you for your time and I oppose this application. Thank you. And I ask you to deny it.

MR. BRUFF: Good evening. My name is Jeff Bruff. I've been a resident of the Biltmore Heights neighborhood for over 32 years. I live at 5959 Southwest 50 Street. I do, again, like some others here, I want to say thank you for your

patience tonight, because you've gotten an earful. That's for sure.

Most of the things that I had to say it's already been covered. We've heard a lot of passionate stories here, who really, really firmly believe, truly believe in this neighborhood, the safety and the security of the neighborhood, how wonderful it is. And they also recognize the fact what was being requested here will undeniably change the fabric of this neighborhood and what it's meant. I think it's been so special.

And one of the things that hasn't been shared with you tonight, is the fact that not just the people, not just the residents that you see before you here understand the uniqueness of this neighborhood. We've also had people that know about the neighborhood that come in on different occasions. Halloween being one of them. And we have -- I mean, I think the capacity of the neighborhood doubles. Again, I'd like to invite you guys to the Halloween that we have on our

streets. Bring your family and friends. If you have them, you're more than welcome and I think you'll begin to really understand the uniqueness of this neighborhood.

What we've heard about Dr. Lago tonight, I think that changes the scope of things, because now we've heard that not one person approves of this variance, of this proposal.

And what I'm asking you is, is to remain consistent with that, with what the other residents of this community have asked.

I stand opposed to this, to this proposal. I hope you'll make the right decision and oppose it as well. Thank you.

MR. VALDES: Francisco Valdes, 5420 Southwest 59 Avenue. I'm directly a neighbor to them, and I'm well aware of the (inaudible). Recently properties that I manage, the annex Medley no regard for the property owners. And here we see clearly everybody in the area is opposed,

and I think that's something that should be considered as residents.

As to what they're proposing, I find it strange that my door was never knocked on as your neighbor to tell me, hey, this is what we're proposing, because I don't think they have a plan. They're looking to have the change. They're putting covenants they know can go away or flip it to somebody else that's going to build something bigger.

Instead, he talked about, Mr. Diaz de la Portilla, there's no plan. How are they handling all the trees that I see from my backyard daily? They're not going to build there. This is just going to be pushed and it's going to further affect what these people are looking at. There's no way this gets done as Mark said without another street. You're not going to have 12 homes on a dead-end. So I'm against and I hope you guys take into account what everybody in the neighborhood would like. Thank you.

MR. KELLER: Thank you. Hi. My name

is Kent Keller. My wife, Heidi, a/k/a, the mayor of Biltmore Heights, and I have lived on 51st Terrace for over 34 years, and I will attempt to be brief. My preacher says he'll attempt to be brief, he's lying, but I will do my best tonight. We moved onto 51st Terrace in 1989, in a nice little 3/1. Heidi and I were dinks at the time, double income, no kids. A few years and three kids later, we were silks, single income, lots of kids. And with baby #4 on the way, our 3/1 was getting pretty tight. We looked around for another place to move, but we just loved raising our kids on those streets so much that we were just going to build on another bedroom and bathroom to our house. And right at that time, our family across the street neighbor, it's an older couple, said they were moving, putting their house on the market. And I walked over and said to the older gentleman, let me sell my house and I'll buy yours. And on a handshake deal, we did that.

Later that summer, Heidi and I and at

that time, three, almost four kids moved into our 4/2, and we raised our kids there. And as you've already heard, they played out on the street. They did the bicycles, skateboard, roller blade thing. The one week, I guess we have to, after I got the condition that has me in this wheelchair, we'd go out on the street and we'd tie a rope to the back of my chair, all of my kids and some of their friends, sometimes five and six deep, I'd take them all around the neighborhood, zigging and zagging and fish tailing them all over the place. They'd get back to our house, I make a big right turn and fishtail their little postures right into my yard, telling me over and over again, "Daddy, do it again, do it again." We can do that, because our neighborhood is so safe. We can do that, because of the lack of vehicular traffic there, and that's something that you can't replace any other way.

And our four kids are grown and on their own mostly, we're working on it, but

Heidi and I plan to stay right there where we are, 5840. We're at 5840 Southwest 51st Terrace. We hope to stay there until God comes along and says he's going to move us up to a higher rent district, if you follow my drift, catch my drift. We hope it will stay the same, wonderful, safe place for families to raise their kids from that time on. And for that reason, I would urge you, please, to reject this application. Thank you very much.

CHAIRMAN CARBONELL: Thank you.

MR. ROJAS: Good evening. I want to thank everyone for your patience. You guys are elected officials. You guys want to do the right thing. It's clear that that's --

THE COURT REPORTER: Name and address, please.

MR. ROJAS: Yes. My name is Caleb Rojas. I live on 6050 Southwest 45th Street, turn right north of the property of the application, and I am right on 60th Place.

I'm actually the new guy on the block. We moved in two years ago, short of two years ago. And right before purchasing the property, we started just driving around, right? How is it in the morning? How is it in the evening? You know, what is this real neighborhood about? We're right by the school. So we actually walk our grandson to school, come up from school. It was amazing what we saw in the neighborhood, and that's why we chose this neighborhood. I moved in, you know, less than two years ago. And what we saw was amazing. We would drive around and people would walk. People were outside. They're not walked inside their house. And you start walking outside, you kind of start meeting people and start talking to them. You kind of start, you know, sharing mangoes that come down from the tree and avocados from the other guy and it's kind of pretty cool what happens in the neighborhood. So I will say I'm the new guy. I chose the neighborhood, because of what it is.

I think that changing the zoning is going to invite other investors to the area. I think it's going to invite other developers to the area. I think if not now in this project, then the next one they're going to have to open that street. I think they're going to have to open it now, but you will definitely create the precedence to change the neighborhood, and I don't think that's what you guys want to do.

And you saw -- look at the support on one side to say no to this. There was zero support to say yes. So please take that into consideration. Don't accept the application. Thank you.

MS. ARGUELLES: My name is Dulce Maria Arguelles. I live at 5861 Southwest 52 Terrace. I've been in this special neighborhood since 2008.

Dear Members of the Miami-Dade County Zoning Appeals Board. As a resident of Biltmore Heights, I request that you deny the rezoning of this application for three reasons: One, for the safety of the

residents, who frequently walk in our neighborhood, but especially the children who play on the streets; two, for the destruction of our community, safety, peacefulness and beauty that we have worked hard to maintain and is cherished by many; three, for the loss of character and beauty to Miller Street.

As elected representatives of Biltmore Heights, it is your obligation to represent the safety and well being of its residents. I urge you to uphold your obligation to protect its residents and to be responsible stewards of our environment. Thank you.

MS. CLARK: Hello. My name is Carol Clark. I live at 5840 Southwest 52nd Terrace, and I'm very happy to see pastor whose mail I'm putting in his mailbox all the time.

I want to talk about -- and I really appreciate everything that my neighbors, you know, just brilliant and very thoughtful comments that they've made. And I just want to add one component,

which is that -- you know, that every time municipalities states, even, like, on a national level, are doing urban planning, one of the most important components, one of the most important goals is to protect and preserve the environment and quality of life that exists already, so minimize the impact to established neighborhoods and historic areas.

And one of the things that nobody touched on, although I think you can tell so many people that have lived in their homes for over 30 years already, this is a historic neighborhood. This is built by and for returning World War II soldiers. As a matter of fact, the house -- I bought the house from the original owner. He's the guy that put the plumbing in everyone of these houses. The guy across the street, Mr. Williamson, bless his heart, he did all of the electric and was one of the first boy scout leaders. Also, Alfred Browning Parker, a noted architect when he -- when he scored a huge load of tidewater red cypress, he actually allowed builders

to use his designs and build homes in our neighborhood with his unique design and with the tidewater red cypress and all of you that have his house, I'm very jealous.

And the other thing is, so when I bought, you know, my house -- the other thing I wanted to mention is, you heard so many people say they lived in the neighborhood 20 some odd years, 30 some odd years, many of us bought from original owners. And there's also people here, who actually are still living in the house they grew up in. So the children, grandchildren still living in the homes of those original soldiers that came back.

And another thing I want to mention, and I'm totally ignoring that, is that the developer --

CHAIRMAN CARBONELL: If you wouldn't mind, closing statements in about 30 seconds.

MS. CLARK: Okay. Thanks. So when the -- talking about -- with all due respect, I've been on your side of this table before, but they don't want to

dedicate any property to widen the road and all that, I believe them, okay? So there's no reason for them to say that. Of course, they don't want to. It doesn't make sense for them. But the only way that we know for sure that that's not going to happen is something that could be done that's not unprecedented, which is to vacate the right-of-ways, and that will solve the problem. And it's been done, you know, all around the area. Not specifically our neighborhood, because we didn't have to.

So you take 60 Place and 59 Avenue and you vacate those right-of-ways to the adjacent neighbors. Problem solved.

CHAIRMAN CARBONELL: Thank you.

MS. CLARK: Then you come back and talk about whatever you want to do with the zoning and all of that. So if they're really serious --

CHAIRMAN CARBONELL: Ma'am.

MS. CLARK: -- not having those streets open, then, you know, make an effort to get the right-of-ways vacated

and then come back and talk about it again.

CHAIRMAN CARBONELL: Thank you.

MS. SIDNEY SARIOL: Hi. My name is Sidney Sariol. You heard from my father and sister today. I live at 5850 Southwest 51st Street. I've lived at this house for 21 of my 23 years. And while I may one day not live in this neighborhood, I might move away, I wanted to be here tonight to preserve the character and the integrity of this neighborhood, because I feel that any change, rezoning, road opening would be a detriment to the people you see here tonight. Everyone wearing white, everyone who's put their pin on this board, they showed up. It's far from our neighborhood, this location, but we all wanted to be here on a Wednesday to speak out and show how much we care about keeping this neighborhood intact.

My father and I have volunteered at Tropical Audubon over the years. We've seen how Florida, and specifically Miami-Dade County, in general, would be

affected and has been currently affected by tree and native tree loss. And taking away this haven of trees, you know, local fauna that we have here would be probably the most devastating thing that could happen to any of these lots here in our neighborhood. My sister and I used to play soccer. We don't anymore, but we used to practice and dribble all over 60 Place and play and enjoy in the shade of that place.

I'm so proud to be a member of this community and see everyone here tonight, so my thanks to them. Thank you.

MS. GALIVAN: I represent your punctuation. You guys ready for a drink? My name is Teresa Galavin. I live at 6420 Southwest 50 Street, and I am here to speak purposely last, 'cause I represent your potential future. No, I don't, I'm going to keep going. I represent your potential future.

So I have 64th Avenue on the east side of me and 65th Avenue on the west side of me. We have 64th Avenue running

from Miller Road to 48 Street. There's three 3-way stops there that nobody respects.

I invite anyone of you come to my house, park in my driveway, put your lawn chairs in my front yard, morning and evening rush hour traffic and watch the Daytona 500 happen every single day. It's a nightmare. We walk our dogs to their neighborhood. We go a few streets over. We take care of my 94-year old mom. We have to time when we take her out with her walker, because of the crazy drivers. So somebody with Q-tip white hair and a walker doesn't even deter the people from driving like maniacs around there.

I know there's back and forth of whether the road is going to be established or not, but we have written Mayor Levine Cava. They don't have any resources for speed bumps in our neighborhood. I contacted Miami-Dade roads and bridges. Spoke to the supervisor there, Jose. We have two case numbers. They did a traffic study in our

neighborhood. They told us because our driveways are less than 716 feet apart that the County will not put speed bumps in our neighborhood to deter the speeders and have them slow down.

So the next was putting it on the residents to control the neighborhood, call the police every two weeks to have them come out and police the speeders. Well, they don't have the resources to do that. Of the hundreds of times I feel like we've called, they've come out once very kindly and let us know realistically, we don't have the resources to come out and police your neighborhood.

So I ask you for all these people here and on behalf of the residents, do not pass this. It's imperative that this does not pass.

MS. CAMACHO: I'm Kelly Camacho. I'm your second exclamation point for the evening. I want to really thank you guys this evening. I'm sure you weren't anticipating being here so late, but it's obvious that the crowd has spoken, and I'm

not going to reiterate not one detail everyone said, because there's really no point. It's late.

But this really boils down to -- I mean, we can basically, one sentence is the lifestyle that the neighborhood is, you know, given to people, the desires that people want that live in that neighborhood, the comfort that they bought into, the safety that they bought into, and their way of life, which is why they're not living in other neighborhoods in Miami, Florida, all of that, for what, the greed of one developer? It doesn't make sense. The scales don't balance out.

That's all I'm going to say. It was basic. It was obvious, but I don't think anyone has ever said it. Basically, we're talking about lifestyles and desires of people that lived there forever. I was born and raised there. I don't live there anymore. My father still lives there for the greed of one developer family. 5200 Southwest 60 Place.

CHAIRMAN CARBONELL: That is every

single person that is present. However, I do believe we still have that one person on Zoom.

MR. RIVERO: Chair, the speaker on Zoom dropped off, so there's nobody on Zoom to speak.

CHAIRMAN CARBONELL: Okay. Very good.

At this time, you have 10 minutes for your rebuttal.

BOARD MEMBER KRIEGER: Mr. Chair, is there anyone here (inaudible) or anyone present?

CHAIRMAN CARBONELL: Yeah, I asked them.

MR. DIAZ DE LA PORTILLA: Thank you, again, very much, Mr. Chairman, Board and members of the audience, and professional Staff. I'd like to -- yes, I'm sorry, please go ahead. I thought I --

CHAIRMAN CARBONELL: Go ahead.

MR. DIAZ DE LA PORTILLA: You know, I'm going to address a couple of key points and not everything that everyone

said because, you know, quite frankly, there's a couple of points that I need to highlight for you. I know it's been a long time, but I'd like to point out that a number of the folks who spoke, starting with Mr. Winker, the attorney who spoke immediately after me and some others, threw out the term spot zoning. Mr. Winker is an attorney. Some of the others, who are not attorneys, threw out the term spot zoning. Now, this is not spot zoning. It's clearly not spot zoning, and you can ask your own County attorney and the County's own professional staff. Because if it were spot zoning, spot zoning would be illegal. You wouldn't have -- you wouldn't get it past the County attorneys and you wouldn't get it past the County's professional staff. The County's professional staff is recommending approval of our application. They would not be recommending approval of something that is spot zoning.

Now, what are the hallmarks of spot zoning, and what isn't spot zoning and why

isn't it spot zoning? First of all, typically when you have spot zoning, if I may move this board. Can somebody help me with this big board, if you don't mind? Thank you.

One of the hallmarks of spot zoning, which this isn't and which your own County attorneys will you and your County's professional staff will tell you it isn't, is that you're asking for zoning that is inconsistent with the Comprehensive Development Master Plan land use designation.

The land use designation, as it very clearly says on page 2 of your professional staff recommendation, it's not my opinion, I represent the property owner, but your staff, the folks who represent the County, land use designation is estate density residential.

The Comp Plan very clearly says that estate density residential allows residential allows anywhere from 1 to 2.5 dwelling units per acre. If you have 4.92 acres, if you multiply that by 2.5,

which is what the Comp Plan says, you have 12.3 in this. We're proposing to build to the Comp Plan consistent maximum, and an application that is consistent with the Comp Plan designation is not spot zoning. And so I just want to get that out of the way, 'cause a lot of people repeated that catch phrase.

The second reason why you can't possibly deem this spot zoning is that you have literally across the street, across that two-lane street that they mentioned, Miller, Miller Drive, you have single-family homes that range anywhere from 9,000 square feet to 15,000 square feet. So they are smaller than the 17,500 square foot lots, 18,000 square foot lots that we can build with 4.92 acres to get to the 12 units.

Additionally, you have EU-M zoning to our west. Now, yes, there's a couple of parcels in between, but that's less than a block. That's an EU-M zoning zoned property, and, in fact, those lots that are EU-M here, and there's quite a few, 1,

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, about 30, right, all of those are smaller than 15,000 square feet. So not only do they have the same exact zoning district that we're requesting, EU-M, but in terms of square feet, they're smaller than 15,000 square feet, because of the lot size variance they got. So that's exactly consistent and compatible with what we're requesting.

Now, you saw a picture blowup that Mr. Winker and others put up here, and they focused in on just this area and they made it so that you don't see the bigger picture for the area, which has property in yellow designated RU-1 all over the place.

If you go back to the first map that I showed you, again, right across the street, right across the street, single-family homes less than 15,000 square feet. So, again, not my opinion, your professional staff's opinion, comprehensive plan development analysis, page 2 of your staff recommendation: "The

subject property is located within the Urban Development Boundary and designated estate density residential. Residential density is allowed in this category by the County's comprehensive development master plan range from a minimum of one to a maximum of 2.5 dwelling units per acre." So we are 100% consistent with the Comp Plan designation.

They go on to say, "The total of 12 residential units has the maximum density allowed under the CDMP threshold of the land use map, with the proffered covenant, that's consistent and compatible."

Now we go to the zoning analysis, page 3, and I'll read on the very first paragraph of page 3, the second sentence: "The district boundary change, staff opines" -- "with a district boundary change, staff opines that the approval of the application would not have unfavorable natural resources or the economy of the County and will be compatible with the surroundings when considering the necessity and reasonableness in relation

to the present and future development of the area concerned." That's reading and taking directly from 33-311, which is the County code, the law.

It says we have to look at these applications with a view of giving reasonable consideration to the character of the area and the particular suitability.

And, again, I would submit to you that when the estate density residential land use category allows EU-1, EU-M, EU-S, anything from 1 to 2.5, and we're coming in with an application that is 2.5 dwelling units per acre, that is 100% consistent and 100% compatible with the area.

Staff goes on to say, "Approval of the EU-M zoning district would be a natural transition to the bordering RU-1-zoned parcels and other existing residential development along this area that is denser than EU-1," which I made reference to. That's straight from the staff. Not my opinion. This is the

professional staff's opinion. "Would not be a significant departure to go with EU-M from EU-1, would not be a significant departure and would be compatible with the existing single-family homes in the area. A zone change is compatible with a natural transition of residential zoning trend of the development in the surrounding area and would keep the character of the surrounding area compatible and consistent with the estate density designation." That's verbatim from the County staff's recommendation.

And when you look at the standard to approve a zoning change, you have to look at the reasonableness of the zone change in relation to the present and future development of the area. Again, the present and future development of the area, the future, the Comp Plan designations that you have all over the County in this particular area. And the present, which is the zoning that already exists that is EU-M and RU-1. That's very, very compatible and very similar

with what we're requesting.

Now, on a couple of other points. Mr. Marko, who I respect and know, like I said, for 30 years, before mentioned that the application is incomplete, staff doesn't have enough information, and that, in fact, is not accurate. Now I know he didn't say that with any intention to mislead anyone here, but it's simply not accurate. And your staff, your professional staff, will tell you that they have more than enough information, because, you see, the Zoning Code doesn't require that you submit a site plan with an application. You can ask for a zone change, but then what that means is that you have to develop the property according to the legal standards of the EU-M. So the EU-M legal standards that are in the code will tell you how big the lots have to be, minimal, they can exceed, and, like I said, they have to be a minimum of 15,000 under an EU-M, but we're planning 17,500 to 18,000 square foot lots. You do the math, 12 units and the 4.92 acres,

that's what the lots come out to, right?

So the standards also tell you the frontage. So, for example, the minimum frontage required in an EU-1, one acre estate, is 125 feet of width. EU-M is just 120 feet. The difference is five feet, which if you look at the frontage of the property is, to the naked eye, not really even perceivable, right? 120 to 125. That's also pointed out in your staff's recommendation.

So staff knows that what you request from EU-1 to EU-M, they know you have to build to EU-M standards, which are in the code. Tells you setbacks, tells you lot size, tells you coverage. They know you have to comply with other aspects of the code, minimum landscaping, et cetera.

And regarding the covenant to wrap up --

CHAIRMAN CARBONELL: Just give me one moment.

MR. DIAZ DE LA PORTILLA: 'Cause I don't think that's 10 yet.

CHAIRMAN CARBONELL: No, that was 10,

but give me one moment.

The typical overage by everybody else, do you mind, if we give him 15 minutes?

BOARD MEMBER KRIEGER: Sure.

MR. DIAZ DE LA PORTILLA: Thank you, and I do appreciate that, Mr. Chairman.

And then just a couple of quick points to close out that I think, you know, are important.

You know, you have some folks mention one of the speakers Coconut Grove. Well, Coconut Grove is wonderful, lush, you want to keep it that way, but most lots in Coconut Grove are 5,000 square foot lots, right? Most lots in Coral Gables are anywhere between 5,000 and 7500 square foot lots. I would submit to you that some of the nicest, best luscious places to live in Miami-Dade County are in lots that are considerably smaller than what we're proposing to do here. And, in fact, I would say most people in Miami-Dade County live in lots that are a lot smaller that 17,500 or 18,000 square feet.

Now, we've given a covenant. The only way that covenant can be changed is if you change it. That's it. We come here and we say, well, we need to change it. And you, Board, will have to say, oh, yeah, I want to change it, but we don't want to change it. We are requesting something that we think is fair, something that is reasonable.

The Carrillos live here. I've heard a lot of comments, greed, developer. A trust, this property is in a trust for the benefit of the children and grandchildren. This is for -- this is estate planning for them. This is the property that they actually live in and have lived in for over 23 years. This isn't somebody who's speculating on some property that they don't even live in or have no connection to. In fact, They've been here longer than a lot of folks who got up to object.

Finally, on Dr. Lago, Dr. Lago gave a letter, he can change his mind, that's fine, but you have a letter May 23rd of this year. And the proposal is very, very

clear on its face, a zone change from EU-1 to EU-M, and then the non-use variance, which is inextricably intertwined, as your staff tells you, with the zoning change. Of course, they go together. So it's both or none.

And I would hope that the Board Members ask your staff to just confirm some of these things on the spot zoning, on compatibility, on the staff having sufficient information.

Ask Mr. Rivero if his Department had incomplete information and they had to guess. That's not the case. Every single department that reviewed this, all six of them, including zoning, recommended approval. Thank you.

CHAIRMAN CARBONELL: Thank you for your time.

MR. LEON: Talk about --

CHAIRMAN CARBONELL: One moment. There's rebuttal to opposition?

MS. SCHWADERER RAURELL: It's up to the Chair. However, in general, we do recommend giving equal time to equal

sides. So if you do open it up to additional opposition, I would recommend then opening it up for additional rebuttal.

MR. LEON: Again, I just want to reiterate --

BOARD MEMBER KRIEGER: I'm sorry, name and address, please.

MR. LEON: Oh, I'm sorry. Danny Leon, 5440 Southwest 59th Avenue.

Again, I just -- since again Dr. Lago's name was brought up, I just want to reiterate that the reason that that letter was provided was under the context of, at most, there be eight homes on the property and there's really not much else, other information that's been provided.

From what I understand, there is no site plan, there's nothing connected to it, except now that there is ability to doing up to 12 homes and other issues with traffic. So I don't want to reiterate, but I just want to make sure it's clear for the record. Thank you so much.

MR. DIAZ DE LA PORTILLA: And, again,

just to counter, as I said, people can change their minds, but that is a fact, a letter signed by Mr. Lago and we have 12 other letters that we submitted in support from people in the area who are in support of the application. And whether, you know, someone talked to him or, you know, 300 people pressured, or whatever happened, I'm not going to speculate on that, but that letter is signed by Dr. Lago, not by some other person. No matter even if related, that's double hearsay.

I will also like to point out traffic, 14 trips, according to the traffic study. You know why there isn't a traffic study? Because when you generate 14 trips and talk about 12 homes, a traffic study isn't required, and staff can tell you that. Traffic study is required when you generate more than a 100 trips, and that's the law.

And so, again, I hate to say this, but, you know, not being properly informed can lead to wrong conclusions. We're here asking for something that is consistent

and compatible with the area as clearly demonstrated and it's recommended by staff. Thank you.

BOARD MEMBER KRIEGER: Excuse me. Through the Chair.

Sir, who from the applicant's team spoke with Dr. Lago?

MR. DIAZ DE LA PORTILLA: We have Mr. Pedro Garcia Carrillo who spoke with him. They're neighbors.

BOARD MEMBER KRIEGER: If I may ask question through you or --

MR. DIAZ DE LA PORTILLA: However you want to do it.

BOARD MEMBER KRIEGER: Sure.

Was there an amount of homes discussed at that time?

Please come to the microphone. Sir, your name and address.

MR. DIAZ DE LA PORTILLA: He's asking if you told Mr. Lago, when you got the letter from him, that you were going to do 12 homes?

MR. GARCIA CARRILLO: I might.

MR. DIAZ DE LA PORTILLA: Oh, I'm

sorry, need your name and dress.

MR. GARCIA CARRILLO: Oh, Pedro Garcia Carrillo, 5979 Southwest 56 Street. I'm a developer or I used to be.

Okay, we talk frequently. He has chicken in the backyard, and a lot of fruit trees and all that. We are neighbors back-to-back.

So I told him that if he can. He say, "I don't mind. I don't mind about what you do in your property. It's your right."

BOARD MEMBER KRIEGER: Do you recall if you provided any details about the development of the property when you spoke with him?

MR. GARCIA CARRILLO: I don't recall.

MR. DIAZ DE LA PORTILLA: Did you tell him any number of homes?

MR. GARCIA CARRILLO: I might say from 8 to 12. I might.

BOARD MEMBER KRIEGER: Thank you.

MR. GARCIA CARRILLO: Okay?

MR. DIAZ DE LA PORTILLA: And, again, Dr. Lago can, you know, change his mind.

That's fine, it's allowed, but obviously he submitted the letter, because he signed it and we have it there. Thank you.

BOARD MEMBER KRIEGER: Through the Chair, is there a site plan currently?

MR. DIAZ DE LA PORTILLA: No, there is no site plan and no site plan is required under the code. You're not required a site plan, but as you can see in the staff recommendation, we will be required to submit a site plan when we apply for permits. In fact, in the staff recommendation itself, and I pointed out to you, because it's written right into the recommendation, and, quite frankly, the first thing, the first conditions for approval on the last page, page 5 of the recommendation, that "a site plan be submitted to and meet with the approval of the director of the department of regulatory and economic resources upon 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 structures,

exits, entrances, drainage, walls, fences, landscaping and other requirements."

So that is one of the conditions of staff's recommendation of approval, you have to submit a site plan at that point. So you have an option, you can submit a site plan up front or later, but you have to submit a site plan and it has to comply with the requirements of the Zoning Code in terms of setbacks, lot coverage, frontages, depth, everything. And that's also written throughout the recommendation that is before you.

So this thing that, you know, it's incomplete, I mean, ask, you know, Mr. Rivero, ask the Department. Don't take my word for it. We've complied with what the code requires and we would have to comply with what the code requires in submitting a site plan that meets the EU-M standards for everything. And the map is the map. You know, 4.92 acres, 12 -- I'm answering a question, Mr. Chairman. I can answer the Councilman's question? Okay.

If you get 4.92 acres, and divide it

by 12, 12 is the most you can get in there. The Comp Plan doesn't allow you to do more than 12, declaration of restriction limits us to what the maximum Comp Plan allows, and so that's what you get, 4.92 acres, you multiply that by 43,560 square feet, which is the acreage, that gives you total square footage, you divide that by 12 and it tells you how big those lots are. They have to be that big and then they have to meet all the standards, frontage, setbacks.

BOARD MEMBER KRIEGER: Two more questions. You are correct, that this procedure does not require you to submit a site plan at this time, but you do acknowledge it does not prevent you from submitting a site plan at this time, correct?

MR. DIAZ DE LA PORTILLA: No, but it would be no different in a sense that a site plan would have -- and, by the other way, other lot splits, and I mentioned it in my presentation, that have happened, you know, throughout District 7, County

Commission has approved for exactly like this. There's one just northeast of this property that is two-and-a-half acres, they did six, half our size, they did 6, 3 and 3, a street down the middle, like we would be proposing, 'cause, again, the covenant says we can only enter through Miller, so there's going to have to be a street through Miller to access the property, and we're saying that would be the only one, then the homes on other side.

BOARD MEMBER KRIEGER: Thank you very much.

MR. DIAZ DE LA PORTILLA: Yes, sir.

CHAIRMAN CARBONELL: Other questions?

BOARD MEMBER LAGO: Is that going to be a gated community?

MR. DIAZ DE LA PORTILLA: The idea is for it not to be a gated community, but it could be a gated community. We could apply to close it. The reality is, you know, a lot of the properties here, one acre and the smaller ones are gated themselves, right, but, you know, right

now the plan is to have it open, not gated.

CHAIRMAN CARBONELL: Questions? Anymore questions from the Board?

MS. SCHWADERER RAURELL: Mr. Chair, I recommend that you close the public hearing.

MR. DIAZ DE LA PORTILLA: Thank you.

CHAIRMAN CARBONELL: At this point, the public hearing will be closed.

UNKNOWN SPEAKER: (Inaudible).

CHAIRMAN CARBONELL: That was part of his rebuttal time.

BOARD MEMBER KRIEGER: I have some questions for staff through the Chair.

So we talked a lot about the difference between EU-1 and EU-M. For the record, when it comes to lot coverage, what is the percentage difference between EU-1 and EU-M?

MR. RIVERO: Two seconds to find it for you.

BOARD MEMBER KRIEGER: Thank you.

MR. RIVERO: Coverage in EU-M is a total of 30%, where EU-1 is 15%.

BOARD MEMBER KRIEGER: Thank you.

CHAIRMAN CARBONELL: Any questions?

BOARD MEMBER LAGO: I have a question for staff.

THE COURT REPORTER: If you can speak right into the mic. Thank you.

BOARD MEMBER LAGO: If there's a motion put forth to approve the item, but the applicant has stated that they're not interested in widening 60 Street, which is staff recommendation for approval number 3, we would omit that in making the motion?

MR. RIVERO: What it would be, it would be approval of request #1, subject to acceptance of the Board -- proffered covenant and approval of Request No. 2, and you would ask to delete Condition No. 3, with a modified approval, that they provide that portion of 60 Place connecting to 54 Terrace.

BOARD MEMBER LAGO: So it would be modified approval for #3?

MR. RIVERO: No, it would be approval of request #1, subject to your acceptance

of the proffered covenant, and approval of Request No. 2 with conditions, and you would delete Condition No. 3 in our report.

BOARD MEMBER KRIEGER: I have some thoughts. So, first of all, I appreciate everybody's passion in coming forward here. I'm personally a big fan of small democracy, and that has taken action tonight.

Obviously, this is a question that many of the residents in the area are very passionate about. I applaud you all for coming out and taking the time, regardless whether or not you like bed time or bath time.

So we, as a board here, we represent you all, our neighbors here, and we have to weigh the interests of both sides, and not just the applicant itself on one side, but also the interest of the larger community, which does look for density and increasing density as we grow as a community. On the other hand, it has to be taken in a way that is compatible, not

only with the area itself, but the larger purpose.

Personally, I heard everybody's arguments, and there's a lot of points that were made collectively. First of all, traffic, neighborhood culture, environmental impacts to flora and fauna, the presence of green space and canopy and lot sizes. I will say a lot of these are very persuasive.

I will say that there are some arguments that are not as persuasive, and I'll just let you know that. It looks like from the majority of the people who opposed this, and I'm not exactly sure on my math, but a large portion of the people are living currently on lot sizes that are smaller than what is being proposed. So the actual argument I see for lot sizes is not very persuasive.

Also, we are limited in what we can and cannot do. As I think everyone acknowledges in this room, regardless of whatever we say, even if we deny it completely with prejudice, the owners of

the property are able to develop that property into five lots. And that will be disruptive to the environment, it will be disruptive to green space, it will be disruptive in all of the ways that you're saying and no one here can stop that, right? So no matter what, we cannot stop them from doing that, right? At the same time, we have to weigh the interests of the property owners.

Now, what I will say is that, as the applicant acknowledged, they could have brought a site plan. And I think the biggest problem that I'm hearing from everyone here tonight is just that there's too many questions. And, again, the applicant is not required to bring a plan here, but I don't want to speak for my fellow Board Members. I know that, in my experience, I have seen many different proposals come forward that do provide site plans, that do provide clarity to the neighbors, not just clarity to the neighbors, but also conversations with the neighbors. I have not really heard the

applicant engaging in those conversations with the neighborhood, and, you know, really giving information about what is specifically to be built.

And, frankly, at this point, I understand that the idea is let's just ask for everything we can get, then to come in (inaudible), personally I don't like that, that process, because it leaves too much questions.

As Mr. Diaz De La Portilla knows very well of this Community Council, he was instrumental in creating this Community Council, the reason that we exist is to provide a first step for the communities. As you all know, there are many municipalities in Miami-Dade County. If there's a zoning issue, they go to that municipality, because the municipalities are small enough such that it would be considered that that board of the governing body of those municipalities would be close enough to their constituents in order to make these decisions.

However, Miami-Dade County is so large, especially unincorporated, the reason these were created, and I don't have to tell the applicants, the attorney was very involved in this, creating this, was to provide this first line for the community on this process.

And what I'm hearing from the community as represented is that there's just not enough information to weigh in on this. And so I would think that it would be best for the applicant to take some time and develop some of those plans, have some of those conversations in the community and then come back to this Board with those answers, because, you know, as someone who absolutely, completely understands viscerally wanting to keep car traffic away from places where people, and our children and our pets play, you know, it is very possible that the plans that they eventually submit will absolutely not encumber that traffic, will absolutely not encumber that concern and will not impact that in any way whatsoever. However, as a

Board Member here representing the community, I can't say for sure whether or not that's going to happen.

And with that in mind, I cannot in good faith approve this.

BOARD MEMBER PRASCHNIK: I want to thank everyone for coming out tonight. We heard you. I heard you. And for the record, I will be voting no. I like that the community came out and we need to listen to our residents.

BOARD MEMBER LLANEZA: I also want to thank everyone for coming out. I have personal ties to the neighborhood, a family member of mine used to live there and I personally have seen how many times people are walking down the street, and, you know, the kids are playing and it's a very just friendly neighborhood. So a lot of those stories resonated with me, and agree with my Council Members that this a board that listens to you and want to voice your concerns and do right by you. And so I agree, I will not be supporting this application.

BOARD MEMBER KRIEGER: Through the Chair, per staff, hypothetically speaking, if there were to be a motion to deny without prejudice, that would give the applicant the ability to come back to us with more detailed plans in the future and then they could ask for the same or similar requests, but with more information; is that correct?

MS. SCHWADERER RAURELL: Yes, that's correct, and I would defer to staff on the amount of time. The difference between a denial with prejudice and without prejudice is the amount of time an applicant would need to wait to bring the same application back. If it is a less intense application is not really subject to the same restrictions.

BOARD MEMBER KRIEGER: Understood. Thank you.

Mr. Rivero.

MR. RIVERO: Without prejudice, it will be 12 months, if it's the same application. If it's with prejudice, it's 18 months, but it could, like, the County

attorney referenced, they could submit a less intense application.

BOARD MEMBER KRIEGER: Given those two options in this process, is it still possible for the applicant to withdraw or defer this application and not have a decision by this Board that would encumber them for a minimum of 12 months?

MS. SCHWADERER RAURELL: I would suggest getting from the applicant on their position on that.

BOARD MEMBER KRIEGER: Sir?

MR. DIAZ DE LA PORTILLA: Well, I would say, of course, a motion to defer by the Board is always in order on an application. We could move to defer. For example, obviously your decision or you could vote it up or down, or deny, yes, or approve it.

CHAIRMAN CARBONELL: Question, if we were to defer, would you go and do a public (inaudible)?

MR. DIAZ DE LA PORTILLA: Mr. Chairman, I want to make real clear, as I said earlier, I know Mr. Marko, who is one

of the persons who spoke with the objectors, for over 30 years. I communicated with Mr. Marko. I spoke with Mr. Marko extensively about what our plans were, wanted to do. I asked repeatedly, and I can prove it, Mr. Marko would agree, to meet with the neighbors. They did not want to meet with us. They did not want to meet with us. I can show you. I can show you. Mr. Marko himself will say. You know, they did not want to meet with us. We offered to meet with the neighbors multiple times.

Just last Thursday, I emailed Mr. Winker, asked to meet with the neighbors, we were ready, willing and able to meet with them at any time to again go over these things, answer, you know, whatever questions they had, but they didn't want to. So I think at this juncture, you know, we would prefer an up or down vote on the application.

BOARD MEMBER KRIEGER: Personally, I feel that maybe when you said you're ready to have that conversation, I would

disagree. I would say that I think ready for a conversation would be to show plans, to show what you want to do, because I see in what you're talking about many possibilities for development there that would be amenable to your client, but also agreeable to the community. I don't see this as necessarily being something that the community is completely against necessarily, right? There is I believe a compromised solution that can be found with open dialogue. And I think from the applicant's side, open dialogue means kind of showing your cards here and showing plans in order to allow the community to fully understand what the intents are of the developer.

MR. DIAZ DE LA PORTILLA: Councilman Krieger, very respectfully, I heard a number of people saying they don't want any rezoning at all. They want it to stay exactly the same. We had folks saying, oh, they have five acres; they need to keep five acres. You know, I really think that it would simply just delay us at this

point. We'd ask for an up or down decision on our application.

It has to be through the Chair, and through me. Thank you.

BOARD MEMBER KRIEGER: Thank you.

CHAIRMAN CARBONELL: Thank you.

At this point, would anyone like to put forth a motion?

BOARD MEMBER KRIEGER: I'd like to put forward a motion to deny the application without prejudice.

CHAIRMAN CARBONELL: Do I hear a second?

BOARD MEMBER PRASCHNIK: Second.

MR. RIVERO: I have a motion to deny the application without prejudice. The motion was made by Board Member Krieger, seconded by Board Member Praschnik.

I will call the roll.

Board Member Krieger?

BOARD MEMBER KRIEGER: Yes.

MR. RIVERO: Board Member Lago?

BOARD MEMBER LAGO: No.

MR. RIVERO: Board Member Llaneza?

BOARD MEMBER LLANEZA: Yes.

MR. RIVERO: Board Member Praschnik?

BOARD MEMBER PRASCHNIK: Yes.

MR. RIVERO: Chairperson Carbonell?

CHAIRMAN CARBONELL: Yes.

MR. RIVERO: Motion carries 4 to 1. The application is denied without prejudice.

(Thereupon, at 9:32 p.m., the meeting was concluded).

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Lorena Ramos, National Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the meeting of Communing Zoning Appeals Board 12, held before the Board, on the 13th day of September 2023; and that the foregoing transcript, pages 1 through 154, is a true record of my stenographic notes.

DATED this 10/19/2023 in the City of Miami, Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, COURT REPORTER
Registered Professional Reporter

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

PH: Z23-174 **March 20, 2025**
Item No. 8C1

Recommendation Summary	
Commission District	2
Applicant	Shemesh Inc.
Summary of Requests	The applicant seeks to permit a rezoning of the entire subject site which consist of BU-1, BU-2 and BU-3 (Business Uses) and RU-1 (Residential Use) zoning districts, in order to unify the zoning on the subject site to BU-3 (Liberal Business District) to expand the existing warehouse uses on the adjacent parcel. A covenant has been voluntarily proffered that restricts the use on the property to cold storage, pre-cooling warehouse space, wholesale salesroom, warehouse, storage rooms, and other similar uses, and provides for dissimilar use buffering from the adjacent residential properties.
Location	6851 NW 32 Avenue and lying east of NW 32 Avenue between NW 68 Street and NW 69 Street, Miami-Dade County, Florida.
Property Size	±1.78 Acres
Existing Zoning	BU-1, Neighborhood Business District BU-2, Special Business District BU-3, Liberal Business District RU-1, Single-Family Residential District
Existing Land Use	Industrial warehouse
2030-2040 CDMP Land Use Designation	Business and Office **(Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014) *** *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval, subject to the Board's acceptance of the proffered covenant (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014 and it becoming effective) ***

*** This recommendation is contingent on approval of the CDMP amendment Application No. CDMP20230014 to amend the CDMP, which the Board of County Commissioners (the Board) is scheduled to hear, pursuant to section 2-116.1 of the County Code, prior to and on the same day as the hearing on this concurrent zoning application.**

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 2-116.1(5)(e), which provides that the zoning application shall, at the applicant's request, be processed concurrently with the CDMP amendment application, and the Board of County Commissioners may take action on the concurrent zoning application on the same day at which it takes final action on the CDMP amendment application.

REQUEST:

District Boundary Change from BU-1, Neighborhood Business District, BU-2, Special Business District, BU-3, Liberal Business District, and RU-1, Single-Family Residential District, to BU-3, Liberal Business District.

PROJECT HISTORY AND DESCRIPTION:

The ±1.78-acre subject property consists of four (4) parcels, with a history of zoning applications dating back to 1973. In 1973, pursuant to Resolution #Z-172-73, the Board of County Commissioners (BCC) approved a District Boundary Change from RU-3B to BU-1, and denied without prejudice the alternative Use Variance to permit the BU-1 use in a RU-3B zone. Said hearing had also denied the request for an Unusual Use to permit non-commercial parking for the parcel under folio #30-3116-001-0020.

In addition, the parcel located at 6851 NW 32 Avenue has also been the subject of multiple zoning applications for the establishment of the current use, which includes a wholesale kosher food distribution business. In 1974, pursuant to Resolution #4-ZAB-466-74, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, a variance from the subdivision regulations requiring sidewalks in all business and residential areas. In 1975, pursuant to Resolution #Z-298-75, the BCC denied without prejudice a request for a District Boundary Change from BU-2 and RU-3B to BU-3 and approved with conditions a use variance and special exception to permit the expansion of an existing frozen seafood products business (sales and storage) in the BU-2 and RU-3B zones, as would be permitted in the BU-3 zone, a variance to permit eight (8) parking spaces within 25 feet of an official right-of-way, and a variance waiving the required 5-foot decorative masonry wall along the common property line between business and residential districts. In 1976, pursuant to Resolution #Z-135-76, the BCC approved a District Boundary Change from RU-3B to RU-1, for over 20 acres of land, that encumbered the portion of the property to the east. In 1980, pursuant to Resolution #4-ZAB-359-80, the Metropolitan Dade County Zoning Appeals Board denied without prejudice the following requests: (1) Modification of Condition #3 of Resolution #Z-298-75, (2) Elimination of conditions #1 and #2 of #Z-298-7, which limited the building and parking area from extending further back from the centerline of NW 32 Avenue, (3) Special Exception to permit the expansion of the existing frozen seafood products business and (4) Unusual Use to permit non-commercial parking on contiguous property under the same ownership in a district more restrictive than the use permitted. The purpose of the aforementioned requests was to allow the applicant to submit revised plans showing an addition to the existing building and additional proposed parking. Subsequently, the applicant appealed the decision of the Metropolitan Dade County Zoning Appeals Board to the BCC. Pursuant to Resolution #Z-243-80, the BCC approved the appeal and overruled the decision of the Zoning Appeals Board.

Staff notes that the applicant has concurrently filed a small-scale amendment application (CDMP20230014) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP application seeks to re-designate the ±1.78-acre subject parcel from “Business and Office” and “Low Density Residential”, to “Business and Office”. The CDMP amendment would be subject to the Board’s acceptance of a proffered Declaration of Restrictions (CDMP covenant) requiring among other things, that the uses on the Property be limited to cold storage and pre-cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses. The CDMP covenant also commits to adequate buffering

and/or screening between the subject property and the adjacent residential uses as reasonably required by Miami-Dade County during the site plan review for the development of the site as a warehouse/wholesale space. Approval of this zoning application is contingent on the approval of the concurrent CDMP amendment Application No. CDMP20230014 and it becoming effective.

Under the current zoning public hearing application, the applicant seeks an approval of a district boundary change on the entire property in order to unify the zoning on the ±1.78-acre subject site, which currently consists of BU-1, Neighborhood Business District, BU-2, Special Business District, BU-3, Liberal Business District, and the RU-1, Single-Family Residential zoning Districts, to BU-3, Liberal Business District, in order to expand the existing warehouse uses on the adjacent parcel. Staff further notes that although there were no plans submitted for the subject application, the applicant has voluntarily proffered a zoning Declaration of Restrictions in support of this application that includes several key provisions. The zoning covenant restricts the uses on the property to cold storage, pre-cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses. The covenant also requires the applicant to provide necessary buffers between the proposed industrial development and adjacent residential areas, in accordance with the dissimilar use buffer requirements outlined within the Miami-Dade County's zoning regulations.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-1, BU-2, BU-3, RU-1; industrial food processing and vacant parcels	Business and Office (**Subject to approval of the concurrent CDMP amendment)**
North	BU-2 & RU-1; commercial and single-family residences	Business and Office & Low Density Residential 2.5-6 DU/AC
South	BU-3 & RU-1; industrial warehouse storage and single-family residence	Business and Office & Low Density Residential 2.5-6 DU/AC
East	RU-1; vacant parcels and single-family residences	Low Density Residential 2.5-6 DU/AC
West	IU-1; commercial and industrial warehouses	Industrial and Office

NEIGHBORHOOD COMPATIBILITY:

The ±1.78-acre subject property consists of four (4) parcels generally located east of NW 32 Avenue (a half section line right-of-way), between NW 68 Street and NW 69 Street. The largest parcel, approximately ±1.25 acres, is located to the north of NW 68 Terrace and includes an existing wholesale kosher food distribution business, while the remaining three (3) parcels, totaling approximately ±0.53 acres, are located south of NW 68 Terrace and are currently vacant. The surrounding area to the north and south is characterized by a mix of commercial, industrial warehouse and single-family residential. To the west along NW 32 Avenue, properties primarily consist of industrial warehouses with ancillary commercial uses, while the neighborhood to the east features detached single-family residences or vacant residential lots.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the properties to BU-3, in order to unify the zoning across the subject site and facilitate the expansion of the existing warehouse uses on the adjacent parcel. Based on memoranda from the departments reviewing this application, any additional impacts will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that this application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. In addition, the proposed expansion of existing use will generate approximately an additional 5 PM peak hour vehicle trips. Staff notes that the application may increase traffic and noise in the area. However, given that the surrounding area is primarily characterized by industrial and commercial uses, and that appropriate buffers will be required for the residential properties adjacent to the site, approval of the application is unlikely to negatively affect the character of the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

As previously mentioned, the subject property is the subject of a standard CDMP amendment application (CDMP20230014) being processed concurrently with this zoning application, pursuant to Section 2-116.1(5)(d)(e) of the Code of Miami-Dade County. The concurrent CDMP application is slated to be heard by the Board of County Commissioners, prior to the zoning hearing application. The CDMP application seeks to re-designate the ±1.78-acre subject parcel from “Business and Office” and “Low Density Residential” to “Business and Office.” The **Business and Office** CDMP land use category *accommodates a full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment, cultural facilities and residential uses*. The area designated "Business and Office" (±1.13 acres) may be developed with up to 19,689 square feet of retail space. However, as previously mentioned there is an existing 19,225 sq. ft. wholesale kosher food distribution business on site that predates the adoption of the CDMP. Zoning approvals date as far back as 1975 (see Project History section above for details).

The purpose of the BU-3, zoning district is to provide for large scale commercial activities. In addition, the BU-3 district allows all the uses permitted in the BU-1, Neighborhood Business District, BU-1A, Limited Business District and BU-2, Special Business District, such as banks, beauty parlors, antique shops, bakeries and drug stores as well as service stations, auto parts stores, drycleaners, retail stores and groceries. Additionally, the BU-3 district allows cold storage and pre- cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses. As such, the proposed rezoning to BU-3 would be **consistent** with the CDMP LUP map Business and Office designation.

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*. Further, CDMP Land Use Element, **Policy LU-4D** states that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements* ***and buffer any potentially incompatible elements****.* Staff opines that the proposed zoning change to BU-3, will provide a reasonable transition

between the industrial zoned properties to the west and the residential development that is located to the east of the subject properties. In addition, the applicant has provided a zoning covenant that among other things mandates for the applicant to provide the necessary buffers between the proposed industrial development and the adjacent residential uses as reasonably consistent with the dissimilar use buffer requirements in the Miami-Dade County's zoning regulations.

Therefore, subject to the Board's approval of the CDMP small-scale amendment to allow the redesignation of the subject property to Business and Office, staff opines that the proposed rezoning to BU-3 in order to unify the zoning on the subject site and to expand the existing warehouse uses would be **consistent** with the CDMP Land Use Element interpretative text for the Business and Office use. 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 BU-1, Neighborhood Business District, BU-2, Special Business District, BU-3, Liberal Business District, and RU-1, Single-Family Residential District, to BU-3, Liberal Business District, on the ±1.78-acre subject property. For the reasons stated above and below, staff opines that when the request to rezone these parcels to BU-3, to unify the zoning on the subject site and to expand the existing warehouse uses on the adjacent parcel, is analyzed under Section 33-311, District Boundary Change, the approval of the request would be **compatible** with the surroundings when considering the necessity and reasonableness in relation to the present and future development of the area concerned, and would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. 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 health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration to, 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, contingent on the approval of the CDMP land use map amendment to redesignate the subject parcel to Business and Office, approval of the BU-3 zoning district on the subject property would minimally alter the development fabric of the neighborhood and would create a harmonious transition between the industrial zoned properties to the west and the residential uses to the east of the subject site.

Staff notes that the subject property, totaling approximately ±1.78 acres, consists of four (4) parcels. Of these, approximately 43,748 sq. ft. (±1.0 acre) of the western portion, fronting NW 32 Street and NW 68 Terrace, is currently zoned for business uses, including BU-1, BU-2, and BU-3. The remaining ±33,652 sq. ft. (±0.78 acre) is zoned RU-1, with approximately 27,412 sq. ft. (±0.62 acre) of the eastern portion of the parcel at 6851 NW 32 Avenue having been approved pursuant to Resolution #Z-243-80 to permit non-commercial parking on contiguous property under the same ownership in a district more restrictive than the use permitted (see Figure 1 for details).

(Space intentionally left blank)

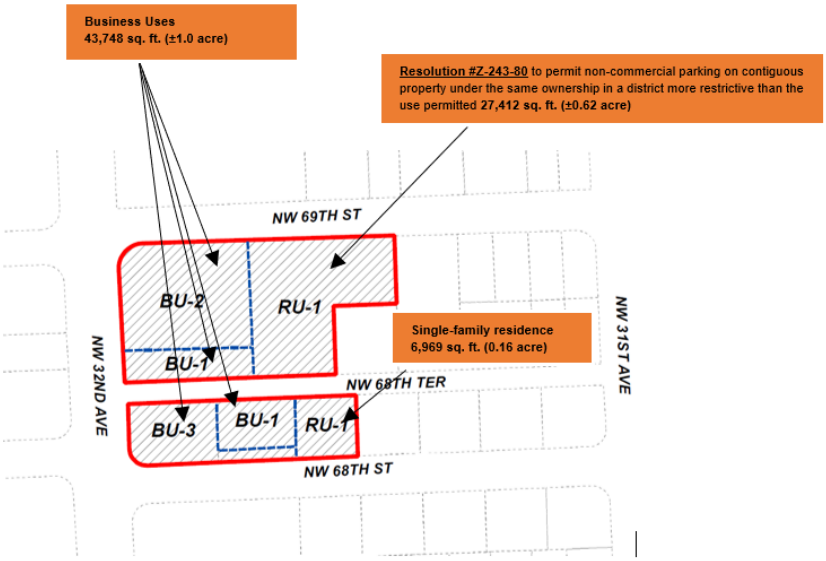


Figure 1

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application and indicate in their memorandum, dated September 9, 2024, that this application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. In addition, the proposed expansion of existing use will generate approximately an additional 5PM peak hour vehicle trips. Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum dated March 7, 2025, indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. In addition, the memoranda submitted by the Miami-Dade Fire Rescue Department and the Water and Sewer Department indicate no objection to the application as well. Based on the aforementioned department memoranda, staff opines that approval of the applicant's request for a district boundary change will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, or cause undue or excessive burden on public facilities.

Staff notes that although no site plans were submitted as part of this application, the applicant has voluntarily proffered a zoning covenant in support of this public hearing application that restricts the uses on the subject property to cold storage, pre-cooling warehouse space, wholesale salesroom, warehouse and storage rooms, and other similar uses. The covenant also requires that the applicant shall provide the necessary buffers between the proposed industrial development and the adjacent residential areas in accordance with the dissimilar use buffer requirements outlined in the Miami-Dade County Code. Staff further notes that the CDMP covenant for the re-designation of the subject site to 'Business and Office', has also restricted the use of the subject property to certain warehouse-related uses and requires that the applicant provide the necessary buffers between the subject property and the adjacent residential uses as reasonably required by Miami-Dade County during the site plan review process.

As such, staff opines that approval of the request to rezone the subject parcel to BU-3, Liberal Business District, in order to expand the existing warehouse uses on the adjacent parcel, would not be out of character with the area and would be **compatible** with same, when considering the necessity and reasonableness of the zone change in relation to the present and future development of the area. **Therefore, staff recommends approval of the district boundary change to BU-3, Liberal Business District, under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014 and it becoming effective)**

ACCESS, CIRCULATION AND PARKING: None

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered covenant. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014 and it becoming effective)

CONDITIONS FOR APPROVAL: None.

ES:JB:SS:EA

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Shemesh Inc.

PH: Z23-174

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

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

Business and Office	*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, entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Light industrial uses are also permitted in the Business and Office category within an approved Employment Center. Also allowed are telecommunication facilities such as cell towers and satellite 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 Policies LU-9O and LU-9P, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas. Residential uses, and mixing of residential use with commercial, light industrial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site.* ***(*Subject to approval of the concurrent CDMP amendment Application No. CDMP20230014)***

ZONING RECOMMENDATION ADDENDUM

Shemesh Inc.

PH: Z23-174

Policy LU-4A (Page. I-11)	*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.*
Policy LU-4D (Page. I-8)	*Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and **buffer** any potentially incompatible elements.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F) **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) 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;* *(5) 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.*

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SHEMESH, INC.	N/A MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
PENDING	Z2023000174
DATE	**HEARING NUMBER**

FOLIO No: 30-3116-000-0650/30-3116-001-0030/30-3116-001-0010/30-3116-000-0020

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:
February 20, 2025

NEIGHBORHOOD REGULATIONS:
Folio No.: 30-3116-000-0650
There are no open/closed cases in CMS.

Folio No.: 30-3116-001-0020
Case No. 202405003300 was opened on 08/16/2024. Warning Notice W442979 was issued on 08/21/2024 for UNAUTHORIZED USE IN AN BUSINESS - NEIGHBORHOOD DISTRICT (BU-1), TO WIT: UNPERMITTED/UNAUTHORIZED USE INCONSISTENT WITH SECTION 33-238 OF MIAMI DADE CODE ORDINANCE; OBSERVED BU-1 VACANT LOT USED TO PARK/STORED SEVERAL COMMERCIAL CATEGORY 3 BOX TRUCKS. A compliance inspection conducted on 09/20/2024 revealed that the violation was corrected. Case is closed.

Folio No.: 30-3116-000-0030
Case No. 202405003403 was opened on 08/26/2024. Warning Notice W443242 was issued on 08/26/2024 for UNAUTHORIZED USE IN A SINGLE FAMILY RESIDENTIAL DISTRICT (RU-1), TO WIT: ILLEGAL USE INCONSISTENT WITH SECTION 33-199 OF MIAMI DADE CODE ORDINANCE; OBSERVED SEVERAL VEHICLES PARKED/STORED ON VACANT RESIDENTIAL LOT. A compliance inspection conducted on 09/25/2024 revealed that the violation was corrected. Case is closed.

Folio No. 30-3116-001-0010

Case No. 201705004111 was opened on 07/14/2017. Warning Notice W249646 was opened on 07/19/2017 for UNAUTHORIZED USE IN A BUSINESS - LIBERAL DISTRICT (BU-3), TO WIT: UNLAWFULLY UTILIZING CONTIGUOUS VACANT LOTS 30-3116-001-0010, 0020 & 0030 TO PARK/STORE MULTIPLE VEHICLES. Since compliance was not met, Civil Violation Notice T070667 was issued on 08/07/2017 for UNAUTHORIZED USE IN A BUSINESS - LIBERAL DISTRICT (BU-3), TO WIT: UNLAWFUL USE OF CONTIGUOUS VACANT LOTS 30-3116-001-0010, 30-3116-001-0020 & 30-3116-001- 0030 TO PARK/STORE MULTIPLE VEHICLES. A lien was recorded on 01/08/2020 under book 31764/page 1339. There are outstanding fees with the Department of Finance Credit and Collections.

Case No. 202405003301 was opened on 08/16/2024. Warning Notice W442971 was issued on 08/21/2024 for UNAUTHORIZED USE IN A BUSINESS - LIBERAL DISTRICT (BU-3), TO WIT: UNPERMITTED/UNAUTHORIZED USE INCONSISTENT WITH SECTION 33-255 AND 33-256.4 OF MIAMI DADE CODE ORDINANCE; OBSERVED BU-3 VACANT LOT USED FOR PARKING/STORING OF SEVERAL VEHICLES. Since compliance was not met, Civil Violation T124099 was issued on 09/20/2024 for UNAUTHORIZED USE IN A BUSINESS - LIBERAL DISTRICT (BU-3), TO WIT: UNPERMITTED/UNAUTHORIZED USE INCONSISTENT WITH SECTION 33-255 AND 33- 256.4 OF MIAMI DADE CODE ORDINANCE; OBSERVED BU-3 VACANT LOT USED FOR PARKING/STORING OF SEVERAL VEHICLES. SHOULD YOU HAVE ANY QUESTIONS, DO NOT HESITATE TO EMAIL ME AT CHRISTOPHER.WILSON2@MIAMIDADE.GOV OR CALL 786-769-8732 BETWEEN 7:00 AM TO 3:30 PM - MONDAY THRU FRIDAY. Citation is on appeal.

BUILDING SUPPORT REGULATIONS:
Folio No.: 30-3116-001-0030/30-3116-001-0010/30-3116-001-0020
There are no open/closed cases in BSS.

Folio No.: 30-3116-000-0650
Case No. B2024014038F was opened on 08/05/2024. Citation P053443 was issued on 08/05/2024 for **SECTION 8-11(f) OF THE FLORIDA BUILDING CODE:** FAILURE TO OBTAIN A BUILDING RECERTIFICATION. Citation in on appeal.

VIOLATOR:
SHEMESH, INC.

OUTSTANDING LIENS AND FINES:
There is an outstanding lien with Finance Credit and Collections (FCC) under case201705004111. Please contact FCC at 786-469-5200 for additional details.

Memorandum

MIAMI-DADE COUNTY

Date: March 7, 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: Z2023000174-6th Review
Shemesh Inc
6851 NW 32nd Avenue
DBC for three parcels from RU-1 and BU-1 to BU-3 to expand a wholesale kosher food distribution business.
(BU-3) (1.78 acres)
16-53-41

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) is currently reviewing concurrent application No. CDMP20230014. If the CDMP application is denied, then DERM recommends that this concurrent zoning application be denied, as it would be inconsistent with the unamended CDMP. Accordingly, DERM's analysis and recommendations consider whether this concurrent zoning application is consistent with the CDMP amendment as requested by the applicant and with the applicable zoning and other land development regulations.

Finally, if the Board adopts the CDMP application but with modifications, the recommendations and analyses provided in this report may have to be supplemented or revised to address any such modifications.

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.

Potable Water Service and Wastewater Disposal

This request is for a district boundary change from RU-1 and BU-1 to BU-3 for an expansion of an existing food distribution business. According to DERM records the existing building is connected to public water and sanitary sewers. Pursuant to the Code, the proposed development shall connect to public water and sanitary sewers in accordance with Code requirements. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County recorded in Official Records Book 34644, Page 232, acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development

order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins which have been determined not to have adequate capacity cannot be approved, until adequate capacity becomes available.

Please be advised, DERM review and approval is required for any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

Conditions of Approval: None

Water Control Review

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year storm event.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources, and 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. DERM has no objection to this application provided that the applicant obtains a Miami-Dade County Tree Removal Permit prior to the removal or relocation of the non-specimen trees on site.

The subject application, which requests a district boundary change from BU-1, BU-2, and RU-1 to BU-3 could result in tree removal/relocation activity to trees. **Any DERM recommendation or approval of the district boundary change shall not be interpreted as approval for the removal or relocation of any tree resources on site.**

The applicant is advised to contact the Tree and Forest Resources Section at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

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 for additional information or concerns regarding 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: February 27, 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: ***UPDATED*** Zoning Application Comments - Shemesh Inc DBC
Application No. Z2023000174

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. *This application is filed concurrently with CDMP Application No. CDMP20230014* to redesignate the portion of the property to the east to "Business and Office" on the Land Use Plan map. *The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval for any future development.*

Application Name: Shemesh Inc DBC

Location: The proposed project is located on approximately 1.78 acres, on the east side of NW 32nd Avenue between NW 68th Street and NW 69th Street, with Folio Nos. 30-3116-000-0650 (Parcel 1), 30-3116-001-0010 (Parcel 2), 30-3116-001-0020 (Parcel 3), and 30-3116-001-0030 (Parcel 4), in unincorporated Miami-Dade County.

Proposed Development: The Applicant seeks to rezone Parcels 1, 3, and 4 to BU-3 (Liberal Business District) in order to expand its existing wholesale kosher food distribution business. Parcel 1 is developed with a wholesale kosher food distribution business, the principal use on the Property, and Parcels 2, 3 and 4 are undeveloped. The square footage of the proposed development was not provided.

Please note that the subject property has a 5 feet Utility Easement within and along the northern boundary of parcels 2, 3, and 4. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Hialeah-Preston Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

The property with folio number 30-3116-000-0650 (Parcel 1) is connected to water. Per WASD's Rules and Regulations, any future commercial development must be connected to a 12-inch water main. Therefore, there is an existing 24-inch water main located along NW 32nd Avenue, to where the developer may connect and extend a new 12-inch water main easterly along NW 68th Terrace to the northeast corner of the property with folio number 30-3116-001-0030 (Parcel 4), interconnecting to an existing 8-inch water main at that location in order to provide water service to future development.

Any public water main extension within the property shall be 12-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connections. *Final points of connections and capacity approval to connect*

to the water system will be provided at the time the applicant requests connection to the water infrastructure.

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to: http://www.miamidade.gov/water/water-supply-certification.asp

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program, please go to: http://www.miamidade.gov/conservation/home.asp

For information concerning the Water-Use Efficiency Standards Manual please go to: http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. The CDWWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the CDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

The property with folio number 30-3116-000-0650 (Parcel 1) is connected to sewer. Any future development may connect to any of the following:

1. An existing 8-inch gravity sewer abutting the property along NW 69th Street.

2. An existing 8-inch gravity sewer abutting the property along NW 68th Terrace.

3. An existing 8-inch gravity sewer abutting the property along NW 68th Street.

Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.

If Unity of Title does not apply, then any gravity sewer within the property shall be public and 8-inch minimum diameter.

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) No. 115 and P.S. No. 1. Both pump stations are currently in OK Moratorium Code Status.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

http://www.miamidade.gov/water/construction-development.asp

http://www.miamidade.gov/water/construction-service-agreement.asp

http://www.miamidade.gov/water/construction-existing-service.asp

http://www.miamidade.gov/water/library/forms/service-agreement.pdf

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

MIAMI-DADE COUNTY

Date: February 27, 2025

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

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

Subject: Z2023000174
Name: Shemesh, Inc.
Location: 6851 NW 32 Avenue
Section 16 Township 53 South Range 41 East

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

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately an additional **2 PM** peak hour vehicle trips.

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.

(*) This application was analyzed comparing the trips generated by the existing land use to the trips generated by the proposed land use change.

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:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.

Memorandum

Date: February 19, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2023000174

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in "EnerGov" on 08/16/2023.

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 Statue 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.

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z23-174
DATE: JUN 29 2023
BY: ISA

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: Shemesh Inc

NAME AND ADDRESS	PERCENTAGE OF STOCK
Gutol Leiter, 5005 Collins Ave Miami Beach FL 33140	100

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.*

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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: _____

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.

X Gutol Leiter
Signature

Gutol Leiber
Print Name

Sworn to and subscribed to before me on the 31 day of May, 2023

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

Notary: _____

JANET CABRERA
Notary Public - State of Florida
Commission # HH 383224
My Comm. Expires Aug 3, 2027
Bonded through National Notary Assn.

Commission expires: Aug 3, 2027

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

FORM REVISION 2019/3

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MIAMI-DADE COUNTY
PROCESS NO: Z23-174
DATE: JUN 29 2023
BY: ISA

Disclosure of Interest

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Shemesh Inc 6851 NW 32 Ave; Miami, Fl. 33147

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area and indicate those properties in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A Shemesh Inc	Shemesh Inc	30-3116-000-0650	1.25 acres
Shemesh Inc	Shemesh Inc	30-3116-001-0010	.19 acres
Shemesh Inc	Shemesh Inc	30-3116-001-0020	.17 acres
Shemesh Inc	Shemesh Inc	30-3116-001-0030	.14 acres

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3. **For each applicant, check the appropriate column to indicate the NATURE OF THE APPLICANT'S INTEREST in the property identified in Section 2 above.**

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
Shemesh Inc	X	n/a	n/a	

4. **DISCLOSURE OF APPLICANT'S INTEREST:** Complete all appropriate sections and indicate N/A for each section that is not applicable.

a. If the applicant is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
Gutol Leiter 6851 NW 32 Ave; Miami, Fl. 33147	100%

b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____

NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF STOCK
Gutol Leiter 6851 NW 32 Ave; Miami, Fl.33147	

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c. If the applicant is a **TRUSTEE**, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: _____

BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

d. If the applicant is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF INTEREST

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BY: ISA

e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

NAME AND ADDRESS	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.

_____

_____

_____

_____

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

a. If the owner is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

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b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____

NAME, ADDRESS, AND OFFICE (If applicable)	PERCENTAGE OF STOCK

c. If the owner is a **TRUSTEE**, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

TRUSTEE'SNAME: _____

BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

d. If the owner is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Nota: where the partnar(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

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PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF OWNERSHIP

e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, listthe names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

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.

_____

_____

_____

_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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BY: ISA

ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; 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 each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in 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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MIAMI-DADE COUNTY
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The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature _____

Printed Name Gutol Leiter

State of Florida
County of Miami-Dade

Sworn to (or affirmed) and subscribed before me by means of (*how the individual appeared check one*): (*how the individual appeared check one*):

☒ physical presence ☐ online notarization this 31st day of May, 2023.
(*date*) (*month*)(*year*)

by Gutol Leiter
(*name of individual swearing or affirming*)

as _____ for _____
(*type of authority, e.g., Officer, Attorney-in Fact*) (*Name of party on behalf of whom executed*)

Individual Identified by: ☒ personal knowledge ☐ satisfactory evidence _____.
(*type*)

JANET CABRERA
Notary Public - State of Florida
Commission # HH 383224
My Comm. Expires Aug 3, 2027
Bonded through National Notary Assn.

(*affix Florida Notary Seal above*)

_____
(Signature of Notary Public)

Janet Cabrera
(typed, printed, or stamped name of Notary Public)

My Commission Expires:

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z23-174
DATE: JUN 29 2023
BY: ISA

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL I

THE NORTH EIGHTY-FIVE (85) FEET OF THE SOUTH ONE HUNDRED NINETY-FIVE (195) FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTI0N 16, TOWNSHIP 53 SOUTH, RANGE 41 EA ST. MIAMI-DADE COUNTY, FLORIDA, LESS THEWEST THIRTY- FIVE (35) FEET THEREOF. AND LESS THE EAST TWO HUNDRED SIXTY- FIVE (265) FEET THEREOF. ANO LESS THE EXTERNAL AREA FORMED BY A TWENTY- FIVE (25) FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, BEING TANGENT TO THE NORTH AND 11-£ST LINES OF THE FOLLOWING DESCRIBED PARCEL OF LAND: THE SOUTH ONE HUNDRED NINETY-FIVE (195) FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTI0N 16, TOWNSHIP 53 SOUTH, RANGE 41 EAST. MIAMI- DADE COUNTY, FLORIDA, LESS THE WEST THIRTY- FIVE (35) FEET THEREOF.
FOLIO NO. 30- 3116- 000- 0650

AND

PARCEL II

THE NORTH EIGHTY- FIVE (85) FEET OF THE SOUTH ONE HUNDRED TEN (110) FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 53 SOUTH RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST THIRTY-FIVE (35) FEET THEREOF, ANO LESS THE EAST THREE HUNDRED FORTY-FIVE (345) FEET THEREOF.
FOLIO NO. 30- 3116- 000- 0650

AND

PARCEL III

LOTS 1, 2, AND 3, OF FIRST ADDITION TO FERN PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, AT PAGE 6 7, OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY. FLORIDA.
FOLIO NO. 30- 3116- 001 - 0010
FOLIO NO. 30- 3116- 007 - 0020
FOLIO NO. 30- 3116- 001 - 0030

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

PH: Z24-020 **March 20, 2025**
Item No. 8C2

Recommendation Summary	
Commission District	9
Applicant	Diego Daniel Rodriguez, Trustee
Summary of Requests	The applicant seeks to permit a rezoning of the subject site from AU (5-gross acre lot) to RU-4L (up to 23 units per net acre), in order to develop the property with a 2-story high, 146-unit townhouse development. Additionally, the applicant also seeks to have less common open space for the detached units than required.
Location	Lying between SW 355 Street and SW 356 Street and between SW 189 Avenue and SW 192 Avenue, Miami-Dade County, Florida.
Property Size	±12.75-gross (±10.44 net) Acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Agricultural groves, vacant land
2030-2040 CDMP Land Use Designation	Low Density Residential w/ One Density Increase (DI-1) **(Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002) *** (*see attached Zoning Recommendation Addendum*)
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)(4)(b), Non-Use Variances From Other Than Airport Regulations (*see attached Zoning Recommendation Addendum*)
Recommendation	**Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective) ***

*** This recommendation is contingent on approval of the CDMP amendment Application No. CDMP20240002 to amend the CDMP, which the Board of County Commissioners (the Board) is scheduled to hear, pursuant to section 2-116.1 of the County Code, prior to and on the same day as the hearing on this concurrent zoning application**.

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 2-116.1(5)(e), which provides that the zoning application shall, at the applicant's request, be processed concurrently with the CDMP amendment application, and the Board of County Commissioners may take action on the concurrent zoning application on the same day at which it takes final action on the CDMP amendment application.

REQUESTS:

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

(2) NON-USE VARIANCE to permit detached single-family residences to have a minimum of 25.25% open space (30% required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled “MDC Diego Rodriguez by: Lennar Homes”, prepared by Pascual Perez Kiliddjian Starr, consisting of 6 sheets, dated stamped received 11/13/2024, floor plans and elevation plans consisting of 44 sheets, dated stamped received 8/1/2024, civil plans as prepared by Robayna and Associates, Inc., consisting of 5 sheets dated stamped received 11/13/2024, and landscape plans as prepared by Witkin Hults + Partners, consisting of 5 sheets, dated stamped received 11/13/2024, for a total of 60 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

Staff notes that the applicant has concurrently filed a small-scale amendment application (CDMP20240002) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP application seeks to re-designate the ±12.75-gross (±10.44-net) acres subject parcel from “Estate Density Residential” (1-2.5 Dwelling units per gross acre), to “Low Density Residential w/ One Density Increase (DI-1)” (6 to 13 Dwelling units per gross acre with sound urban design). The CDMP amendment would be subject to the Board’s acceptance of a proffered Declaration of Restrictions (CDMP covenant) requiring that sound urban design principles are incorporated into the design of the development on the property consistent with the One Density Increase (DI-1), limiting development on the subject site to a maximum of one-hundred and forty-six (146) townhome residential dwelling units, providing proportionate share mitigation prior to tentative plat to mitigate impacts on SW 344 Street, as well as connection to water and sewer service. Approval of this zoning application is contingent on the approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective.

The applicant seeks to rezone the ±12.75-gross acre subject property from AU, Agricultural District, to RU-4L, Limited Apartment House, in order to develop the subject parcels with a 2-story high, 146-unit townhouse development. Additionally, this zoning application also seeks ancillary non-use variance to provide less open space for the townhouse development than otherwise required by code. The applicants have submitted plans that depict the subject site being developed under the townhouse zoning district standards with 146 (one hundred and forty-six) fee-simple townhome residences, each located on an average 1,880 sq. ft. lot, within eighteen separate buildings that are all 2-stories high. The proposed townhouse development will have eight (8) ingress/egress points of direct vehicular and pedestrian access to help facilitate the flow of traffic for the proposed townhome development. There would be four ingress/egress points of access from SW 355 Street, whereas two ingress/egress access points have been provided along both SW 355 Lane Street and SW 356 Street each. The applicant has submitted plans that depict the subject site being developed with a 146-unit townhouse development with parking and private open spaces that are serviced by internal private driveways. These townhomes, consisting of 3-bedroom type dwellings, are two (2)-story high, and do not exceed 35 feet. Staff notes that each townhome is constructed on an individual platted lot containing a minimum lot area of 1,880 sq. ft. and will have a rear yard enclosed with privacy fences. Parking and driveways are internal to the site, and each individual lot. Submitted plans indicate that the proposed lots and blocks are designed along a network of private drives to allow connectivity for pedestrians and autos alike. The site amenities depicted on the submitted plans include designated common open space areas that will include active and passive recreational amenities such as a tot lot and mail kiosks. Submitted landscape plans depict ample landscaping in the form of trees and shrubs provided around the proposed buildings, as well as along the perimeter of the property lines for the subject parcel, with street trees provided along all the abutting roadways. A zoning Declaration of Restrictions is being voluntarily proffered by the applicant that requires that the development of the property shall be limited to a maximum of one-hundred forty-six (146) residential dwelling

units; that the subject parcel shall be developed in substantial compliance with the submitted (controlling) site plans; provides certain urban design guidelines such as landscape buffers, building transitions and other design elements that shall be incorporated into the design of the development on the property consistent with the One Density Increase (DI-1). Furthermore, the zoning covenant also provides that the owner shall comply with the CDMP covenant accepted in conjunction with the approval of CDMP amendment application no. CDMP20240002, being processed concurrently with this zoning hearing application.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	AU; agricultural groves, vacant land	Low Density Residential w/ One Density Increase (DI-1) (**Subject to approval of the concurrent CDMP amendment)**
North	EU-M; single-family residences, vacant land	Estate Density Residential (1 to 2.5 dua)
South	AU; single-family residences, agricultural groves	Estate Density Residential (1 to 2.5 dua)
East	EU-M, single-family residences, vacant land	Estate Density Residential (1 to 2.5 dua)
West	GU; Natural Forest Community	Environmentally Protected Parks

NEIGHBORHOOD COMPATIBILITY:

The subject site is a ±12.75 gross acre comprised of two rectangle shaped parcels which include agricultural groves. It is generally bounded by SW 355 Street on the north, SW 189 Avenue on the east, SW 192 Avenue on the west, and SW 356 Street on the south. The properties to the north of the subject site are single-family residences, including some large lot residences, and vacant land. To the north and east are larger, EU-M zoned single-family properties, AU-zoned residential uses on large lots to the south, and to the west is a natural forest community. Additionally, the subject property is inside and approximately 0.77 miles (4,083 feet) east of the Urban Development Boundary (UDB).

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the subject property in order to provide additional residential uses in this area of the County. Based on memoranda from the departments reviewing this application, any additional impacts will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application meets traffic concurrency criteria, does not exceed the acceptable Level of Service (LOS) on the neighboring roadways and will generate 83 PM daily peak hour vehicle trips. Staff notes that the application may add to the population in the area and may bring additional noise into the neighborhood.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

As previously mentioned, the subject property is the subject of a small-scale CDMP amendment application (CDMP20240002) being processed concurrently with this zoning application, pursuant to Section 2-116.1(5)(d)(e) of the Code of Miami-Dade County. The concurrent CDMP application is slated to be heard by the Board of County Commissioners, prior to the zoning hearing application. The CDMP application seeks to re-designate the ±12.75-gross (±10.44-net) acres subject parcel from "Estate Density Residential" (1 to 2.5 6 Dwelling units per gross acre), to "Low Density Residential w/ One Density Increase (DI-1)" (6 to 13 Dwelling units per gross acre with sound urban design principles incorporated into the design of the proposed development). *The residential densities allowed in* the **Low-Density Residential** *use category shall range from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre*. Furthermore, this category includes the One Density Increase (DI-1) overlay designation provided that sound urban design principles are incorporated into the design of the proposed development, which would allow one density category higher than the aforementioned 2.5 to 6 allowed under Low-Density Residential, and would be from 6 to 13 dwelling units per gross acre. As such, subject to the approval of the concurrent CDMP amendment, this would allow the applicants to develop the ±12.75-gross acre subject site with a maximum total of 165 dwelling units as the maximum density allowed under the CDMP Low Density Residential w/ One Density Increase (DI-1) threshold on the LUP map. Notwithstanding, staff notes that as part of the hearing for this application, the applicants have voluntarily proffered a Zoning Declaration of Restrictions, which restricts that the subject parcel shall be developed in substantial compliance with the submitted site plans for a proposed 146-unit townhouse development. Furthermore, the owner shall comply with the CDMP covenant accepted in conjunction with the approval of CDMP amendment application no. CDMP20240002, that is being processed concurrently with this zoning hearing application. Based on the foregoing, staff opines that the proposed density under this application would be **consistent** and as demonstrated, within the maximum numerical residential density threshold that would be permitted by the Land Use Plan map, as well within the maximum unit count that may be approved under the concurrent CDMP application.

The criteria for determining compatibility is outlined in CDMP Land Use Element, **Policy LU-4A**, among which are *noise, lighting, height, bulk, scale of architectural elements, landscaping and buffering as applicable*. Staff opines that the proposed rezoning for the townhouse development of 146 townhouse residential units, at a density of ±11.45 dwelling units per gross acre, on the subject site would be **compatible** with the development trend within the surrounding area and with the County's policies to appropriately increasing residential densities and intensities of development within the UDB, and the rezoned property will act as a reasonable transition between the residences to the north, south, and east and the natural forest community that is located to west. Furthermore, submitted landscape plans depict ample landscaping in the form of trees and shrubs provided along the perimeter of the property lines for the subject parcel, with street trees provided along the four abutting public roadways. Based on the foregoing, staff opines that the proposed development will be adequately buffered and will not have a significant visual impact on the surrounding properties and would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element and **Policy LU-4A**.

Therefore, subject to the Board's approval of the CDMP small-scale amendment to allow the redesignation of the subject parcel to Low Density Residential w/ One Density Increase (DI-1) on the CDMP LUP map, and subject to the acceptance of the proffered Zoning Declaration of Restrictions, staff opines that the proposed district boundary change to RU-4L on the subject property would be **consistent** with the CDMP Land Use Element interpretative text and the maximum numerical density threshold permitted for the **Low-Density Residential** with One

Density Increase designation 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 AU, Agricultural District, to RU-4L, Limited Apartment House District, on the subject property (request #1). For the reasons stated above and below, staff opines that when the request to rezone the ±12.75-gross (±10.44-net) acre parcel to RU-4L in order to develop the parcel with 146 townhome units, 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 contingent on the approval of the CDMP land use map amendment to redesignate the subject parcel to Low-Density Residential w/ One Density Increase (DI-1) requiring that certain urban design principles be incorporated into the design of the development on the subject property, as well as subject to the acceptance of the proffered zoning covenant, and for the reasons explained in the Comprehensive Development Master Plan Analysis section, the request for a zone change on the subject property to RU-4L would be **consistent** with the aforementioned CDMP designation of the parcel on the CDMP Land Use Plan map, and would be **compatible** with the trend of development in the surrounding area. Staff opines that the proposed 2-story high, 146-unit townhouse development will create a harmonious transition between the single-family residential lots located to the north, south and east of the subject property, and the natural forest community that is located to the west of the site and would not alter the development trend within the surrounding community.

Staff notes that the proposed development complies with all the zoning regulations regarding building setbacks, heights of buildings, common open space, lot area, lot coverage and landscaping. As designed, the proposed townhouse development, with the pedestrian and auto connectivity, proposed residential structures with massing and intensity similar in scale to the surrounding uses, as well as the proposed landscaping, will produce a development that will be compatible with the neighborhood. Additionally, staff opines that based on the submitted landscape plans, the perimeter of the subject parcel is to be substantially buffered with ample landscaping in the form of a continuous row of street trees and shrubs, and that such landscaping elements will create a visual perception of continuous greenery and be sufficient to mitigate any visual or aural impacts generated by the proposed development on the neighboring properties. Staff further opines that the proposed development depicts the applicant's intent to utilize development parameters in a manner that maintains the development trend in the area, comply with the conditions proffered within the CDMP Declaration of Restrictions by incorporating design principles to obtain a CDMP density increase (DI-1); providing proportionate share mitigation prior to tentative plat to mitigate impacts on SW 344 Street; and, connection to water and sewer service. Staff notes that under the requested redesignation on the Land Use Plan (LUP) map to "Low Density Residential w/ One Density Increase (DI-1)" (up to a maximum of 13 Dwelling units per gross acre), the ±12.75-gross acre subject site could be developed with a maximum total of 165 dwelling units. However, staff notes that the applicants intends to develop the parcel with 146 townhouse units which is an approximate density of ±13.98 dwelling units to the net acre (±11.45

dwelling units per gross acre), and has also proffered a zoning covenant that requires that the subject parcel shall be developed in substantial compliance with the submitted site plans, as well as restricts the property to a maximum density of 146 dwelling units.

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the request will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), in their memorandum dated February 3, 2025, states that the application meets traffic concurrency criteria, does not exceed the acceptable Level of Service (LOS) on the neighboring roadways and will generate 83 PM daily peak hour vehicle trips. The Infrastructure Planning Division of the Department of Transportation and Public Works (DTPW) has no objection to the application, subject to conditions set forth in their memorandum, dated December 31, 2024. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum dated December 2, 2024, indicates that the application meets all applicable LOS standards for an initial development order for potable water service, wastewater disposal, and flood protection. In addition, the other departments reviewing the application, including the Miami-Dade Police Department (MDPD), the Miami-Dade Fire Rescue Department (MDFRD), the Office of Historic Preservation (OHP), the Miami-Dade Parks Recreation and Open Spaces (MDPROS) Department, Water and Sewer Department (WASD), and the Miami-Dade Department of Solid Waste Management (DSWM), as well as Miami-Dade County Public Schools, do not object to the application. Based on the aforementioned department memoranda, staff opines that the request for rezoning will not be detrimental to the public welfare or injurious to the other properties in the area 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-4L would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the rezoning in relation to the present and future development of the area. **Therefore, staff recommends approval of request #1, subject to the Board's acceptance of the proffered covenant, for a district boundary change to RU-4L, Limited Apartment House Development, under Section 33-311, District Boundary Change**. **(Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective)**

In order to implement the proposed townhouse development, the applicants are requesting an ancillary non-use variance to permit this development to have 25.25% common open space, where a minimum of 30% of common open space is required (request #2). When these requests are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff notes that these requests are intrinsically intertwined with the request for a zone change to RU-4L which staff supports, and opines that the approval of this request with conditions would be **compatible** with the area concerned, when considering the necessity and reasonableness of the proposed in relation to the present and future development of the area concerned.

When analyzing request #2, staff opines that the common open spaces that are less than required will be internal to the said development, would only impact the interior areas within the subject parcel, and would not create a significant visual impact on the surrounding properties. Staff further opines that though the proposed development will not meet the minimum common open space required for a townhouse development (RU-TH), approximately 25.25% (±3.21 acres) of common open space is being provided on the ±12.75-gross acre subject site, where a minimum of 30% common open space is required by code. Staff opines that the 4.75% (±0.60 acres) common open space reduction is minimal. These proposed common open space areas will include the green open spaces, pedestrian walkways, as well as the recreational amenities provided on site that the

proposed units are arrayed around by design. Staff opines that the common open space variance is mitigated for the residents by providing convenient access to passive and active recreational amenities within the common areas, which are an integral part of the townhouse development. Furthermore, any impact generated by the sub-standard common open spaces will be adequately mitigated by landscaping in the form of trees and shrubs provided along the perimeter of the blocks and around the proposed structures, creating a visual perception of greenery around the proposed units, enhancing the views of passersby along the abutting roadways and from the neighboring residential properties.

Staff, therefore, opines that approval with conditions of the request #2 would maintain 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 variances will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective)**

ACCESS, CIRCULATION AND PARKING: The submitted site plan depicts eight (8) ingress/egress points of direct vehicular and pedestrian access to help facilitate the flow of traffic for the proposed townhouse development. There would be four ingress/egress points of access from SW 355 Street, whereas two ingress/egress access points have been provided along both SW 355 Lane Street and SW 356 Street each. Additionally, the submitted plans indicate that the proposed townhouse development is designed along a network of private drives to allow seamless connectivity to the various individual tracts within the proposed development for pedestrians and autos alike. The proposed townhouse development provides for a total of 329 parking spaces, out of which are provided in the driveways. The proposed development complies with the code minimums that require a total of 329 parking spaces.

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 request #2. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002 and it becoming effective)

CONDITIONS FOR APPROVAL: For request #2 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor Department 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, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "MDC Diego Rodriguez by: Lennar Homes", prepared by Pascual Perez Kiliddjian Starr, consisting of 6 sheets, dated stamped received 11/13/2024, floor plans and elevation plans consisting of 44 sheets, dated stamped received 8/1/2024, civil plans as prepared by Robayna and Associates, Inc., consisting of 5 sheets dated stamped received

11/13/2024, and landscape plans as prepared by Witkin Hults + Partners, consisting of 5 sheets, dated stamped received 11/13/2024, for a total of 60 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicants comply with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Water & Sewer of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 27, 2025.

6. That the applicants comply with all applicable conditions, requirements, recommendations, requests, and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as indicated in the memorandum dated February 3, 2025.

7. That the applicants comply with all applicable conditions, requirements, recommendations, requests, and other provisions of the Infrastructure Planning Division of the Department of Transportation and Public Works (DTPW) as indicated in the memorandum dated December 31, 2024.

8. That the applicants comply with all applicable conditions, requirements, recommendations, requests, and other provisions of the Parks, Recreation and Open Spaces Department (PROS) as indicated in the memorandum dated February 6, 2025.

9. That the applicant submits a Declaration of Restrictions to the Department of Regulatory and Economic Resources (RER) within 30 days of approval of this application, unless a time extension is granted by the Director, for good cause shown.

ES:JB:SS:VM

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

ZONING RECOMMENDATION ADDENDUM

Diego Daniel Rodriguez, Trustee
PH: Z24-020

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

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

Estate Density (Pg. I-31)	*This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.*
Low Density Residential (Pg. I-31)	*The Adopted 2020 and 2030 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.*
With One Density Increase (DI-1) w/ Urban Design (Pg. I-32)	***Density Increase with Urban Design.** Some parcels are designated on the LUP map both with a color designating the allowable residential density basis and one of two hatch patterns. The hatch pattern labeled on the LUP map legend as **DI-1 (Density Increase 1)** denotes that the parcel is eligible for approval of **one density category higher** than the residential density indicated by the underlying color code, and DI-2 denotes eligibility for approval of up to two density categories higher. A property shall be eligible for a DI-1 designation only if the development containing the designated property utilizes **sound urban design principles** adopted by County ordinance or incorporated in the Urban Design Manual endorsed by Resolution R-1360-98 as may be amended from time to time, or addresses the urban design concerns contained in another binding instrument approved by action of the Board of County Commissioners. A property shall be eligible for a DI-2 designation only if it meets the above urban design principles, is located in a transit corridor and addresses in a development agreement or site plan the urban design concerns of identifying civic areas, defining open spaces and streets, incorporating any historic theme and providing a pedestrian-friendly environment along roadways. For purposes of this paragraph, transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP. To provide a transition between the transit corridor and adjacent neighborhoods, the height of buildings along the edge of the corridor should taper for at least 20 horizontal feet to the height of the existing adjacent buildings outside the corridor. However, where the adjacent property is vacant, heights of buildings at the edge of the corridor may be based on adopted comprehensive plans and the zoning of the surrounding area. Existing or proposed developments with vehicular entrances that are controlled or have entry gates with private streets are not eligible for a density*

ZONING RECOMMENDATION ADDENDUM

Diego Daniel Rodriguez, Trustee
PH: Z24-020

	increase designation of DI-1 or DI-2. If the referenced urban design principles are not employed, the allowable density shall be limited to that authorized only by the underlying color code. ***(*Subject to approval of the concurrent CDMP amendment Application No. CDMP20240002)***
Objective LU-4 (Pg. I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-9)	*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.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F)* ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) 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;* *(5) 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.*

ZONING RECOMMENDATION ADDENDUM

Diego Daniel Rodriguez, Trustee
PH: Z24-020

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

RODRIGUEZ, DIEGO, TRUSTEE	N/A MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
PENDING	Z2024000020
DATE	**HEARING NUMBER**

FOLIO No: 30-7826-000-0160/30-7826-000-0173

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:
February 10, 2025

NEIGHBORHOOD REGULATIONS:
Folio No.: 30-7826-000-0160/30-7826-000-0173
There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:
Folio No.: 30-7826-000-0160/30-7826-000-0173
There are no open/closed cases in BSS.

VIOLATOR:
RODRIGUEZ, DIEGO, TRUSTEE

OUTSTANDING LIENS AND FINES:
There are no outstanding liens or fines.

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 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

Subject: Z2024000020-5th Review
Lennar Homes Villas
Southside of SW 355th Street between SW 192nd Avenue and SW 189th Avenue
DBC from AU to RU-4L and NUV for common open space regulations to develop 146 townhomes
(AU) (10.77 Acres)
26-57-38

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 Supply and Wastewater Disposal

Pursuant to the Code and based on the requested district boundary change, the future development is within feasible distance to connect to public water and sewers services. Therefore, the future development shall connect to public water and sanitary sewers in accordance with the Code. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas. Please note that this development will need to obtain water and sanitary sewer extension permits prior to DERM approval of future development orders. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

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

Civil drawing for the required sewer main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Water and Wastewater Division of DERM prior to the approval of final development orders.

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

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

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits, DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins that have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

Please be advised, DERM review and approval is required for any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

Conditions of Approval: None

Wellfield Protection Review

The subject properties are located within the Basic Wellfield Protection Area of the Florida Keys Aqueduct Wellfield. The sites are situated between the 200-day and 100-day travel time contour of said Wellfield. Since the subject request is for residential development, a covenant prohibiting hazardous materials is not required; however, all development shall comply with the requirements of section 24-43 of the Code.

Conditions of Approval: None

Water Control Review

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@miamidade.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 collection of the stormwater runoff generated by a 5-year/1-day storm event.

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

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

The proposed development is located within the 100- and 210-day travel time contour of the Florida Keys Aqueduct Wellfield Protection Area. Pursuant to section 24-43(5)(c)(iv) of the Code baffles must be installed at the exfiltration trenches and no weep hole is allowed inside the drainage structures.

Conditions of Approval: None

Pollution Remediation Review

DERM has records of current contamination issues on the subject site tracked under Diego Rodriguez (DERM file no. HWR-1471). Further, all construction plans (inclusive of drainage) and dewatering plans may require review and approval from the Environmental Monitoring and Restoration Division (EMRD) of DERM as it relates to environmental contamination issues. Be advised that the EMRD review of this application does not constitute an approval of any site plans, drainage plans, or development plans that may be included as part of this application.

Please note that this information relates to future reviews and assessments: for property that is classified as agricultural by the Miami-Dade County Property Appraiser, under certain circumstances, certain DERM activities would be preempted to the Florida Department of Environmental Protection, and such matters would be reviewed on a case-by-case basis to ensure compliance with applicable state law.

Any contaminated portion of the site that is proposed to be sold, transferred, or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for this development. If any contaminated portion of the site is proposed to be sold, transferred, or dedicated to the County, please note that all soil, groundwater or surface water contaminants, solid waste, and methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or manage the proposed property, and for example, would include Department of Parks and Recreation and Open Spaces (PROS) for a park and Department of Transportation and Public Works (DTPW) for road right-of-way. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after public hearing.

If an applicant elects to address soil contamination, groundwater contamination, solid waste, and methane via a No Further Action with Conditions, each individual property owner will be required to execute a restrictive covenant.

Please note that nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans.

Please contact Thomas Kux, P.G. of the DERM Environmental Monitoring and Restoration Division at Thomas.kux@miamidade.gov or (305)372-6700 should you have any questions.

Conditions of Approval: None

Natural Forest Communities Review
This application must comply with Miami-Dade County's CDMP and the Code. The subject property does not contain county designated Natural Forest Community (NFC); however, there is a County owned designated NFC located directly west from the subject site, across SW 192nd Avenue identified by Folio No. 30-7826-000-0080. The development and use of the subject property must avoid adverse environmental impacts to the NFC including the storage of construction materials adjacent to the NFC, drainage, and erosion.

In addition, the applicant is advised that management of the nearby NFC may require the use of prescribed burns to assist in controlling exotic and invasive species. The applicant's property lies within the potential smoke dispersion corridor of this NFC. Consequently, the applicant's property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

Per section 18A-12 of the Code, prohibited species shall not be planted on any site and controlled species shall not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

A review of the landscaping plan submitted entitled "MDC Diego Rodriguez", Sheet L-1, prepared by Steven C. Eaves, R.L.A., and dated as received by Miami-Dade County on August 1, 2024, proposes Dahoon holly (*Ilex cassine*) trees in lieu of the originally proposed Mahogany (*Swietenia mahagoni*) trees. The Dahoon holly tree is not considered a controlled species and therefore is an approvable species to be planted within 500 feet of a native plant community.

The applicant can contact Tim Joyner of the Tree and Forest Resources Section at (305)372-6574 or John.Joyner@miamidade.gov for any questions regarding the NFC, barrier recommendations, and NFC permitting and preservation requirements.

Conditions of Approval: None

Environmentally Endangered Lands (EEL) Review
The subject application is adjacent to Navy Wells Pineland Preserve (Preserve). The Preserve is located on the west side of SW 192nd Avenue and contains Natural Forest Community pine rockland, the second largest outside of Everglades National Park. This Preserve is public conservation land owned by the County and managed by the Miami-Dade County Environmentally Endangered Lands (EEL) Program to be maintained as a natural preserve in perpetuity in accordance with section 24-50 of the Code.

The requested zoning change from AU to RU-4L increases the density and development potential near a fire-dependent pineland. The Preserve is Federally designated Critical Habitat for three animals and two plants: the Florida bonneted bat, Bartram's scrub hairstreak butterfly, Florida leafwing butterfly, Florida Brickell bush, and Carter's sandflax, which also depend on fire to thrive in this pineland.

The Preserve contains pine rockland plant community that requires land management techniques, which include periodic ecological prescribed burning and response to wildfires. Periodic burning, which is generally performed once every three years, is a management technique that reduces the threat of wildfires and is beneficial to wildlife and the rare and endangered plant species within the Preserve. The requested zoning change adjacent to the Preserve will allow increased residential density that does not exist today. This increase in residential density may limit the ability to perform prescribed burns and reduce the ability to control wildfires if development is close to the Preserve. Any dwellings that would be developed with this zoning change on the subject property could be within the potential smoke dispersion corridor and may be affected by periodic smoke events from prescribed burns or unexpected wildfires.

Property owners and/or residents adjacent to the Preserve are usually notified in writing of potential prescribed burns twice per year. Please note that SW 192nd Avenue should serve as an appropriate firebreak between the Preserve and potential development. **The applicant shall clarify if the requested zoning change requires additional dedication of right-of-way on SW 192nd Avenue that could potentially impact the boundaries of the EEL Preserve.** Please note that these portions of SW 192nd Avenue may not be dedicated public road right-of-way, and any improvements (sidewalks, drainage, curb, and gutter) are not permitted within those portions of the Preserve.

A concerning aspect of the potential development is how the subject property will be lit at night. Nighttime lighting interrupts wildlife patterns such as foraging, socializing, and other behaviors. Lighting near plant populations can disrupt photo-sensitive life cycle stages such as flowering and vegetative growth, thus disrupting critical activities of plant and animal species in a globally imperiled habitat. **The application should be updated with information on if and how the proposed development will be lit and it should be consistent with wildlife-friendly lighting best management practices.** The EEL Program has these best management practices available upon request.

DERM requires all construction-related activities to be contained within the applicants' property and further requires efforts to not impact the Preserve.

For more information regarding the Navy Wells Pineland Preserve or the EEL Program, please contact, Janet Gil at janet.gil@miamidade.gov or Robin Gray at robin.gray@miamidade.gov.

Tree Preservation Review

An aerial review of the subject properties indicates the presence of tree resources. A landscape plan entitled "MDC Diego Rodriguez" prepared by Steven C. Eaves, R.L.A., and dated as received by Miami-Dade County on August 1, 2024, was submitted in support of the subject application, and indicates the removal/relocation of non-specimen (a tree with a trunk diameter at breast height less than 18 inches) tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources.

DERM has no objection to this application provided that the applicant obtains a Miami-Dade County Tree Removal Permit prior to the removal or relocation of the non-specimen trees on site. The subject application, which requests a district boundary change from AU to RU-4L could result in tree removal/relocation activity of trees. 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. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

The proposed development lies within 500 feet of a County designated NFC. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of a native plant community (including NFCs). Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

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 for additional information or concerns regarding this review.

Conditions of Approval: None

Endangered Species Review
The application site is within the U.S. Fish and Wildlife consultation area for the endangered Florida bonneted bat (*Eumops floridanus*), and may utilize the subject property for foraging, nesting, and roosting. The County's CDMP has policies and objectives for the protection of habitat critical to federal, state or county designated endangered, threatened, or rare species.

Please be advised that prior to any future development at the subject property, it is recommended that the applicant contact the United States Fish and Wildlife Service (USFWS) in the Vero Beach office at (352)448-9151 and the Natural Resources Division of DERM at jennifer.snell@miamidade.gov or 305-372-6694 with any questions regarding threatened and endangered species.

In support of this application, the applicant submitted "CDMP20240002: Critical Habitat/Endangered Species Assessment" by Smart-Sciences, Environmental Consulting, dated November 21, 2024 ("Assessment"), that provided an evaluation of the potential wildlife habitat impacts of the proposed development on the property. The Assessment states that the property does not provide habitat for the Carter's small flower flax, Florida Brickell-bush, Bartram's scrub hairstreak, or the Florida Leafwing. The Assessment determined that based on USFWS guidelines and field verification, the property offers potential foraging and/or roosting habitat for the Florida Bonneted Bat. According to the Assessment, the applicant consulted with USFWS and will implement Best Management Practices to improve conditions for use by the Florida Bonneted Bat. Also, as per DERM's recommendation, the Assessment states, "If evidence of use by any bat species is observed, the Applicant will discontinue tree removal efforts in that area, contact DERM, and coordinate with the Service on how to proceed." DERM does not have additional comments or recommendations regarding the Assessment.

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

MIAMI-DADE COUNTY

Date: February 27, 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: ***UPDATED*** Zoning Application Comments - MDC Diego Rodriguez
Application No. Z2024000020 - (Pre-App. # Z23P-235)

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: MDC Diego Rodriguez

Location: The proposed project is located on approximately 12.38 acres, on the south side of SW 355th Street between SW 189th Avenue and SW 192nd Avenue, with Folio Nos. 30-7826-000-0160 and 30-7826-000-0173, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is seeking a district boundary change from AU (Agricultural District) to RU-4L (Limited Apartment House District) in order to develop a residential project consisting of 146 Townhomes.

The estimated total water demand for the proposed project will be 24,090 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the South Dade Water Treatment System. Currently, there is adequate treatment and water supply capacity, consistent with Policy WS-2 A (1) of the CDMP.

There is an active WASD Agreement No. 32746 for the subject project. Per approved points of connection (P.O.C.) dated November 7, 2024, since this property is connecting to WASD water system for the first time, the developer is required to install a water main along one entire boundary of the property, as per WASD Rules & Regulations, Section 2.02(1) and 2.04(2)(d).

The Developer shall proceed with any of the following options:

OPTION 1:

The developer shall connect to an existing 16-inch water main (E13824-5) in SW 192nd Avenue and SW 355th Street and extend an 8-inch water main easterly along SW 355th Street to SW 189th Avenue, near the northeastern corner of the development. Note that if more than one fire service is proposed, then the developer shall continue extending the aforementioned proposed 8-inch water main southerly along SW 189th Avenue to a point as required to interconnect to an existing 8-inch water main (E11825-3) in SW 189th Avenue, near the southeastern corner of the property.

The developer shall also, as required, extend an 8-inch water main within the property in dedicated public Right-of-Way (R/W) and/or in WASD easements to a point as required to abut and provide service to the proposed development.

OPTION 2:

The developer shall connect to existing 8-inch water main (E11825-3) in SW 189th Avenue, near the southeastern corner of the property and extend the same 8-inch water main northerly along SW 189th Avenue to SW 355th Street, as required to fully abut one boundary of the development. If any fire service is proposed, then the developer shall continue extending the aforementioned proposed 8-inch water main westerly along SW 355th Street to a point as required to interconnect to an existing 16-inch water main (E13824-5) in SW 192nd Avenue and SW 355th Street.

The developer shall also, as required, extend an 8-inch water main within the property in dedicated public R/W and/or in WASD easements to a point as required to abut and provide service to the proposed development.

Any public water main extension within the property shall be 8-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connections.

A Water Supply Certification (WSC) letter from WASD was issued on December 4, 2024, through WASD Agreement No. 32746. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to: http://www.miamidade.gov/water/water-supply-certification.asp

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program, please go to: http://www.miamidade.gov/conservation/home.asp

For information concerning the Water-Use Efficiency Standards Manual please go to: http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. The SDWWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the SDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

Per said P.O.C., the developer of this project will coordinate with AGR ID 31984 to install the new public pump station on this project's property, given that per developer, this project's schedule is significantly faster. Therefore, the developer shall proceed as follows:

A new public Pump Station will be required. Connect to an existing 8-inch force main (ES9397-4) in SW 192nd Avenue and extend a minimum of an 8-inch force main as required to provide service to the new public Pump Station.

Please be advised that the new public Pump Station site dimensions must be 45 ft X 65 ft, shall be deeded to the WASD and must be shown on the Plat without the encroachment of any utility easements, must have direct access to either a dedicated public right-of-way (R/W) or to an ingress-egress paved access and utility easement with a minimum width of 20 ft.

Additionally, the developer shall connect to the aforementioned proposed Public Pump Station and extend a minimum of 8-inch gravity sewer mains at full depth in public R/W as required to provide service to all the properties within the proposed development.

If UNITY OF TITLE does not apply, then any gravity sewer within the property shall be public and 8-inch minimum diameter.

Notice to the Developer for projects in the vicinity: There might be other development projects that are in the vicinity either downstream or upstream of this project, which are obtaining approval and permits from WASD and other regulatory governmental agencies, which might create a conflict with this project's utility plans and other existing permits.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

http://www.miamidade.gov/water/construction-development.asp

http://www.miamidade.gov/water/construction-service-agreement.asp

http://www.miamidade.gov/water/construction-existing-service.asp

http://www.miamidade.gov/water/library/forms/service-agreement.pdf

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

MIAMI-DADE COUNTY

Date: February 3, 2025

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

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

Subject: Z2024000020
Name: Diego Daniel Rodriguez, Trustee of Diego Daniel Rodriguez Irrevocable Trust, Trustee of Martha Maria Munoz Irrevocable Trust & Trustee of Daniel Jose Rodriguez Irrevocable Trust
Location: Southside of SW 355 Street, Between SW 192 Avenue and SW 189 Avenue
Section 26 Township 57 South Range 38 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections with the concurrency condition below.**

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedication per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of the plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **83 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **exceeds** the acceptable level of service on one of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9888	SW 197 Avenue north of SW 288 Street	C	C
9954	SW 328 Street west of US 1	D	D
9957 (*)	SW 344 Street west of SW 182 Avenue	F	F
F 151	Ingraham Hwy east of Everglades Park Entrance	C	C
F 518	Krome Avenue northwest of US 1	C	C

(*) Traffic Concurrency approval for the Initial Development Order of this application is pursuant to Section 33G-5(6)(a), Code of Miami-Dade County (Code). A widening project has been added to the 2045 Long Range Transportation Plan (LRPT) for the failing roadway. This allows the applicant to be approved for *Initial* Development Order. Please be advised, this application must comply with Section 33G-5(6), of the Code in order to receive *Intermediate* Development Order (Tentative Plat) and/or Final Development Order (Final Plat or Permits) approval. Applicant may enter into a Proportionate Share Agreement to mitigate for traffic concurrency.

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: November 13, 2024

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2024000020

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "EnerGov" on 11/13/2024.

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 Statue 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: December 31, 2024

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

From: Francisco Arbelaez, AICP, LEED Green Associate
Principal Planner – Infrastructure Planning Division
Department of Transportation and Public Works (DTPW)

Subject: Review of DIC Project No. Z2024000020
Daniel Rodriguez Irrevocable Trust, ET AL
Miami-Dade County DTPW Project No. OSP 173

PROJECT DESCRIPTION:

The applicant, Daniel Rodriguez, seeks a public hearing for a property totaling +/- 12.38 gross acres in Miami-Dade County, FL. Currently, the subject property is used for agricultural purposes. According to the Letter of Intent, (LOI) the applicant is requesting the approval of a zoning district boundary change from AU, Agricultural District, to RU-4L, Limited Apartment House District, to allow the Property to be subdivided and improved with a 146-unit townhouse development.

I. PROJECT LOCATION:
The property is located on the south side of SW 355th Street, between SW 192nd Avenue and SW 189th Avenue, in unincorporated Miami-Dade County, Florida (the "Property").

II. APPLICATION REQUEST:
The application is requesting approval of the following:

- Zoning modification

COMMENTS/RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) has no objections to this application, subject to the following conditions:

I. <u>Infrastructure Planning Division:</u>

1. The applicant shall ensure that all sidewalks will be maintained in good, operable condition and accessible throughout the duration of construction at the development site as to not impeded public access to the existing bus stops.
    a) The applicant shall install sidewalks along SW 355th Street & SW 356th Street of at least 6 feet in width as it provides the main access to transit.
2. The applicant is strongly encouraged to provide connections to transit by adding to the existing bicycle and pedestrian network where possible.

3. The applicant shall coordinate with the Design and Engineering section of DTPW to ensure wayfinding to all existing transit options are provided.
4. The applicant is strongly encouraged to provide enhanced crosswalks or additional pavement markings to clearly delineate where pedestrians should be at all intersections within the proposed project and street intersections, if approved by Traffic Engineering Division (TED).

Please contact Francisco Arbelaez, AICP at Francisco.Arbelaez@miamidade.gov if you have any questions on the comments above.

II. Traffic Engineering Division

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.

Please contact Anamersy Arce at Anamersy.Arce@miamidade.gov if you have any questions on the comments above.

If you have any questions concerning the overall review comments, or wish to discuss this matter further, please contact Francisco Arbelaez at (786) 469-5310.

c: Lisa Colmenares, AICP, Chief Planning Officer, DTPW
Eric Zahn, Transit Planning Section Supervisor, Service Planning and Scheduling, DTPW
Linda Morris, AICP, Chief, Service Planning and Scheduling, DTPW
Leandro Oña, Chief, Highway Division, DTPW
Yamilet Senespleda, Manager, Traffic Engineering Division, DTPW
Anamersy Arce, Traffic Engineer, Traffic Engineering Division, DTPW
Amina Newsome, Senior Division Chief, Zoning, RER

RODRIGUEZ, IVAN M

From: RODRIGUEZ, IVAN M
Sent: Wednesday, February 14, 2024 10:34 AM
To: Amanda.Naldjieff@hklaw.com; Alberto.Torres@hklaw.com
Cc: Concurrency Management; Simon, Nathaly; CASTILLO, DENISE; Stillings, Noel (RER); Garcia, Jeannette C.; Connally, Ronald (RER)
Subject: Diego Daniel Rodriguez, Trustee of Diego Daniel Rod - Z2024000020 (PH3024020900096)
Attachments: Diego Daniel Rodriguez, Trustee of Diego Daniel Rod - Z2024000020 (PH3024020900096).pdf

Diego Daniel Rodriguez, Trustee of Diego Daniel Ro
PH3024020900096 - Z2024000020
Folio: 3078260000160

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 (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 146 single-family attached residential units, which generate 64 students, 33 at the elementary , 14 at the middle and 17 at the senior high school level. At this time, all school levels have sufficient capacity available to serve the application. Remember that 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 me at 305-995-7285.

Best regards,

Ivan M. Rodriguez, Director
Facilities Planning
1450 NE 2 Ave., Suite 523
Miami, Florida 33132
305.995.4501

Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number:	**PH3024020900096**	Local Government (LG):	**Miami-Dade**
Date Application Received:	**2/9/2024 10:14:16 AM**	LG Application Number:	**Z2024000020**
Type of Application:	**Public Hearing**	Sub Type:	**Zoning**

Applicant's Name: **Diego Daniel Rodriguez, Trustee of Diego Daniel Ro**

Address/Location: **south side of SW 355th Street, between SW 192nd Avenue and SW 189th Avenue**

Master Folio Number: **3078260000160**

Additional Folio Number(s): ***3078260000160,***

PROPOSED # OF UNITS **146**

SINGLE-FAMILY DETACHED UNITS: **0**

SINGLE-FAMILY ATTACHED UNITS: **146**

MULTIFAMILY UNITS: **0**

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2001	FLORIDA CITY ELEMENTARY	81	33	33	YES	Current CSA
6251	HOMESTEAD MIDDLE	132	14	14	YES	Current CSA
7151	HOMESTEAD SENIOR	30	17	17	YES	Current CSA
ADJACENT SERVICE AREA SCHOOLS						

*An Impact reduction of **33.18%** 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

Date: February 6, 2025

Memorandum

MIAMI-DADE COUNTY

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

From: Alejandro Zizold, Chief of Planning and Research
Planning, Design and Construction Excellence Division
Parks, Recreation and Open Spaces Department (PROS)

Alejandro Zizoli

Subject: Z2024000020 – MDC Diego Rodriguez Villas by Lennar Homes (Associated Applications: Z2023P00235). Based on revised plans submitted on February 7th, 2024.

Applicant Name: Amanda M. Naldjieff, Esq on behalf of Diego Daniel Rodriguez, Trustee of Diego Daniel Rodriguez Irrevocable Trust, Trustee of Martha Munoz Irrevocable Trust & Trustee of Daniel Jose Rodriguez Irrevocable Trust.

Project Location: The applicant site is located on +/- 12.04 acres generally located on the South side of SW 355th Street, between SW 189 Ave and SW 192 Ave, in unincorporated Miami-Dade County, Folio: 30-7826-000-0160 and 30-7826-000-0173.

Proposed Development: The applicant seeks a Zoning Review of their proposed project to request the approval of a District Boundary Change from AU, Agricultural District, to RU-4L (Limited Apartment House District) and a Non-Use Variance of the common open space regulations to permit 24.51% of common open space (30% required), as well as to permit a site plan approval of a proposed 146-unit townhouse development.

Current Park Benefit District Area Conditions: Existing County-owned Park and recreation facilities, both Areawide and Local, serving Park Benefit District 3 are shown on the attached map in Figure 1. County-owned local parks that are within three miles of the subject application are described in Table A, which lists the park name, park address, park classification, acreage for each park, and type of recreation facility.

Table A - County Parks (Local) Within a 3 Mile Radius of Application Area

NAME	ADDRESS	CLASSIFICATION	ACRES	TYPE
PLAZA LICENCIADO BENITO JUAREZ	19825 SW 376 ST	COMMUNITY PARK	10	LOCAL
CINCO DE MAYO PARK	19351 SW 384 ST	COMMUNITY PARK	10	LOCAL

The applicant site is located along the planned Biscayne-Everglades Greenway, a 43-mile greenway and multi-purpose path network that connects Biscayne National Park and Everglades National Park, and the communities between the two National Parks. The Biscayne-Everglades Greenway is also part of the Miami LOOP, an envisioned 225-mile non-motorized trail network within Miami-Dade County.

Impact and Demand: The proposed 146 residential dwelling units within Unincorporated Miami-Dade County would generate a residential population of 430 people resulting in an impact of 1.80 acres of local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. As shown in Table A, there are two Miami-Dade County-provided local recreation open spaces of 5 acres or larger within the 3-mile distance from the application area. The site is in Park Benefit District 3 (PBD3) which currently meets park concurrency requirements.

As shown in Table A, there are two Miami-Dade County local parks and open spaces within the 3-mile distance from the application area. However, there are no local parks within the 1/4-to-1/2-mile distance from the project site as recommended in the Equity Access Criteria included in the Miami-Dade County Parks and Open Spaces Master Plan (OSMP) and adopted as part of the Recreation and Open Space Element of the

Comprehensive Development Master Plan. Therefore, PROS recommends that the applicant provides local recreation open space within the project.

Recommendation: PROS offers the following recommendations and requests the applicant to coordinate a meeting with the department:

- Given the potential impact of 1.80 acres of local parkland and to provide relief to the Equity Access Criteria, PROS recommends that the applicant consider a full or partial public parkland conveyance, in-lieu of park impact fee payment. PROS requests that the applicant coordinates a meeting with the Department to explore this recommendation further.
- Please provide a site plan detailing, within the proposed development site, the total area dedicated to private open space, recreational areas, and common space, to visually understand how the 24.51% of common space is proposed. Please label all proposed recreational amenities. PROS recommends cohesive design of hardscape and non-motorized access areas throughout the development to provide a walkable neighborhood per our Great Streets Vision laid out in our Miami-Dade County Open Space Master Plan (OSMP).
- Given that the subject location does not meet Equity Access Criteria, PROS strongly recommends the applicant to provide adequate private recreational open space that meets the level of service needed for the residents, as space allows. Recreation amenities include but are not limited to indoor recreation room, indoor or outdoor athletic courts, lighted walking paths, dog park, pet waste areas, grills, and gathering spaces,
- Given the adjacency to the Navy Wells Pineland Preserve and that the original vegetation of the property used to be Miami Rockland Pine Forests, please consider using Pine Rockland plant community in the landscape plan.

These recommendations are based on the following Recreation and Open Space policies and objective in the Comprehensive Development Master Plan (CDMP):

Objective ROS-2
Require the availability of adequate local recreation open space as a condition for the approval of residential development orders and maintain an adequate inventory of recreational areas and facilities.

ROS-3B
The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network Master Plan, as well as improved sidewalks and trails, to improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

ROS-8
The Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.

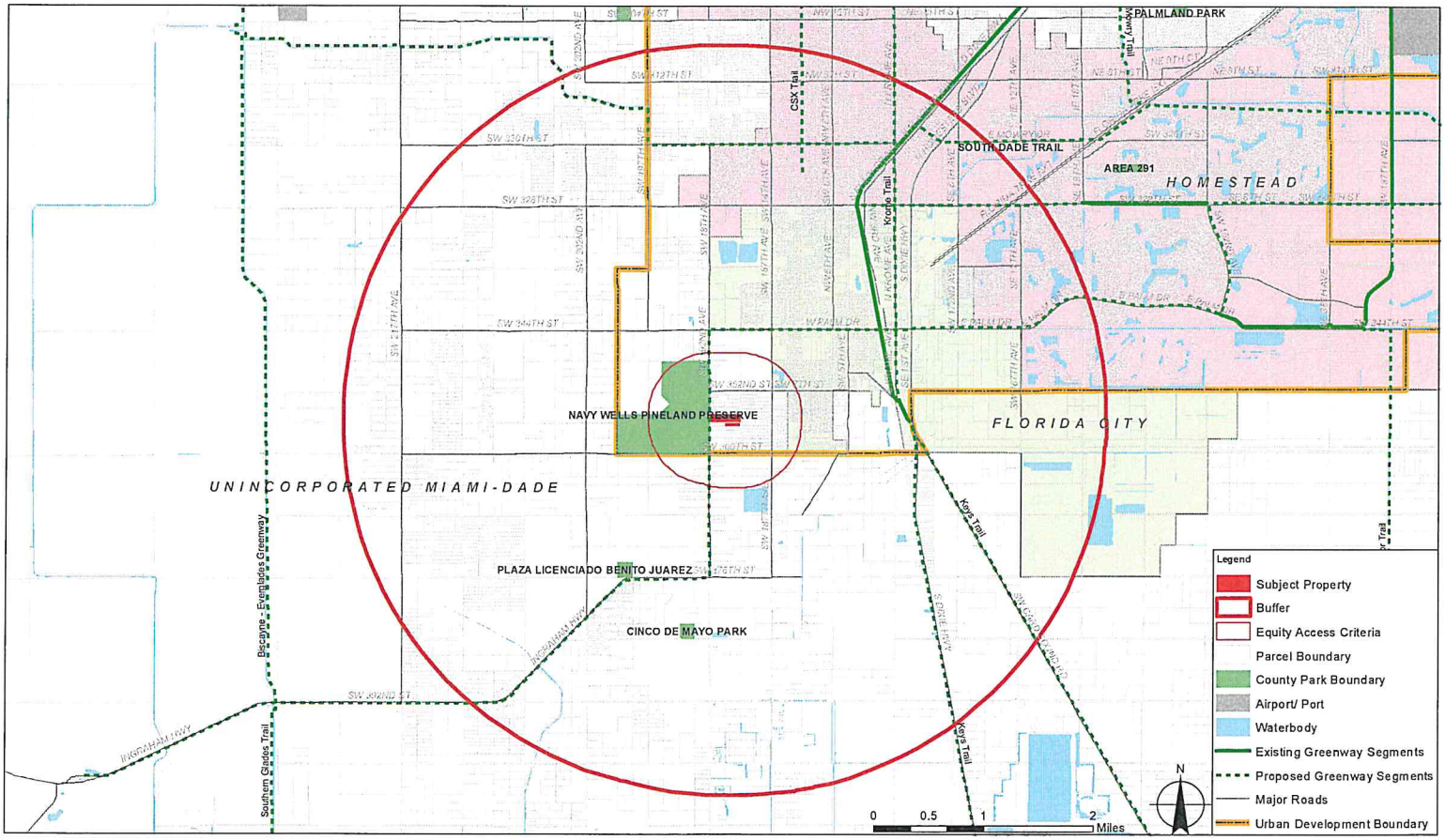
Based on our findings described herein, **PROS does not have sufficient information to provide a complete analysis of the application.**
PROS looks forward to working with the owners in a collaborative process and in good faith, for the development to help with potential 1.80-acres of local parkland impact.

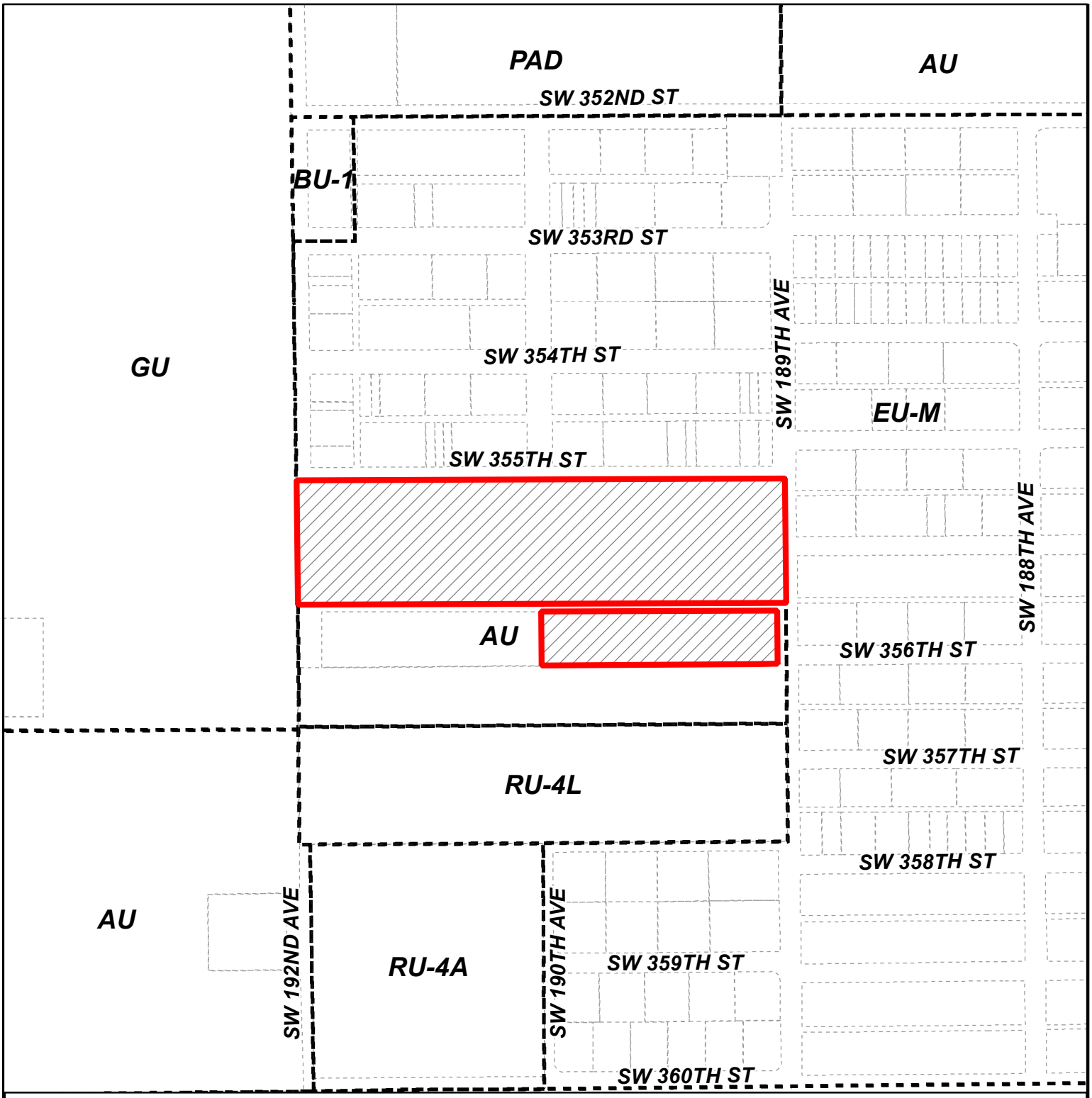
Should you need additional information or clarification on this review, please contact Irene Cambeyro Gonzalez, Park Planner 2, by email at irene.cambeyrogonzalez@miamidade.gov

AZ: mds icg MDS

Attachment

FIGURE 1: Z2024000020 - LENNAR HOMES, LLC (DIEGO RODRIGUEZ SITE)
MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT ANALYSIS





MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2024000020

Section: 26 Township: 57 Range: 38
Applicant: Diego Rodriguez, Trustee
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

N
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Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, February 9, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2021

Process Number

Z2024000020

Legend

Subject Property

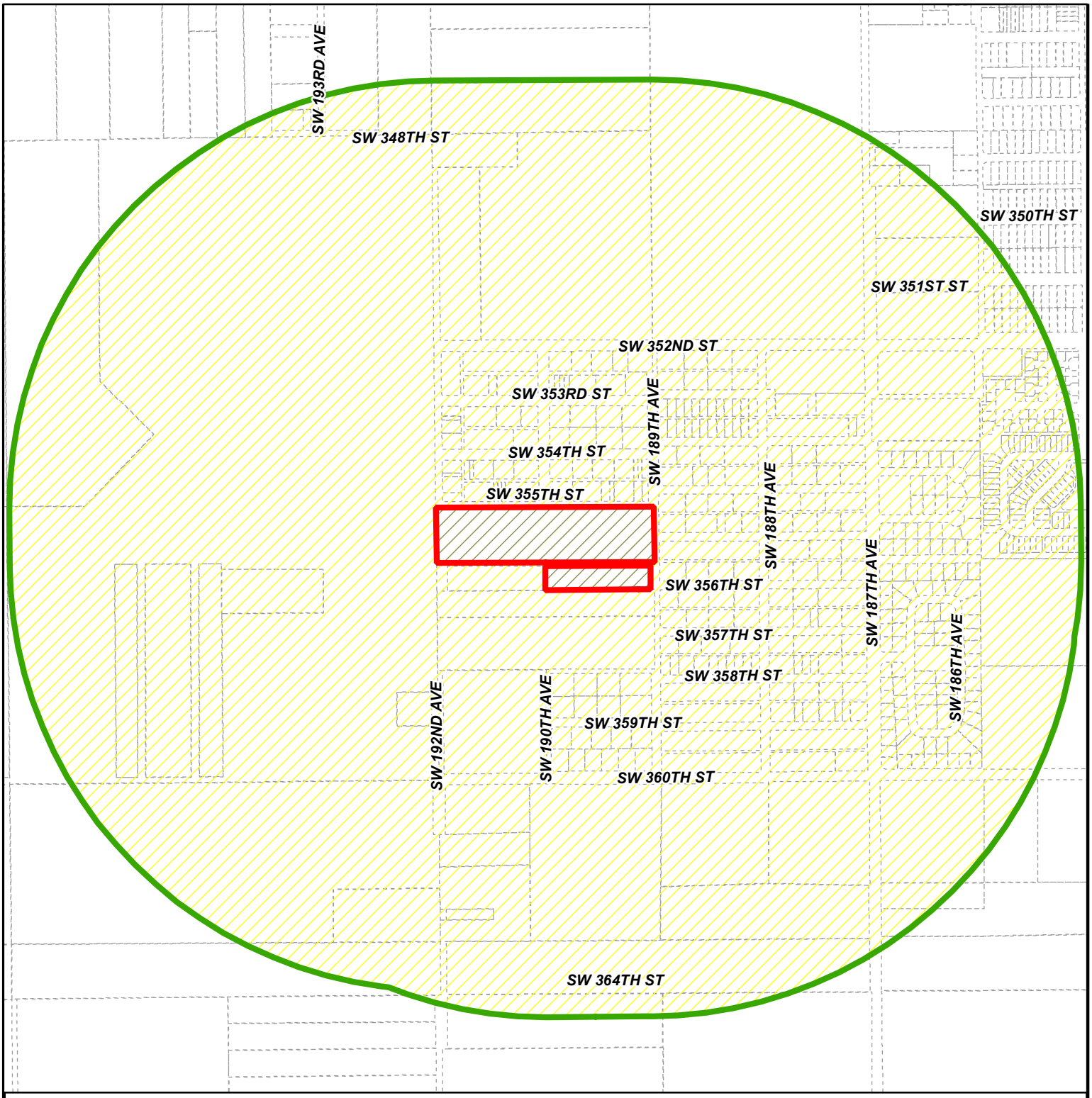
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Section: 26 Township: 57 Range: 38
Applicant: Diego Rodriguez, Trustee
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, February 9, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2024000020

RADIUS: 2640

Section: 26 Township: 57 Range: 38
Applicant: Diego Rodriguez, Trustee
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

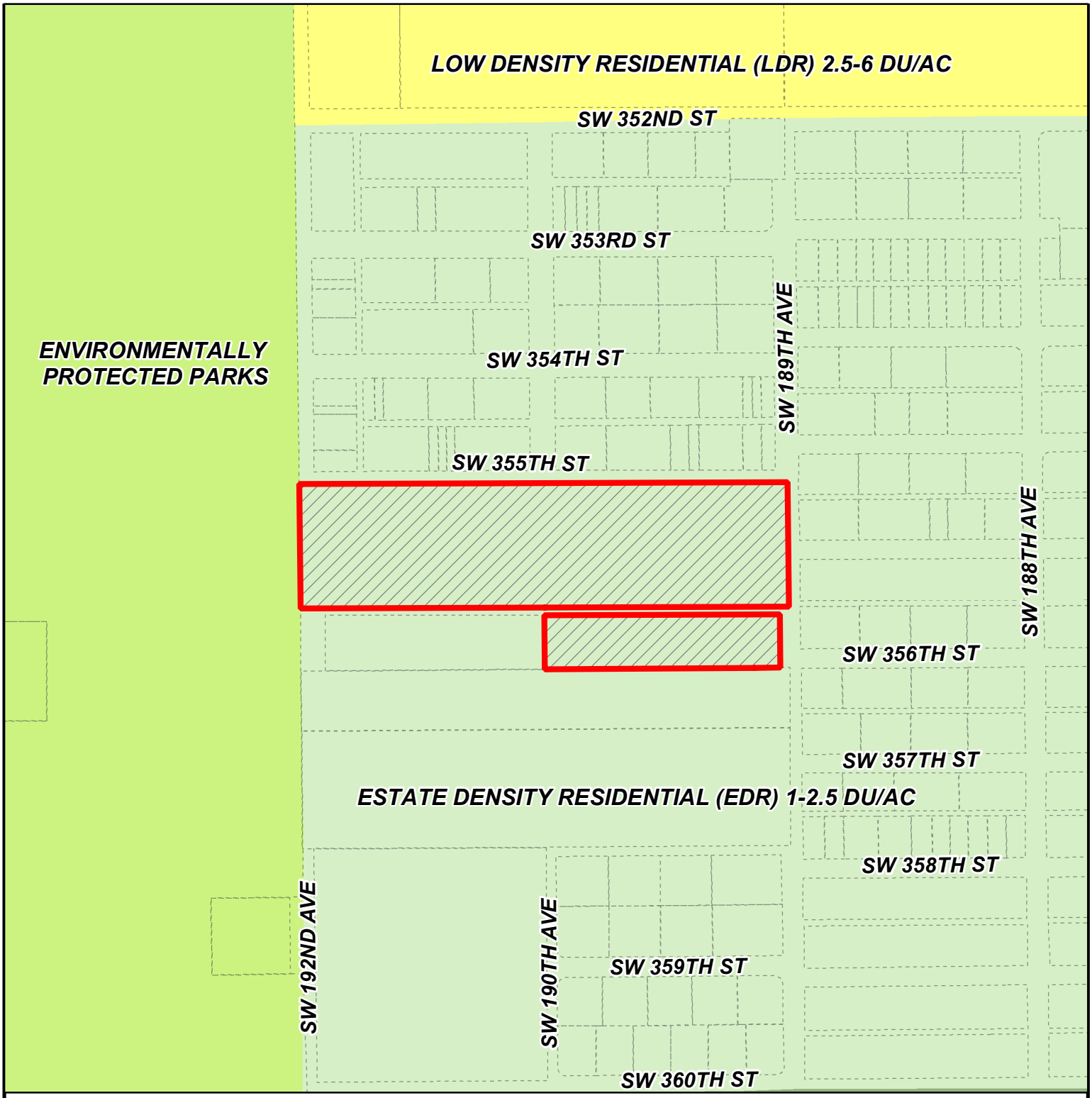
- Subject Property
- Buffer
- Property Boundaries

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MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, February 9, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2024000020

Section: 26 Township: 57 Range: 38
Applicant: Diego Rodriguez, Trustee
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

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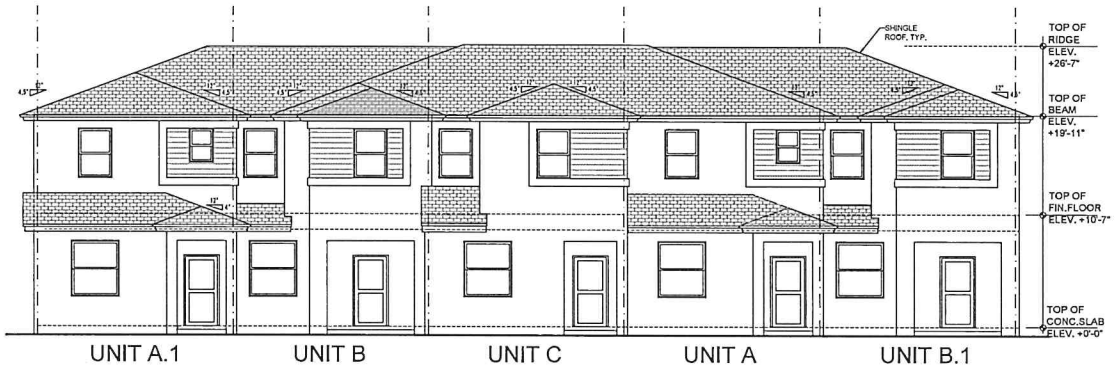
Subject Property Case

MIAMI-DADE COUNTY

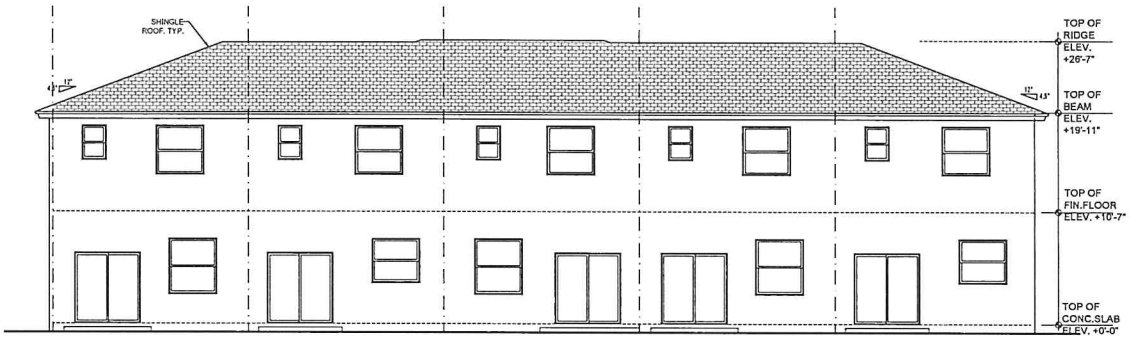
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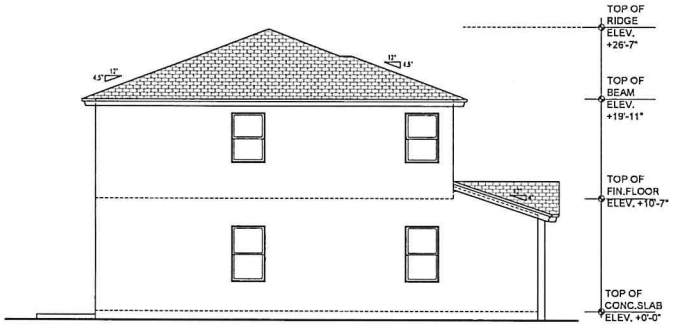


BUILDING TYPE I - 5 UNIT

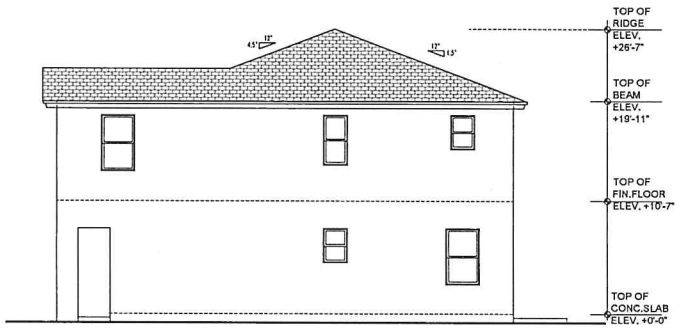


BUILDING TYPE I - 5 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT A.1
BUILDING TYPE I
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT B.1
BUILDING TYPE I
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

BUILDING 5 UNIT

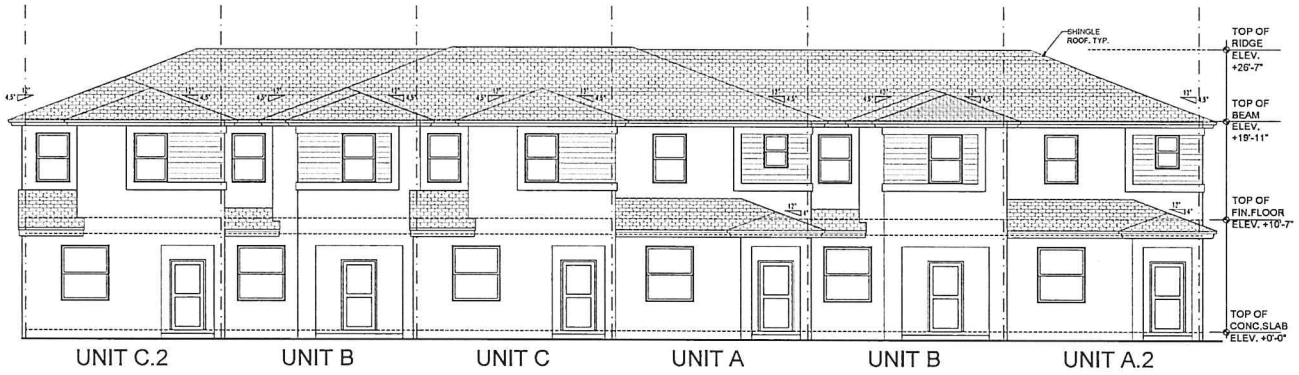
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JOB NO. :	23-48

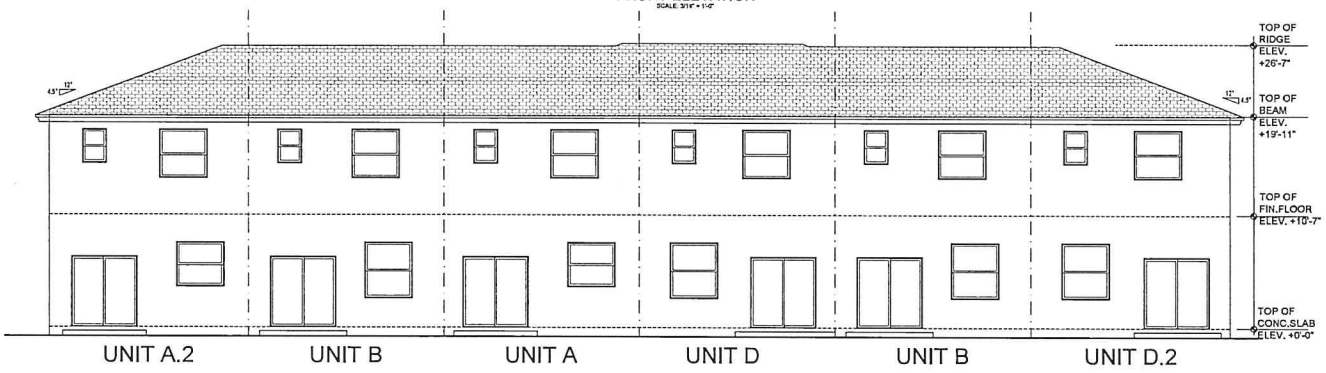
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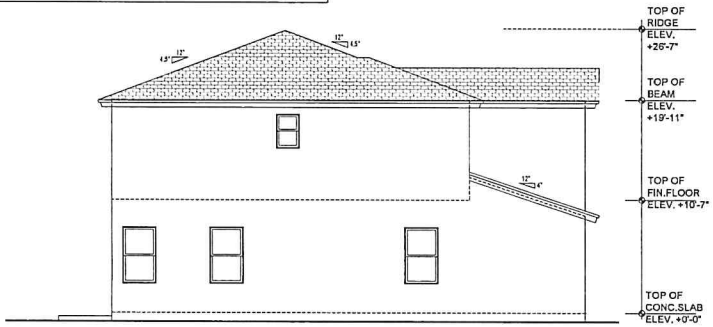


BUILDING TYPE II - 6 UNIT
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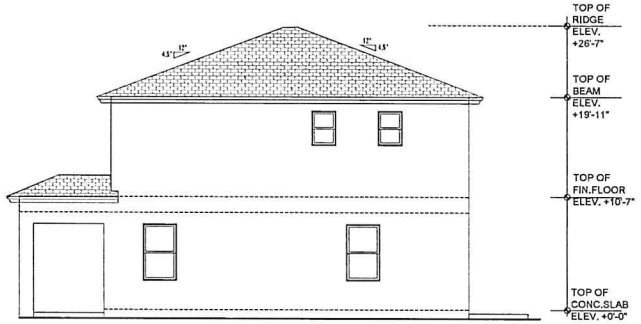


BUILDING TYPE II - 6 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT D.2
BUILDING TYPE II
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT A.2
BUILDING TYPE II
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 6 UNIT

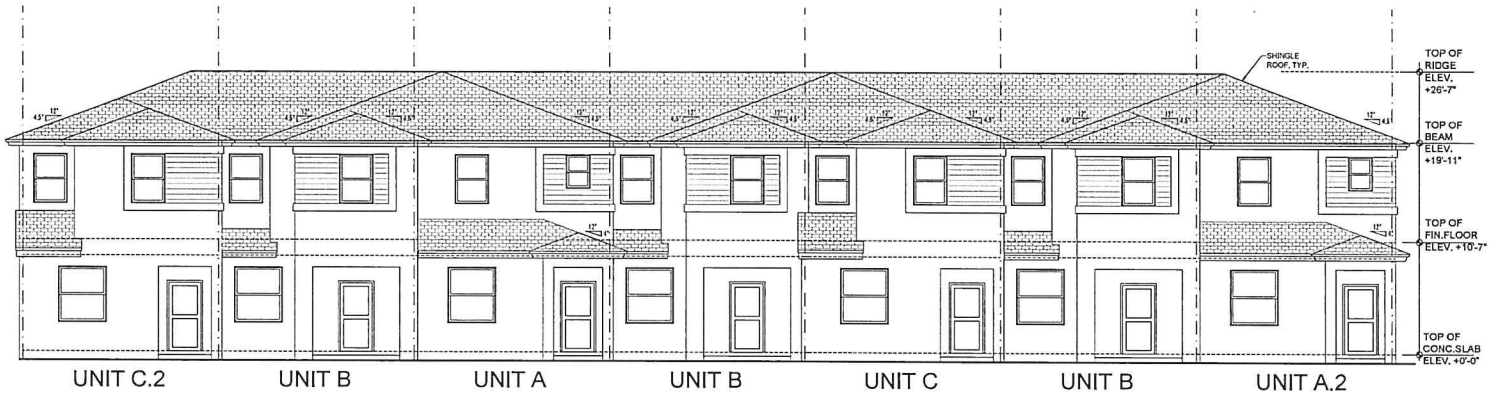
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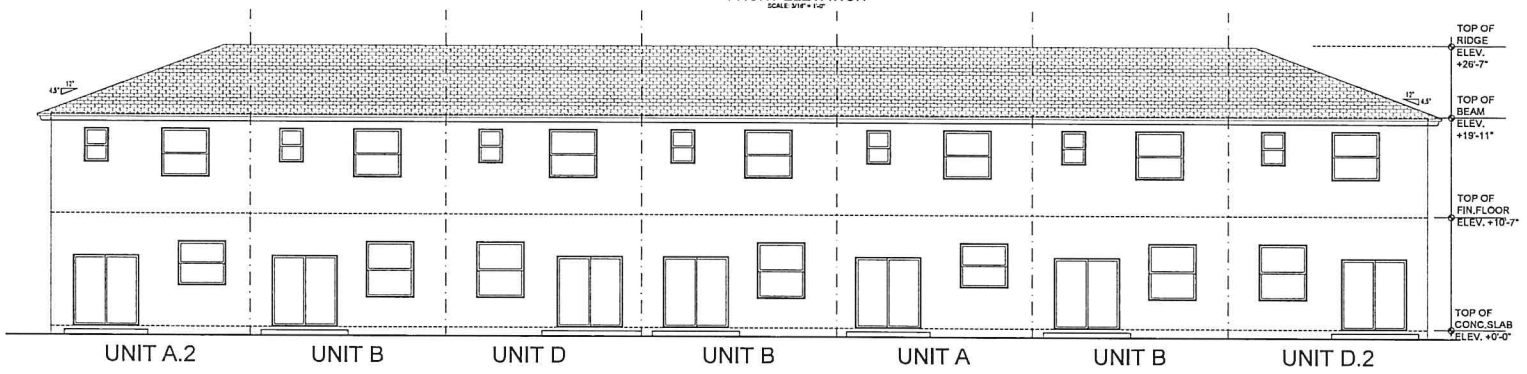
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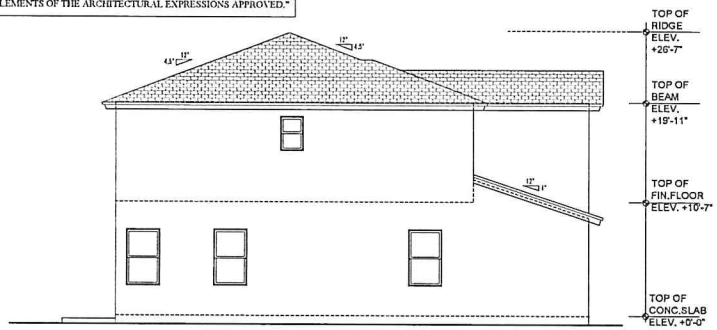


BUILDING TYPE III -7 UNIT
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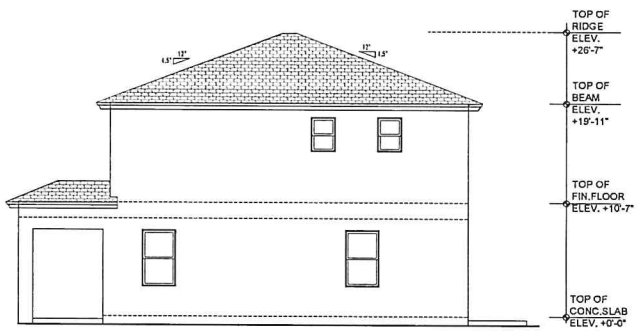


BUILDING TYPE III -7 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT D.2
BUILDING TYPE III
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT A.2
BUILDING TYPE III
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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MDC DIEGO RODRIGUEZ
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VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 7 UNIT

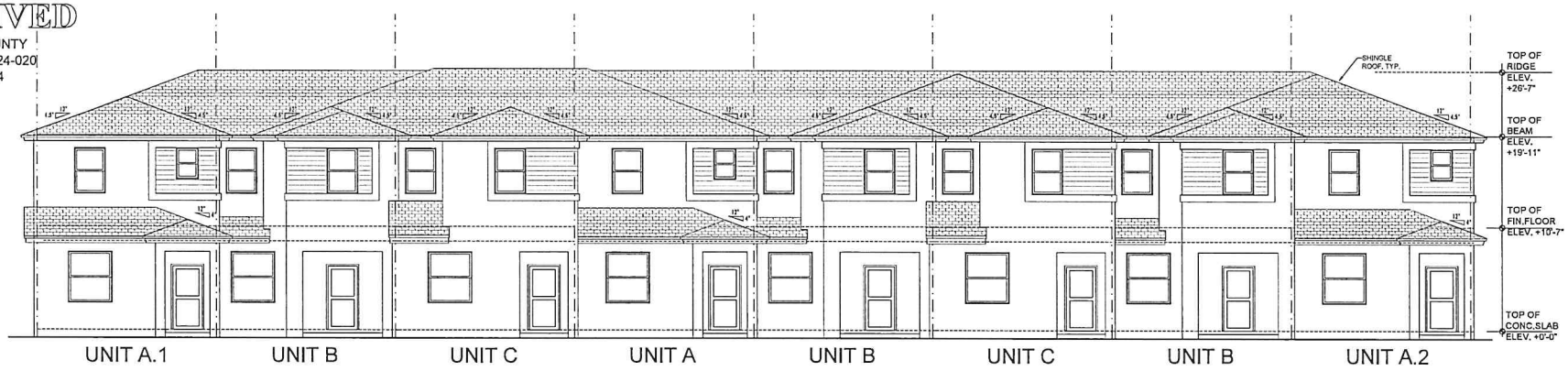
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JOB NO. :	23-48

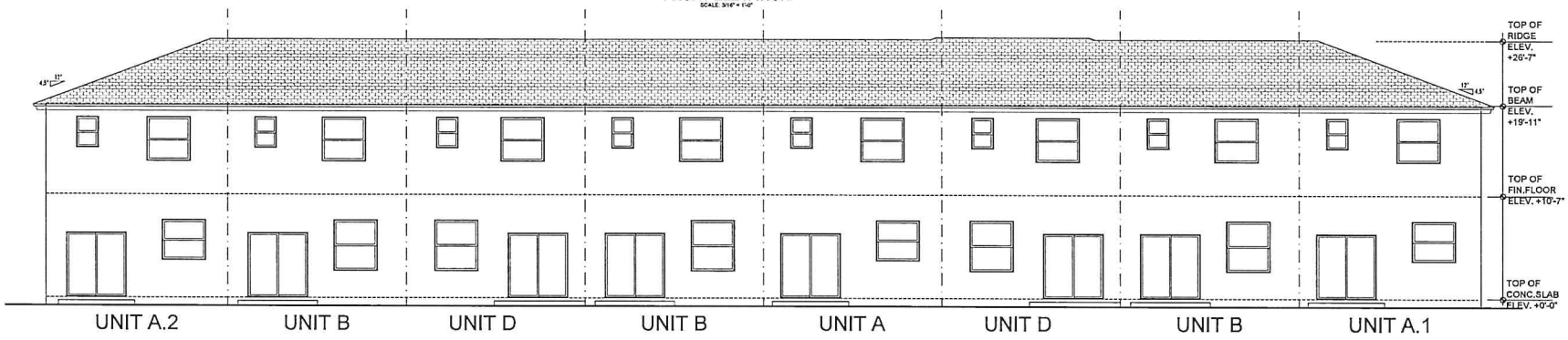
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DATE: AUG 1 2024
BY: ISA

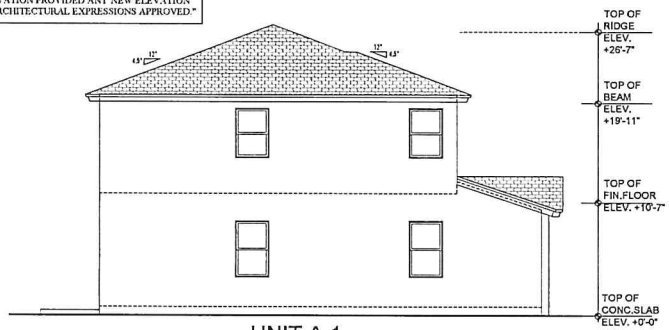


BUILDING TYPE IV -8 UNIT
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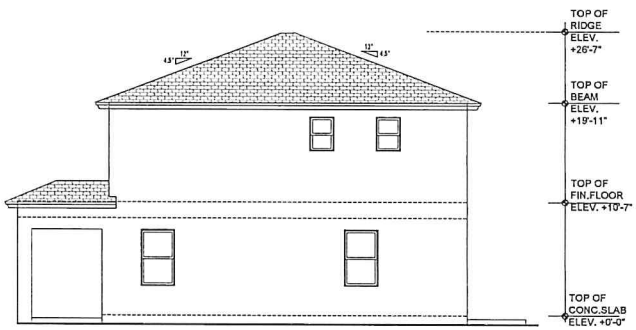


BUILDING TYPE IV -8 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT A.1
BUILDING TYPE IV
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT A.2
BUILDING TYPE IV
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING B UNIT

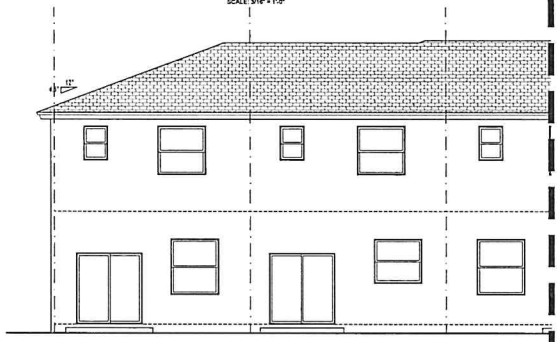
ELEVATIONS
DATE: 2024-07-17
SCALE: AS SHOWN
DRAWN: CG
CHECK BY: PPKS
JOB NO.: 23-48

A-20
SHEET NO.:

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BUILDING TYPE V- 9 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING TYPE V- 9 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

MATCH SHEET A-26

NOTE:
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MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 9 UNIT

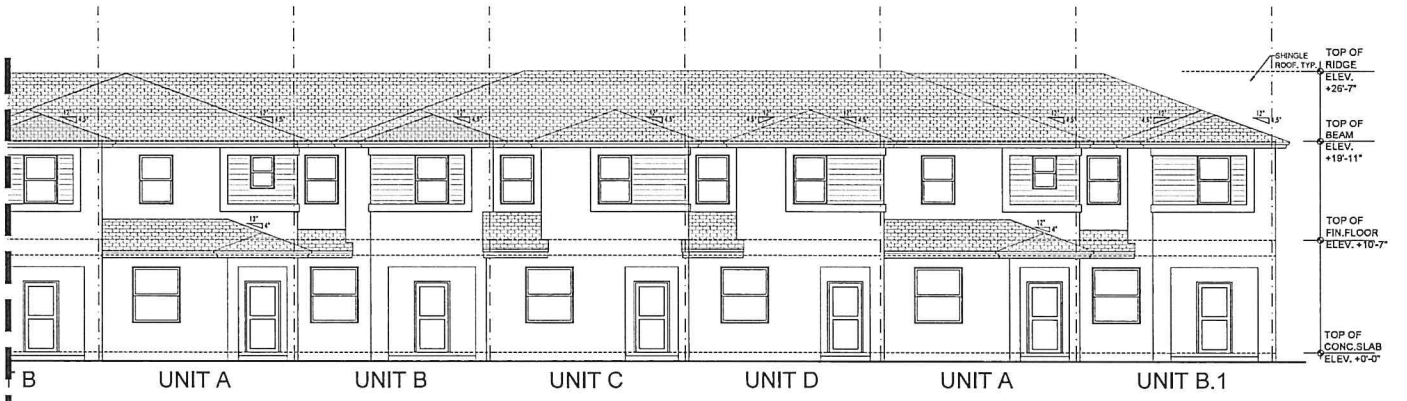
ELEVATIONS

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO. :	23-48

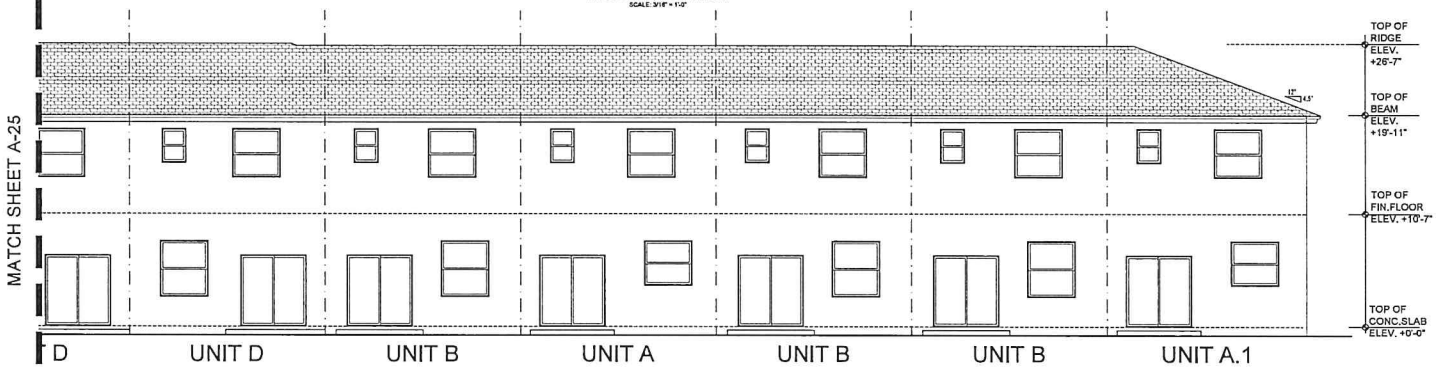
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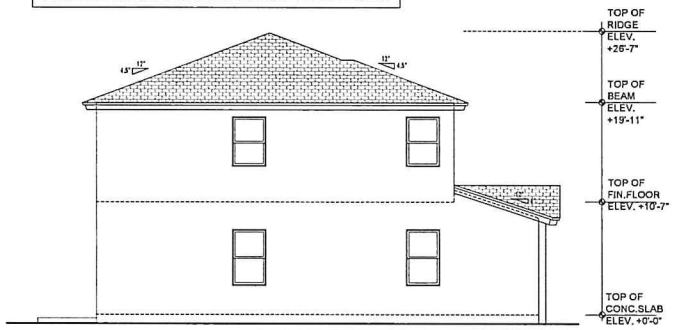


BUILDING TYPE V- 9 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

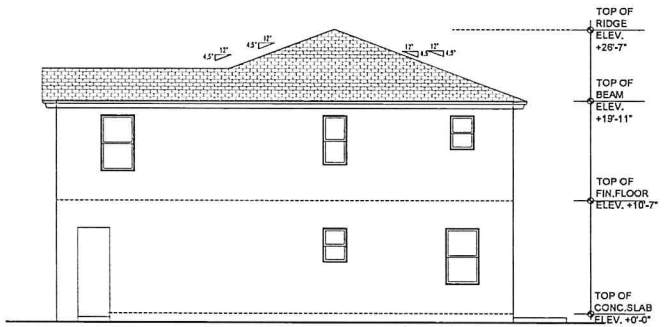


BUILDING TYPE V- 9 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT A.1
BUILDING TYPE V
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT B.1
BUILDING TYPE V
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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SEAL:

BUILDING 9 UNIT

ELEVATIONS

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO. :	23-48

A-26

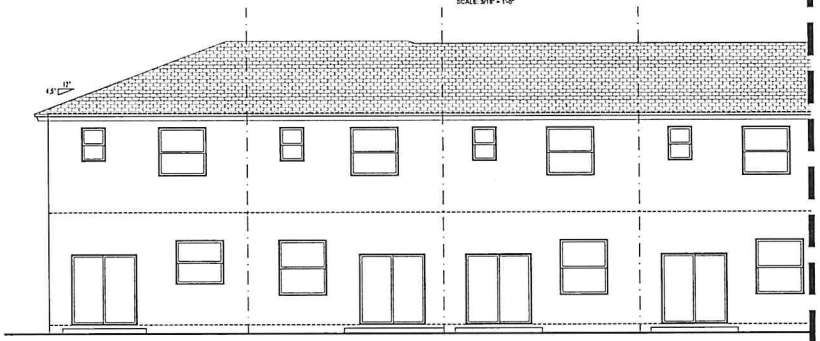
SHEET NO. :

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BUILDING TYPE VI-10 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING TYPE VI-10 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

MATCH SHEET A-32

NOTE:
ANY COMBINATION OF BUILDING AND UNIT TYPES DEPICTED ON THESE PLANS MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT TYPES APPROVED. ADDITIONALLY, ANY TYPICAL BUILDING ELEVATION DEPICTED ON THESE PLANS MAY BE SUBSTITUTED WITH ANY OTHER BUILDING ELEVATION PROVIDED ANY NEW ELEVATION MAINTAINS ELEMENTS OF THE ARCHITECTURAL EXPRESSIONS APPROVED."

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VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 10 UNIT

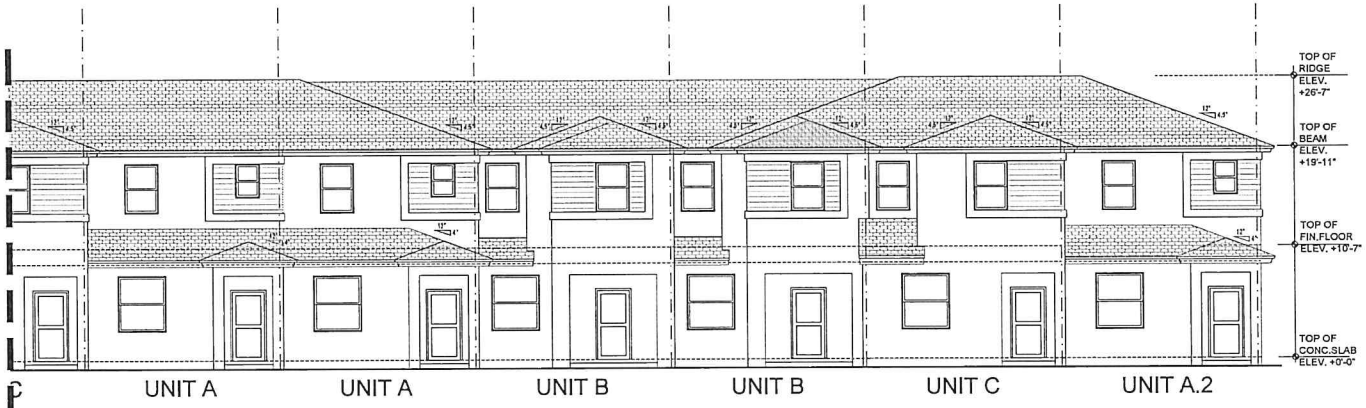
ELEVATIONS

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-68

A-31

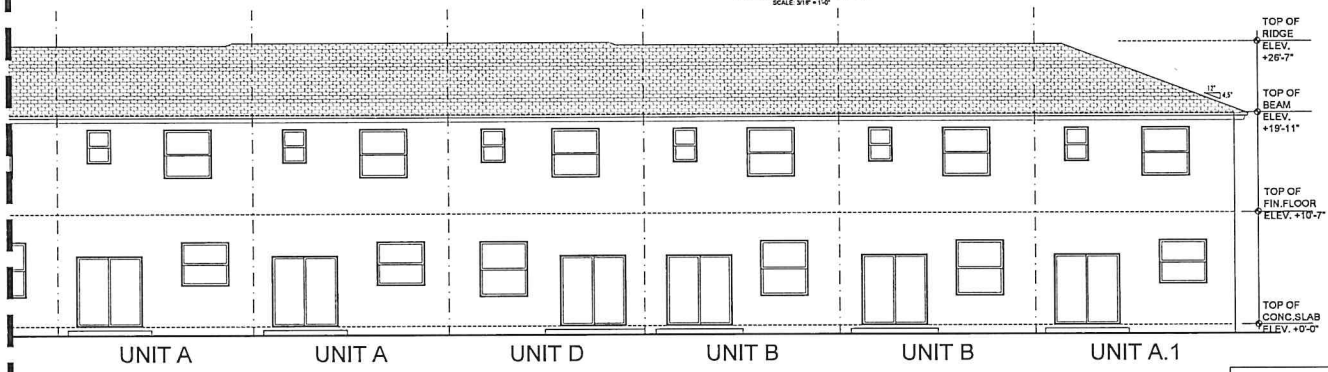
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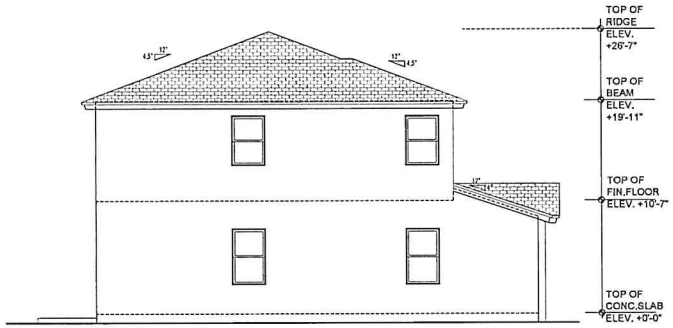


BUILDING TYPE VI-10 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

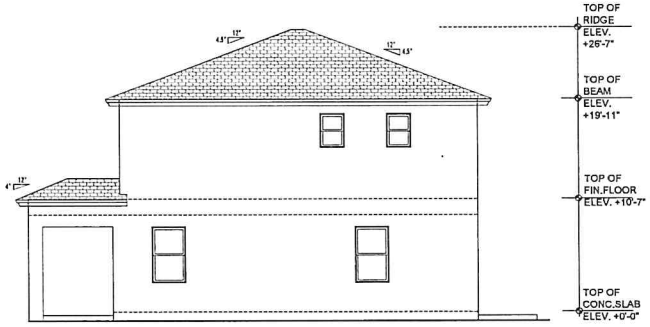
MATCH SHEET A-31



NOTE:
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UNIT A.1
BUILDING TYPE VI
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT A.2
BUILDING TYPE VI
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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SEAL:

BUILDING 10

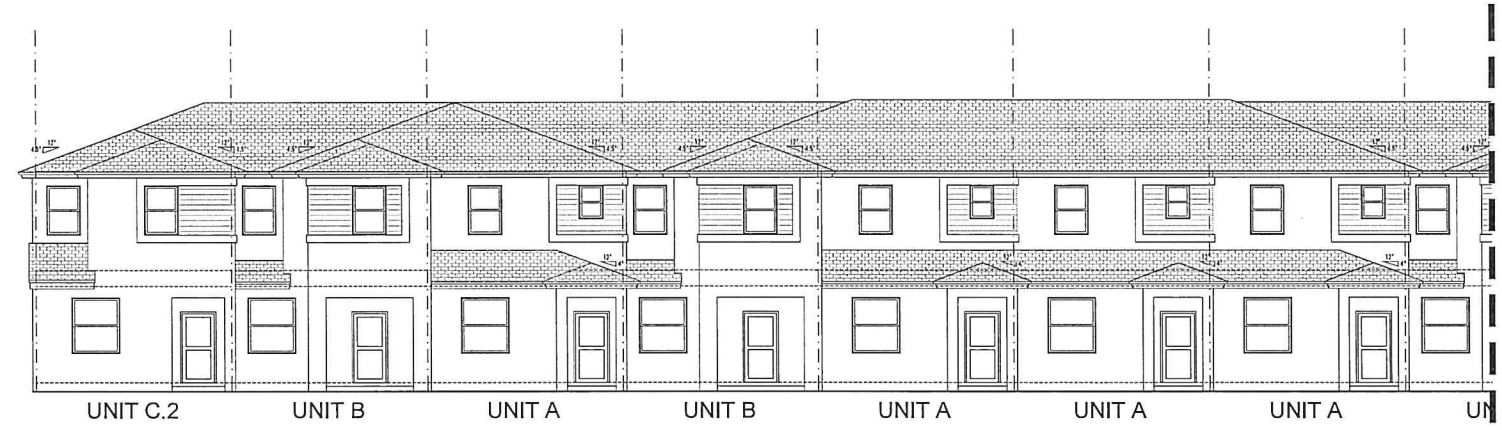
ELEVATIONS

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO.:	23-48

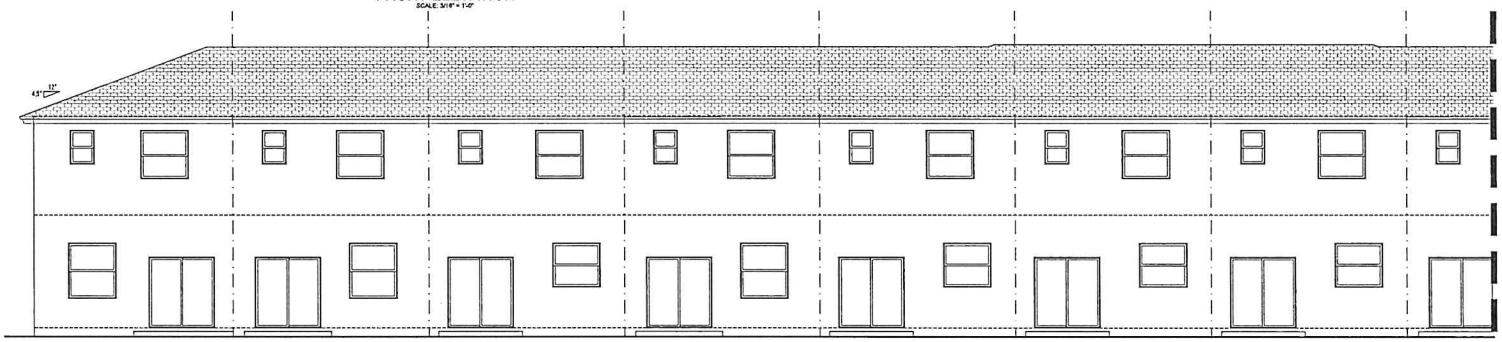
A-32

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BUILDING TYPE VII-11 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING TYPE VII-11 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

MATCH SHEET A-38

NOTE:
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MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 11 UNIT

ELEVATIONS

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO. :	23-48

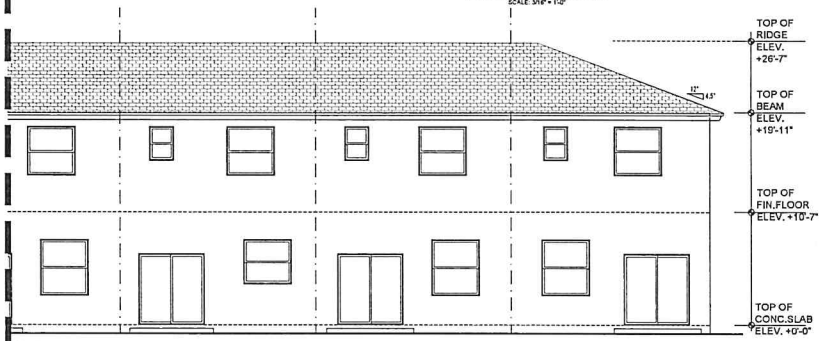
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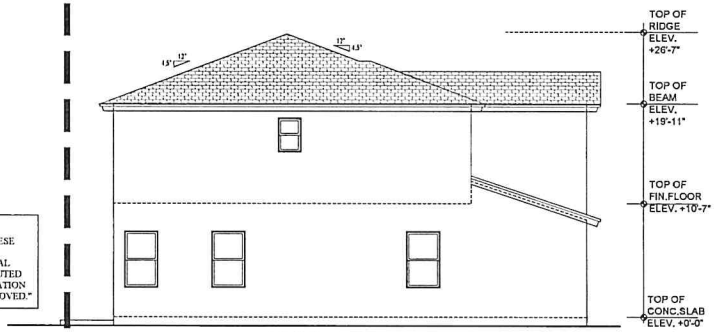


BUILDING TYPE VII-11 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

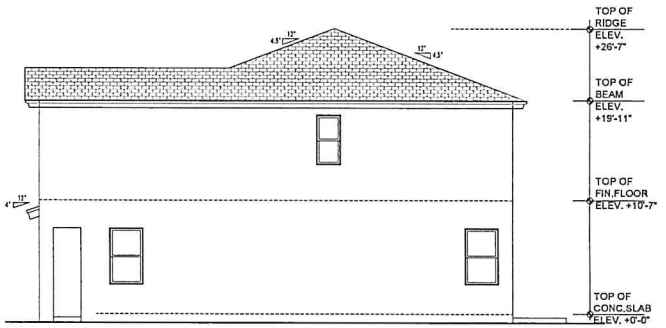


BUILDING TYPE VII-11 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT D.2
BUILDING TYPE VII
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT D.1
BUILDING TYPE VII
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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BUILDING 11 UNIT

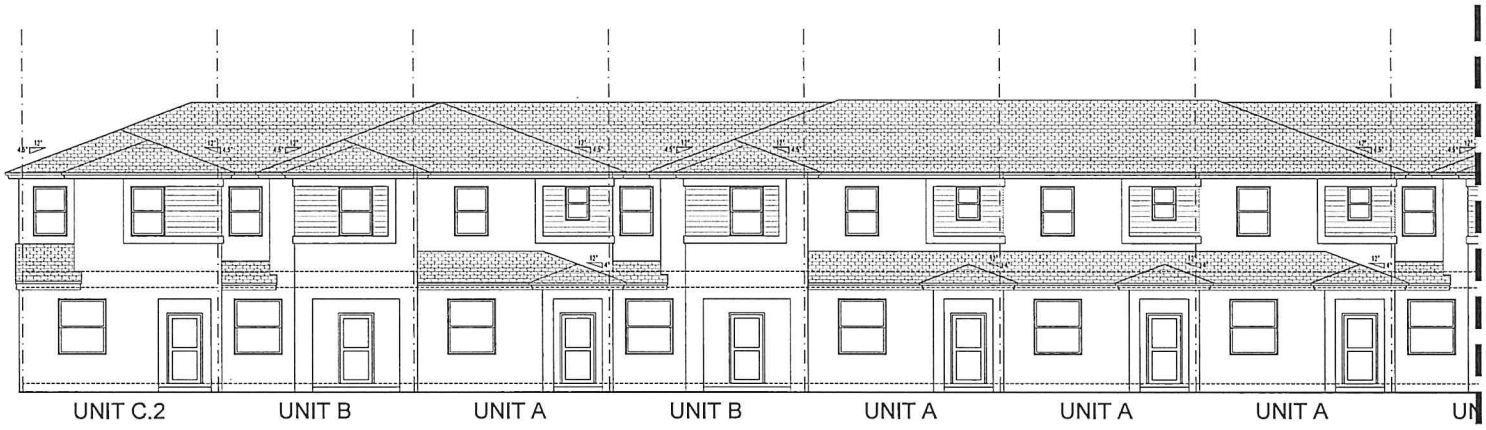
ELEVATIONS

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

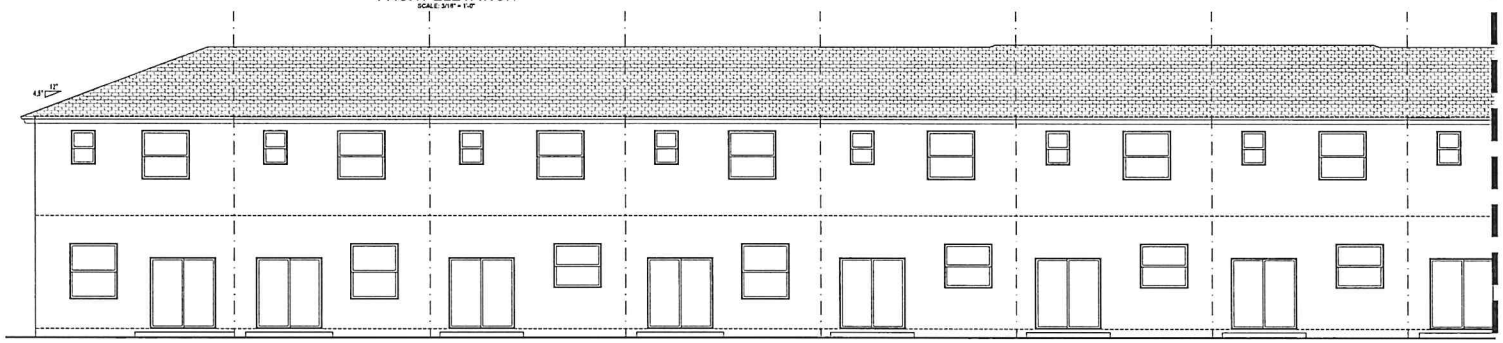
A-38

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PROCESS NO.: Z24-020
DATE: AUG 1 2024
BY: ISA



BUILDING TYPE VII-11 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING TYPE VII-11 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"

MATCH SHEET A-44

NOTE:
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SEAL:

BUILDING 13 UNIT

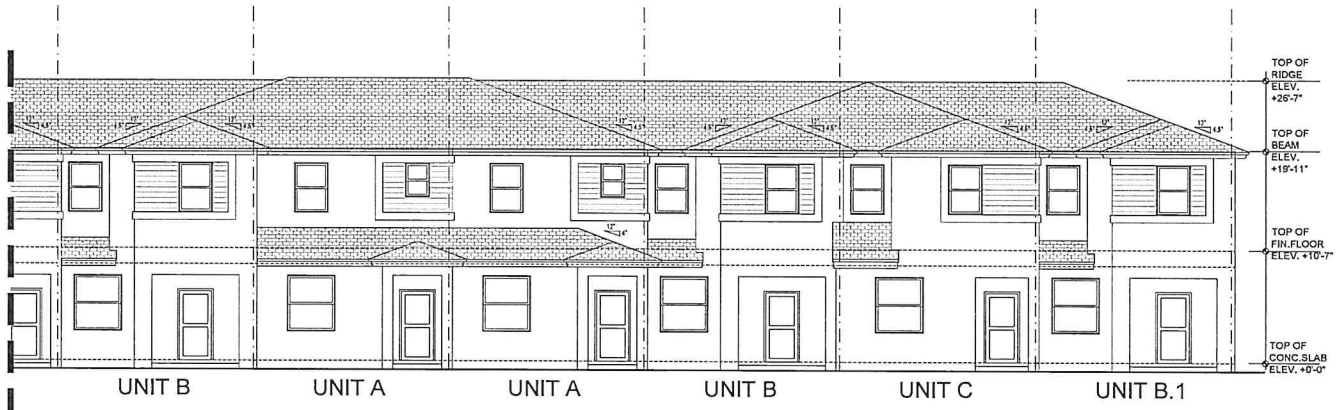
ELEVATIONS

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO.:	23-48

A-43

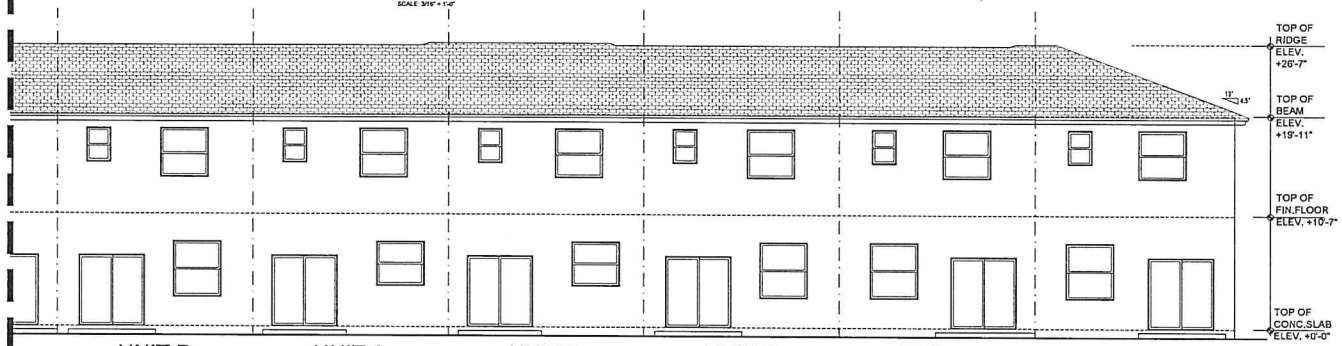
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PROCESS NO.: Z24-020
DATE: AUG 1 2024
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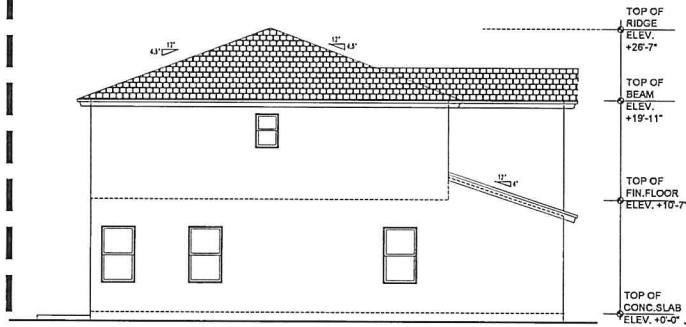


BUILDING TYPE VIII - 13 UNIT
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

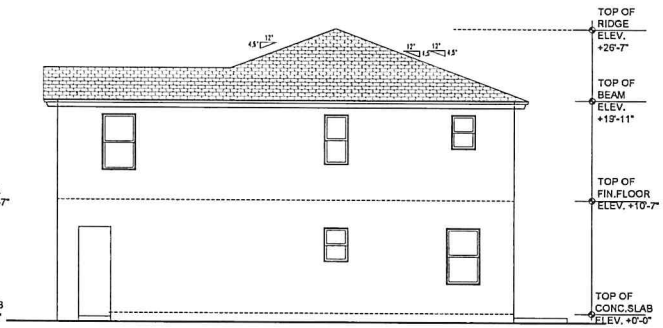
MATCH SHEET A-43



BUILDING TYPE VIII -13 UNIT
REAR ELEVATION
SCALE: 3/16" = 1'-0"



UNIT D.2
BUILDING TYPE VIII
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



UNIT B.1
BUILDING TYPE VIII
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
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REVISIONS:

OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 13 UNIT

ELEVATIONS

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

A-44

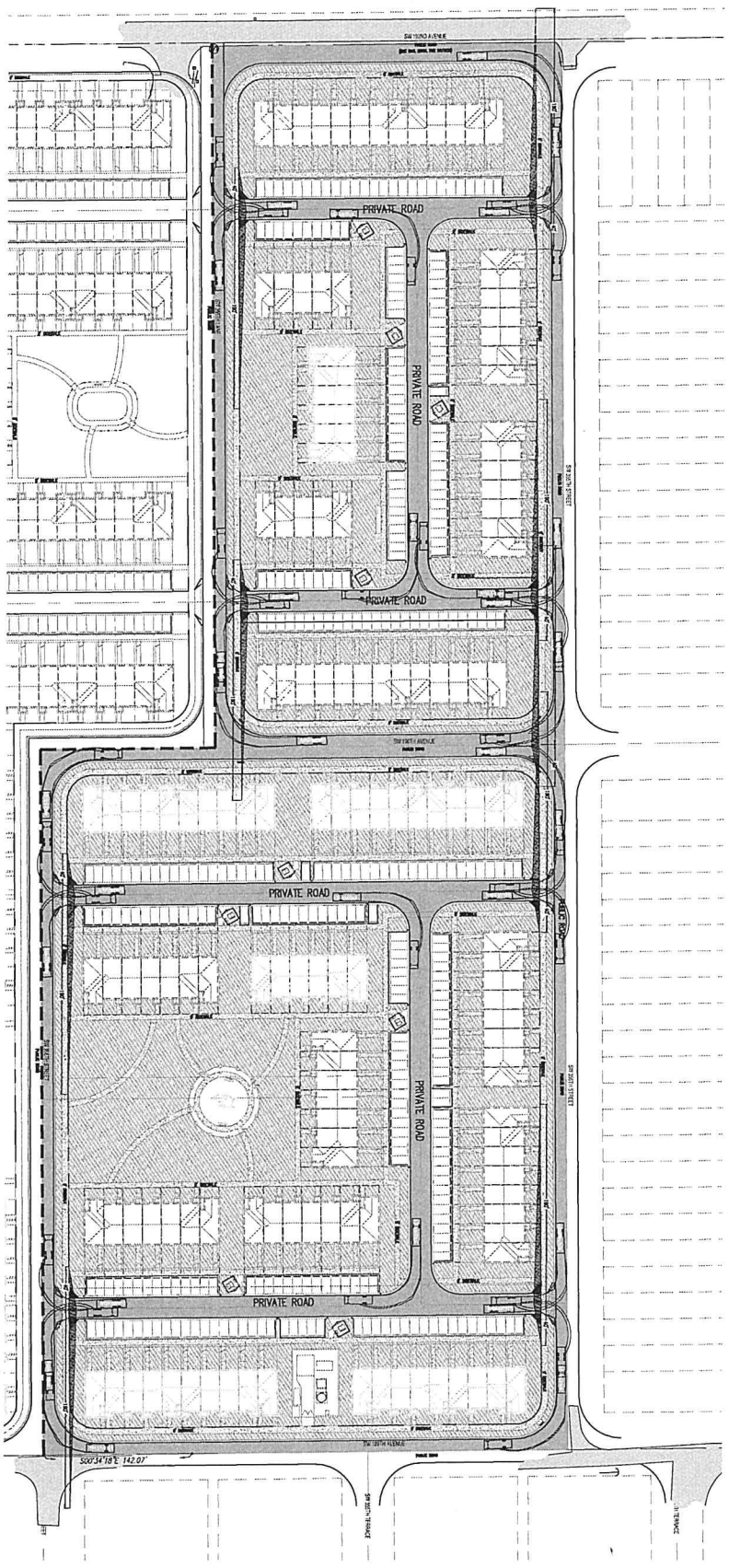
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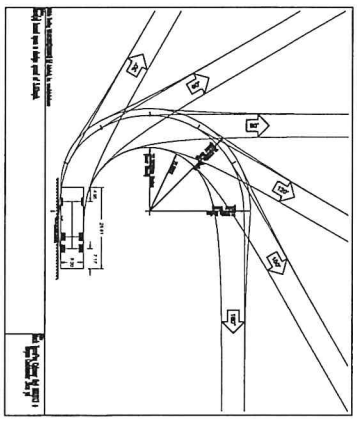
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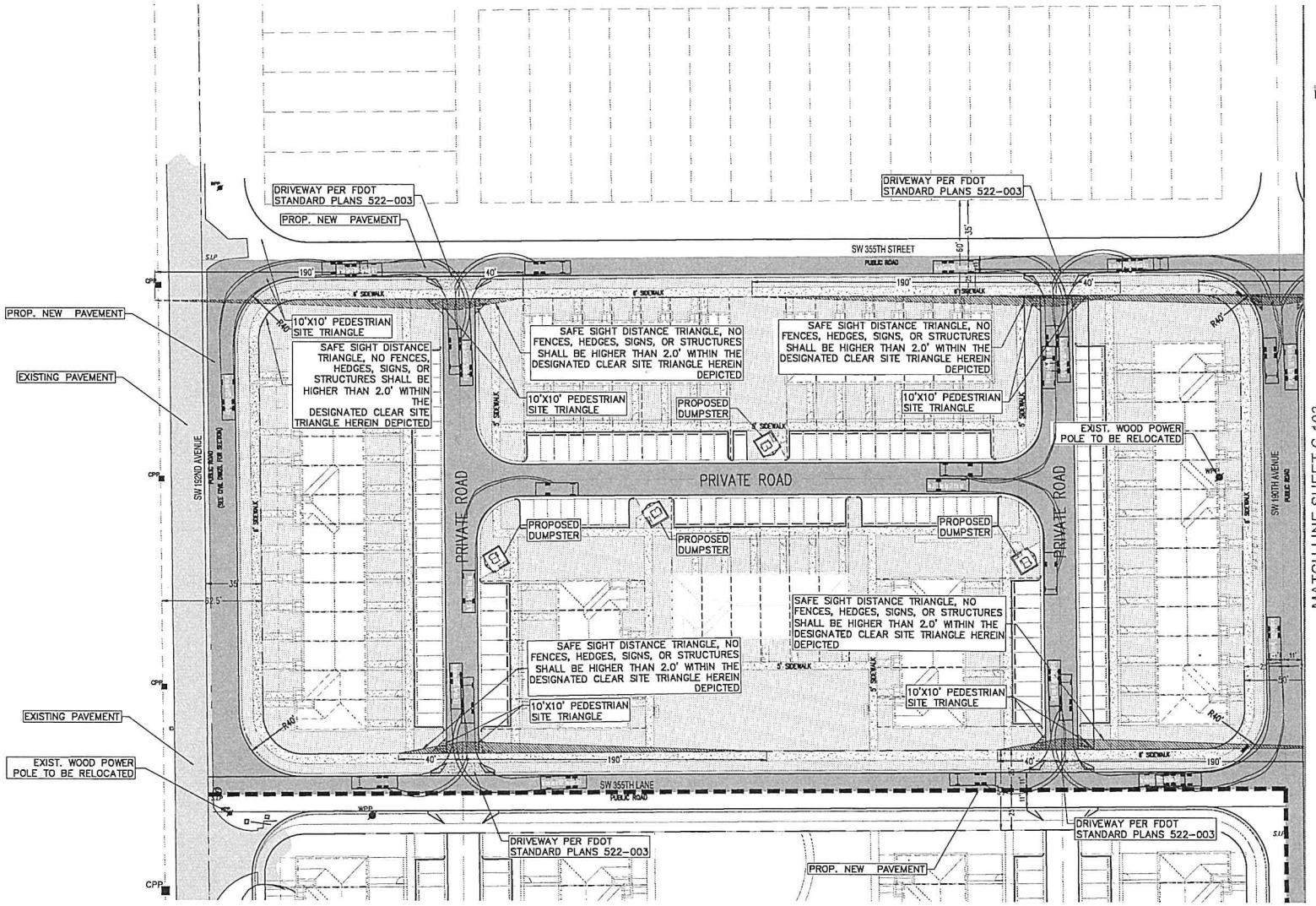
NORTH





SHEET: C-101 1 OF 4 SHEETS	DRAWING NAME: ILLUSTRATIVE SITE PLAN & TRUCK PATH	ROBAYNA AND ASSOCIATES INC. ENGINEERS - PLANNERS - SURVEYORS 5723 NW 158th STREET MIAMI LAKES, FL 33014 PH.(305) 823-9318 E.B. # 3304	DESIGNED: GC DRAWN: MIP CHECKED: OER SCALE: 1"=50'	THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY OSCAR E. ROBAYNA, PE., ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES	10/30/2024 FOR THE FIRM	REVISIONS: / DATE:
DATE: 10-10-2023 PROJ. No: 230106	PROJECT: DIEGO RODRIGUEZ PREPARED FOR: LENNAR HOMES, LLC					

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PROJECT:	DIEGO RODRIGUEZ
PREPARED FOR:	LENNAR HOMES, LLC
DESIGNED:	GC
DRAWN:	MP
CHECKED:	OER
SCALE:	1"=30'
SHEET:	C-102
	2 OF 4 SHEETS
DATE:	10-10-2023
PROJ. No:	230093

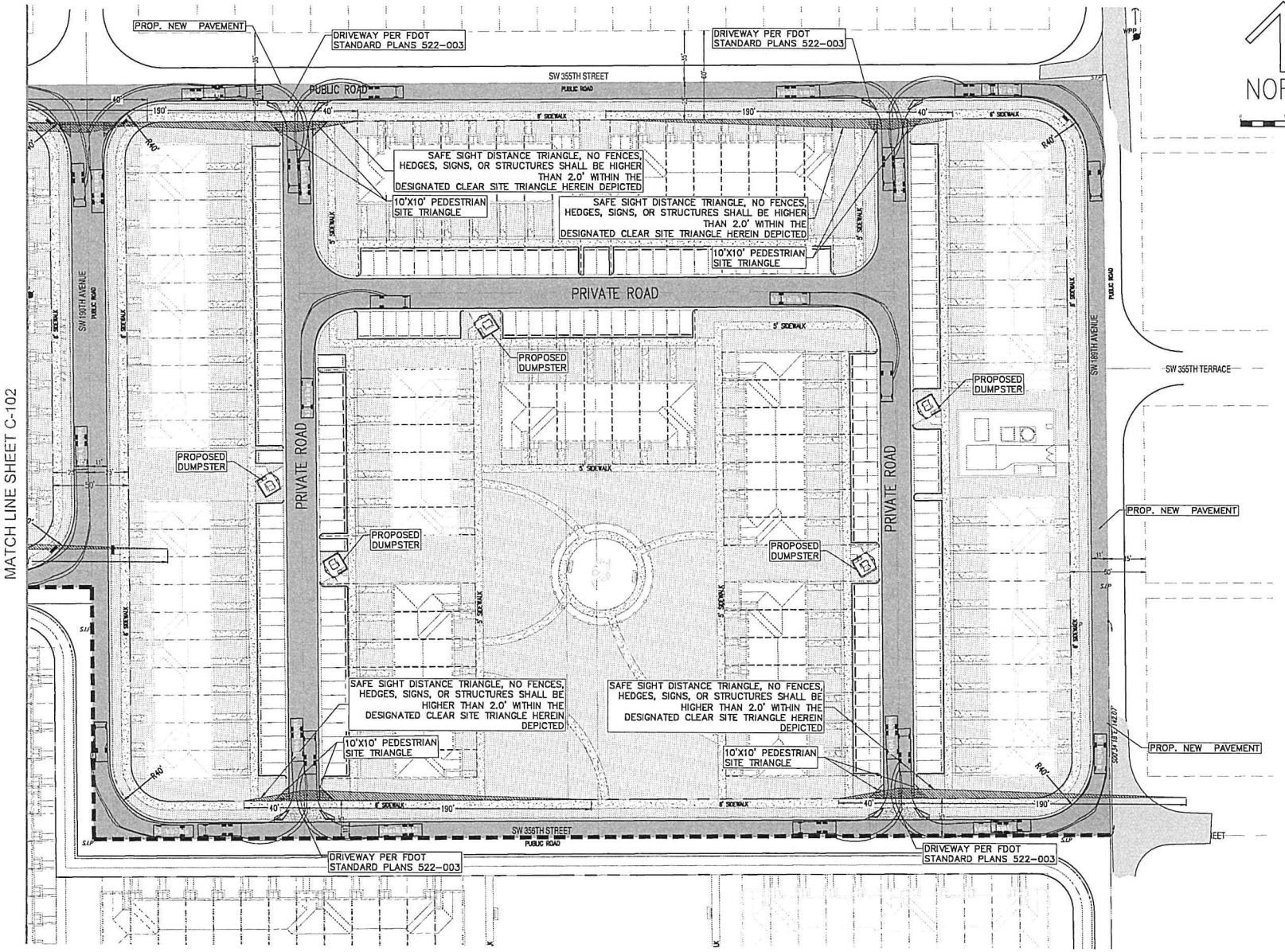
ROBAYNA AND ASSOCIATES INC.
ENGINEERS - PLANNERS - SURVEYORS
3723 NW 126th STREET
MIAMI, FLA. 33167
PH.(305) 687-2616 C.O.A. # 3304

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DRAWING NAME:	ILLUSTRATIVE SITE PLAN & TRUCK PATH
PROJECT:	DIEGO RODRIGUEZ
PREPARED FOR:	LENNAR HOMES, LLC

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E.B. # 3304

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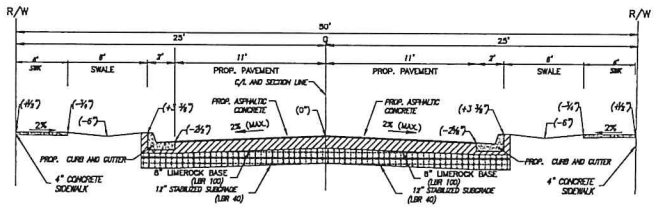
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O. ROBAYNA LICENSE No. 73598 STATE OF FLORIDA PROFESSIONAL ENGINEER

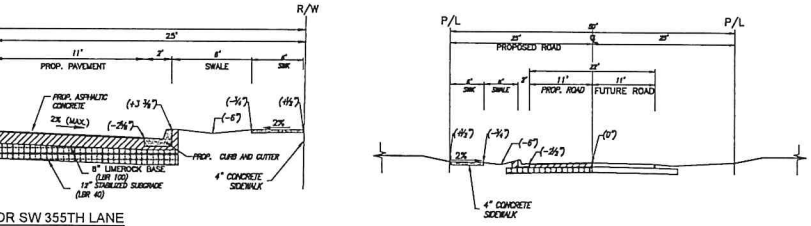
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3 OF 4 SHEETS
DATE: 10-10-2023
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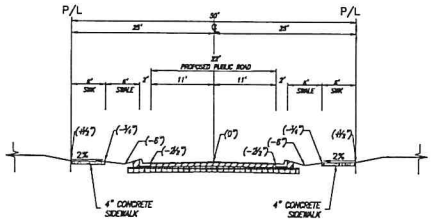
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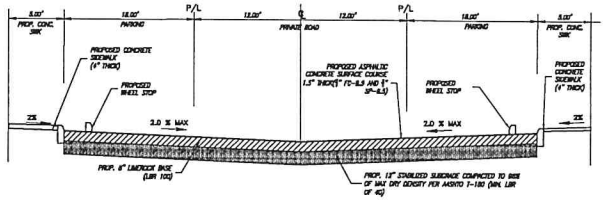
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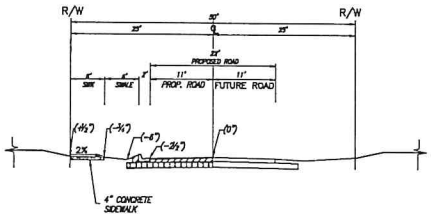
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N.T.S.



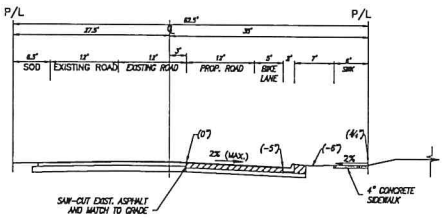
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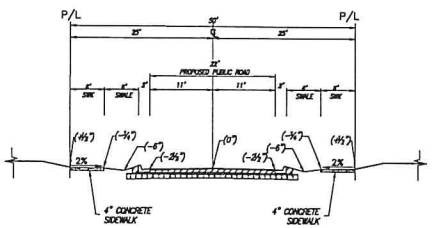
TYPICAL SECTION FOR PRIVATE ROADS
N.T.S.



TYPICAL SECTION FOR SW 355TH STREET
N.T.S.



TYPICAL SECTION FOR SW 192ND AVENUE (SR 9336)
N.T.S.



TYPICAL SECTION FOR SW 356TH STREET
N.T.S.

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ROBAINA ENGINEER * No. 73394 * STATE OF FLORIDA * PROFESSIONAL

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5721 NW 177th STREET
MIAMI LAKES, FL 33014
PH.(305) 823-4316
E.B. # 3504

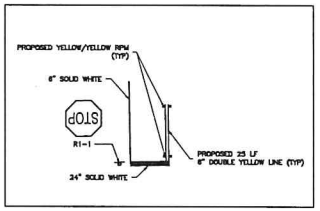
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PROJECT: DIEGO RODRIGUEZ
PREPARED FOR: LENNAR HOMES, LLC

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4 OF 4 SHEETS
DATE: 10-10-2023
PROJ. No: 230093

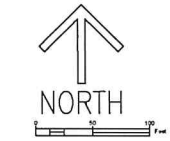
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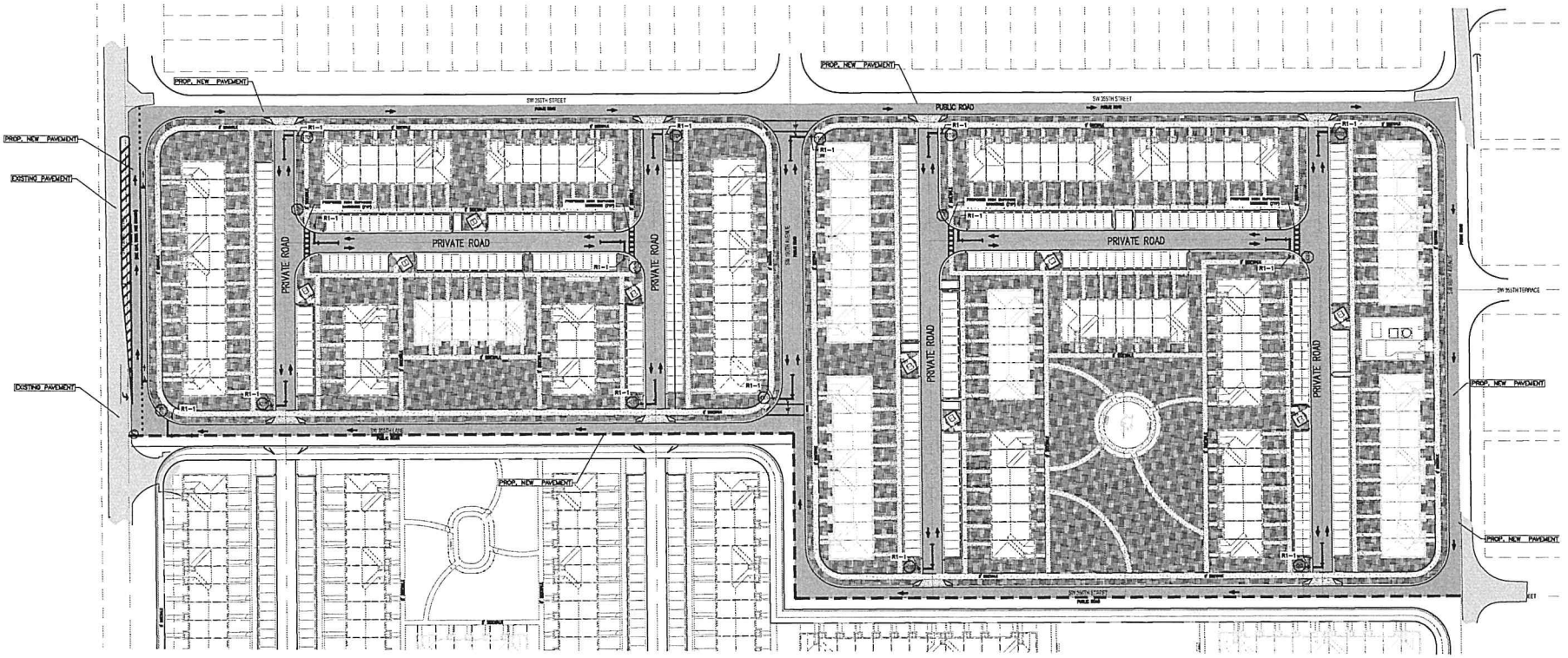
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PAVEMENT MARKING DETAIL(TYP.)
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MIAMI, FLORIDA 33175
PH.(305) 823-8315
E.B. # 3304

DRAWING NAME: SCHEMATIC SIGNING & PAVEMENT MARKING PLAN
PROJECT: DIEGO RODRIGUEZ
PREPARED FOR: LENNAR HOMES, LLC

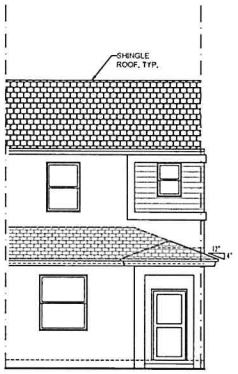
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1 OF 1 SHEETS
DATE: 10-10-2023
PROJ. No. 230093

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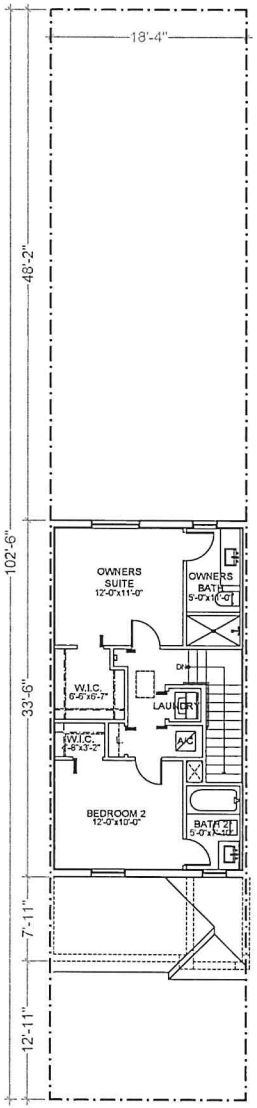
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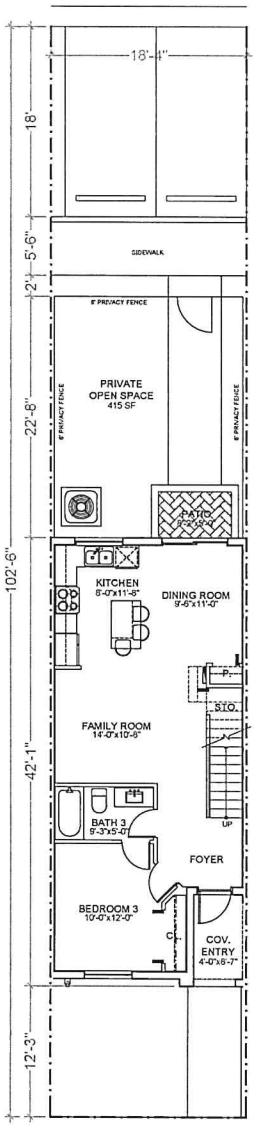
UNIT A
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	720 SQUARE FEET
A/C 2nd. FLOOR	614 SQUARE FEET
TOTAL A/C	1,334 SQUARE FEET
COVERED ENTRY	43 SQUARE FEET
TOTAL	1,377 SQUARE FEET

NOTE:
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UNIT A
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT A
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

UNIT A

FLOOR PLANS

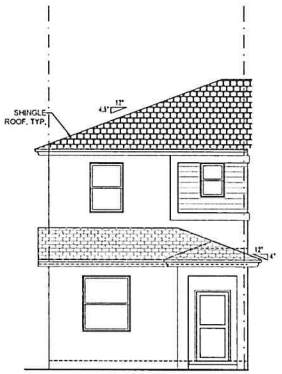
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SCALE :	AS SHOWN
DRAWN :	CC
CHECK BY:	PPKS
JOB NO.:	23-48

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SHEET NO.:

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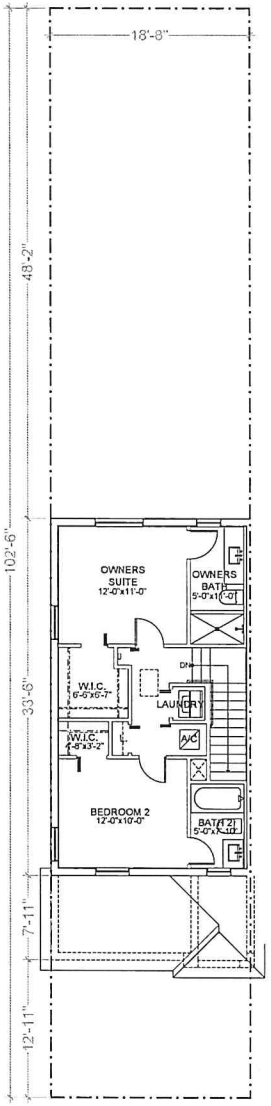
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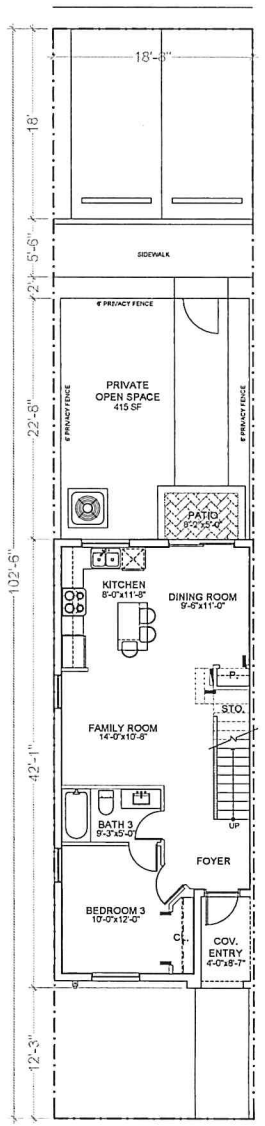
UNIT A.1
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	720 SQUARE FEET
A/C 2nd. FLOOR	614 SQUARE FEET
TOTAL A/C	1,334 SQUARE FEET
COVERED ENTRY	43 SQUARE FEET
TOTAL	1,377 SQUARE FEET

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UNIT A.1
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT A.1
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

UNIT A.1

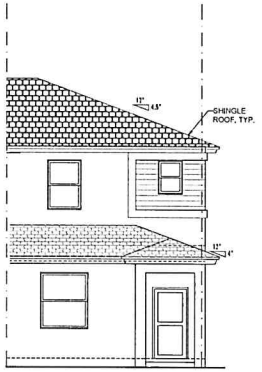
FLOOR PLANS

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SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

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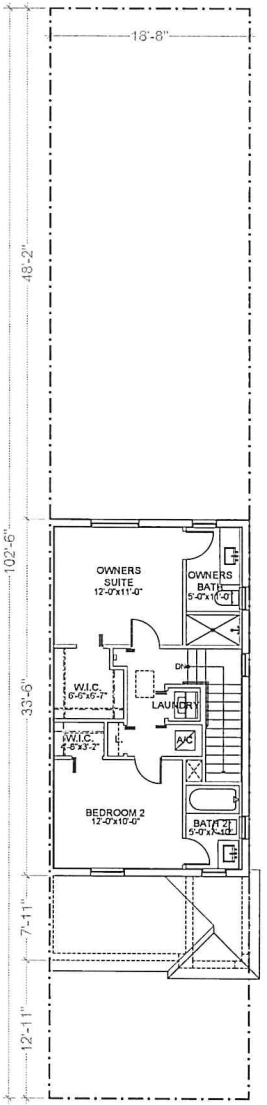
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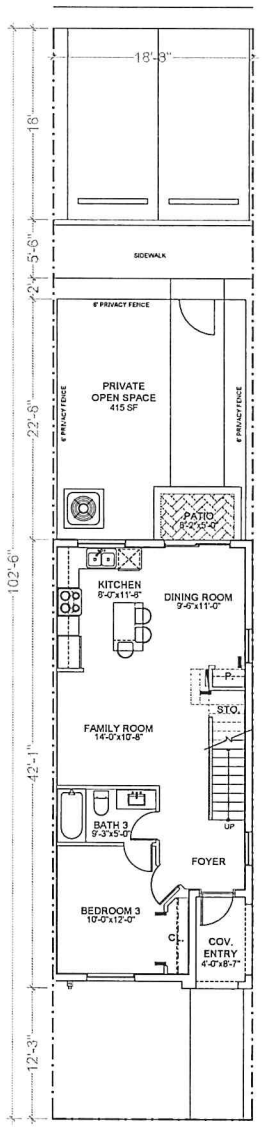
UNIT A.2
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	720 SQUARE FEET
A/C 2nd. FLOOR	614 SQUARE FEET
TOTAL A/C	1,334 SQUARE FEET
COVERED ENTRY	43 SQUARE FEET
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UNIT A.2
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT A.2
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

UNIT A.2

FLOOR PLANS

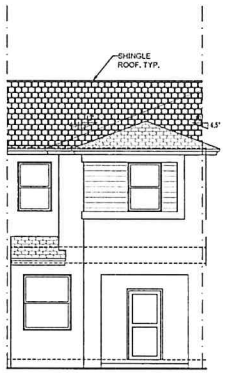
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A-3

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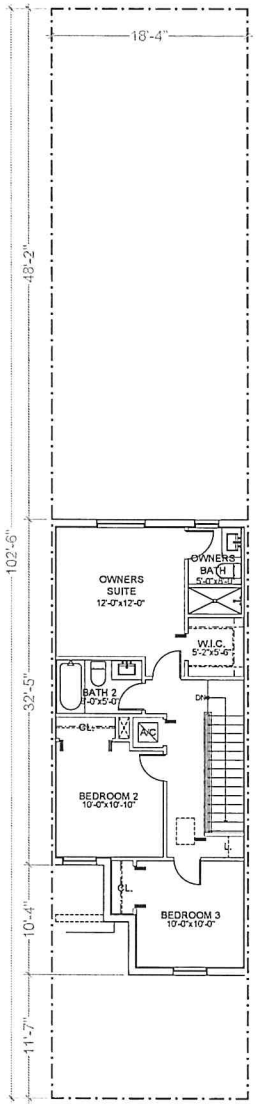
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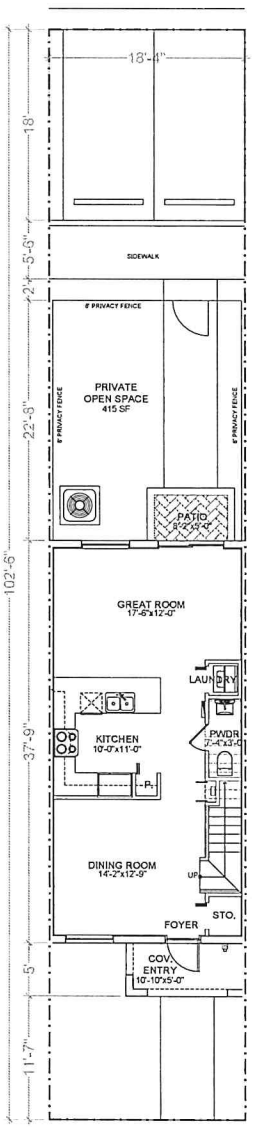
UNIT B
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	692 SQUARE FEET
A/C 2nd. FLOOR	722 SQUARE FEET
TOTAL A/C	1,414 SQUARE FEET
COVERED ENTRY	56 SQUARE FEET
TOTAL	1,470 SQUARE FEET

NOTE:
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UNIT B
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT B
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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SEAL:

UNIT B

FLOOR PLANS

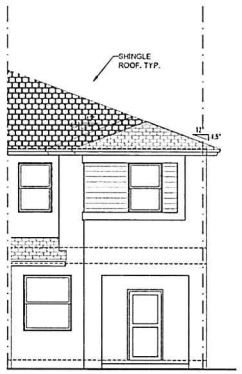
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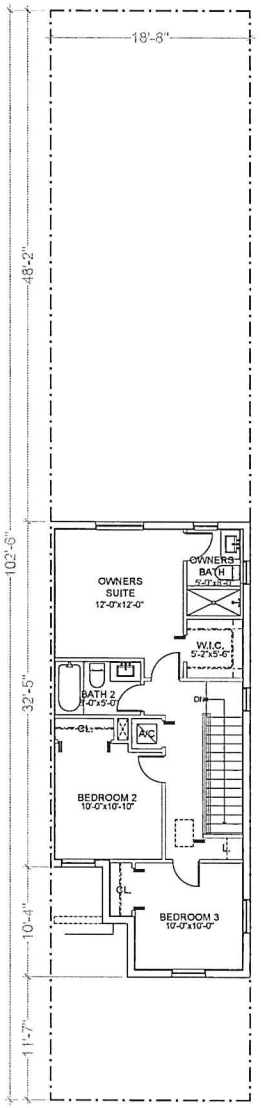
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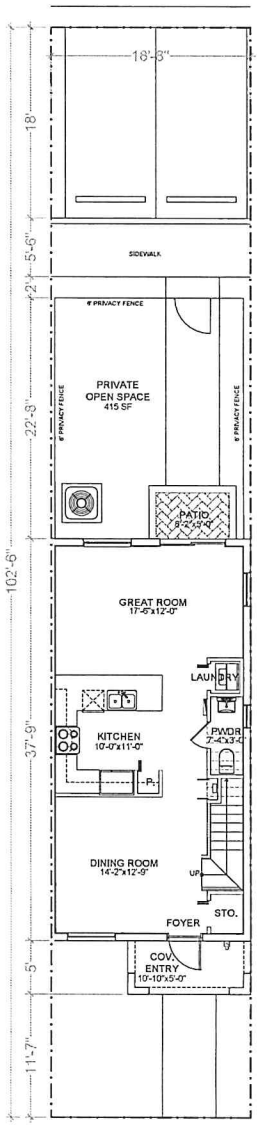
UNIT B.1
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	692 SQUARE FEET
A/C 2nd. FLOOR	722 SQUARE FEET
TOTAL A/C	1,414 SQUARE FEET
COVERED ENTRY	56 SQUARE FEET
TOTAL	1,470 SQUARE FEET

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UNIT B.1
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT B.1
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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SEAL:

UNIT B.1

FLOOR PLANS

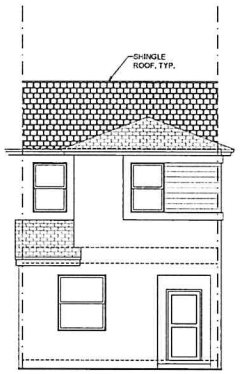
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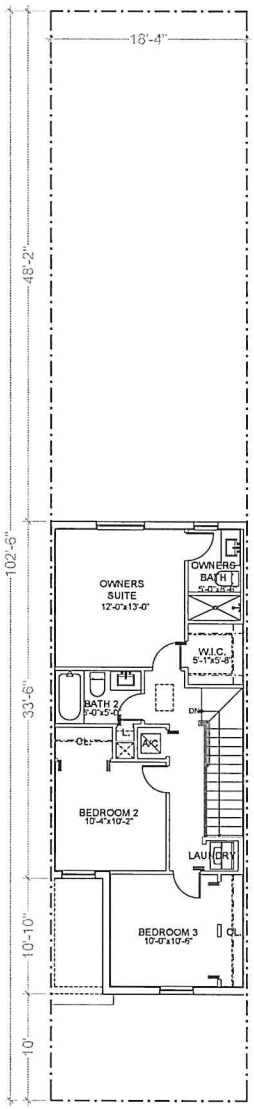
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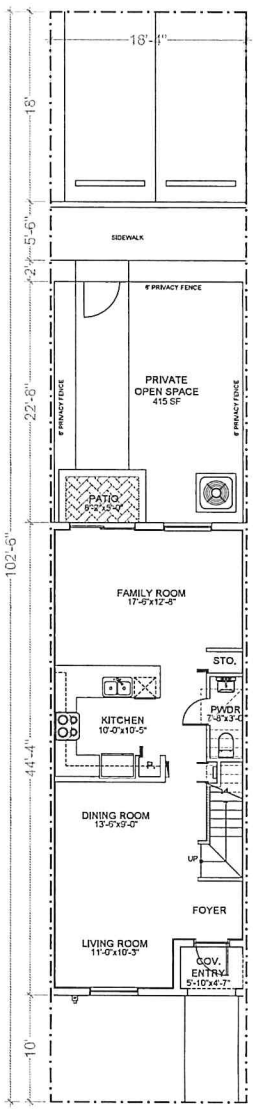
UNIT C
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	785 SQUARE FEET
A/C 2nd. FLOOR	760 SQUARE FEET
TOTAL A/C	1,545 SQUARE FEET
COVERED ENTRY	28 SQUARE FEET
TOTAL	1,573 SQUARE FEET

NOTE:
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UNIT C
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT C
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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UNIT C

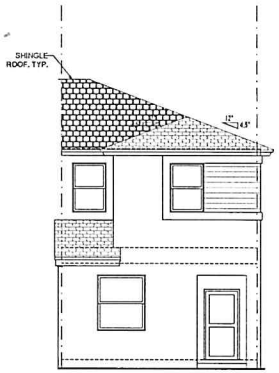
FLOOR PLANS

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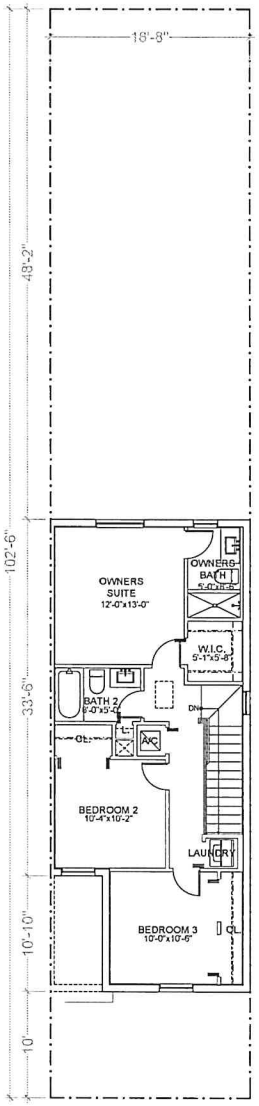
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UNIT C.1
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	785 SQUARE FEET
A/C 2nd. FLOOR	760 SQUARE FEET
TOTAL A/C	1,545 SQUARE FEET
COVERED ENTRY	28 SQUARE FEET
TOTAL	1,573 SQUARE FEET

NOTE:
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UNIT C.1
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT C.1
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

UNIT C.1

FLOOR PLANS

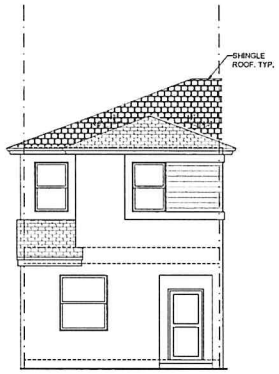
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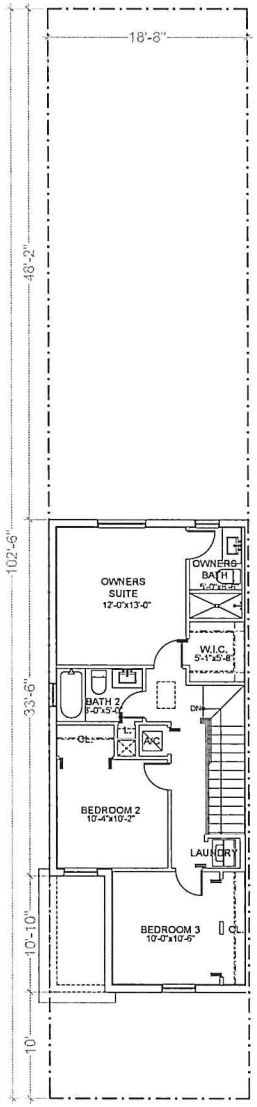
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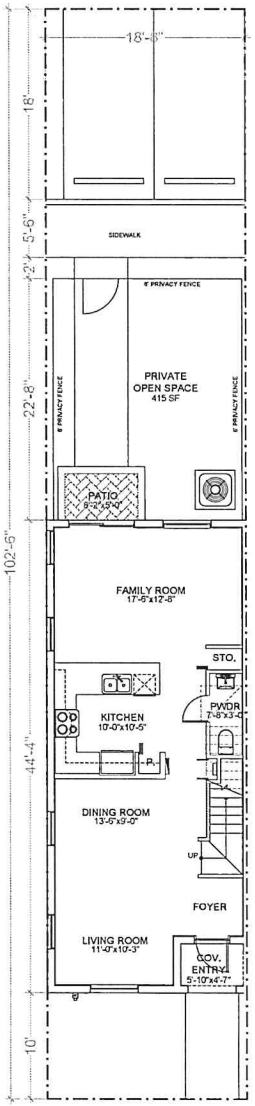
UNIT C.2
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

AREA CALCULATIONS:	
A/C 1st FLOOR	785 SQUARE FEET
A/C 2nd. FLOOR	760 SQUARE FEET
TOTAL A/C	1,545 SQUARE FEET
COVERED ENTRY	28 SQUARE FEET
TOTAL	1,573 SQUARE FEET

NOTE:
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UNIT C.2
SECOND FLOOR
SCALE: 3/16" = 1'-0"



UNIT C.2
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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UNIT C2

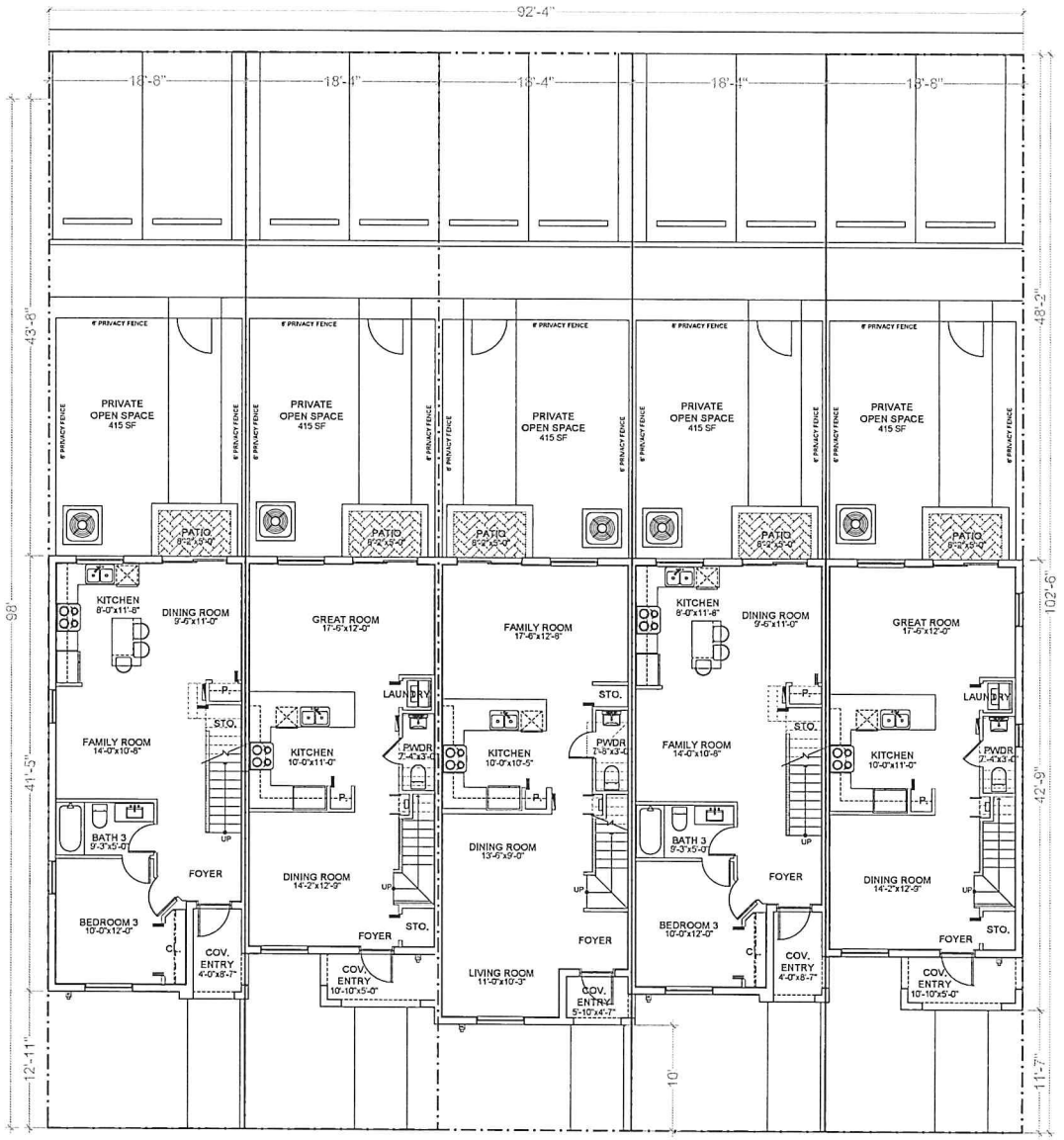
FLOOR PLANS

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BUILDING TYPE I - 5 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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BUILDING 5 UNIT

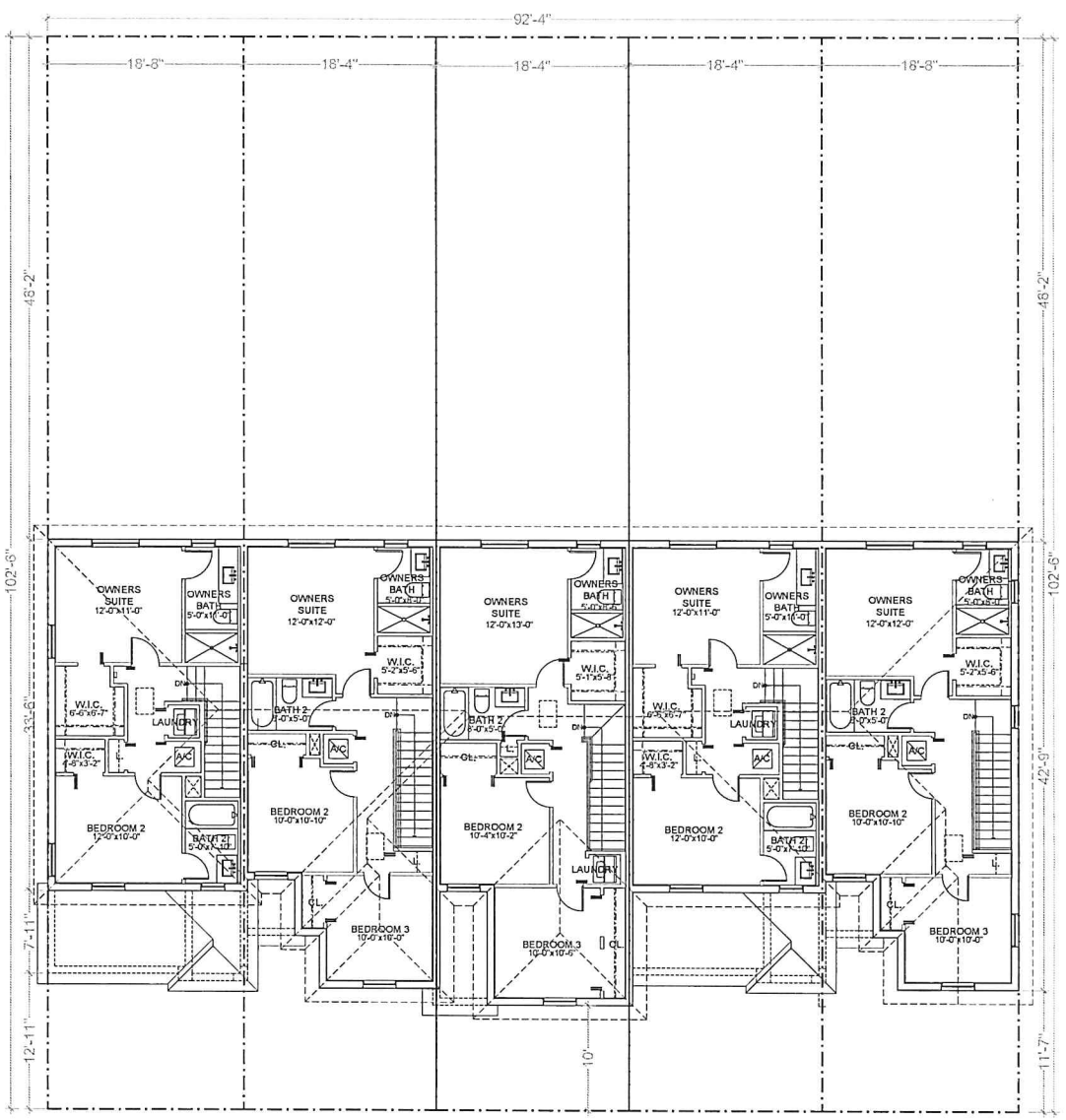
FLOOR PLAN

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BUILDING TYPE I - 5 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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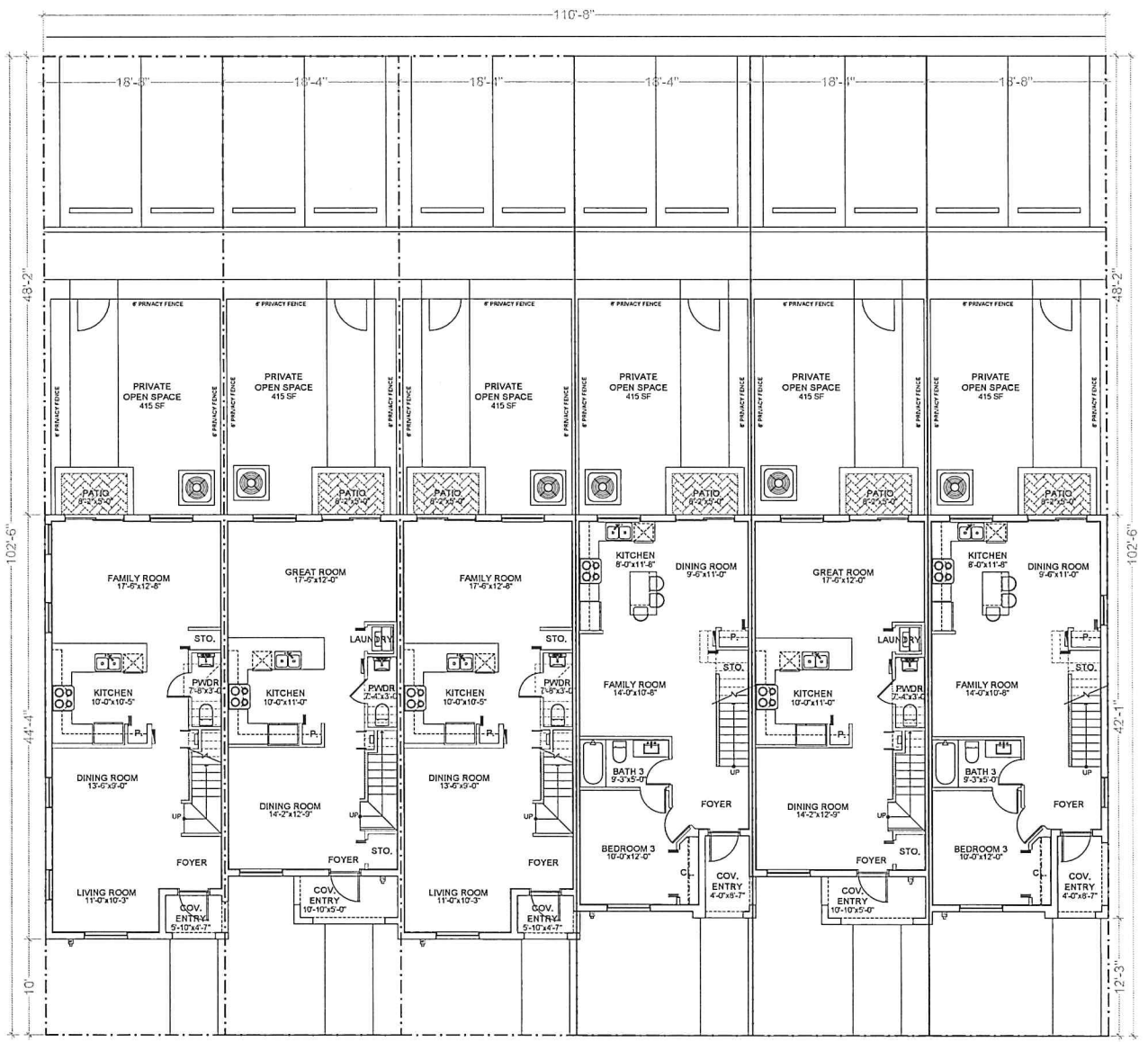
BUILDING 5 UNIT

FLOOR PLAN
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BUILDING TYPE II - 6 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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SEAL:

BUILDING 6 UNIT

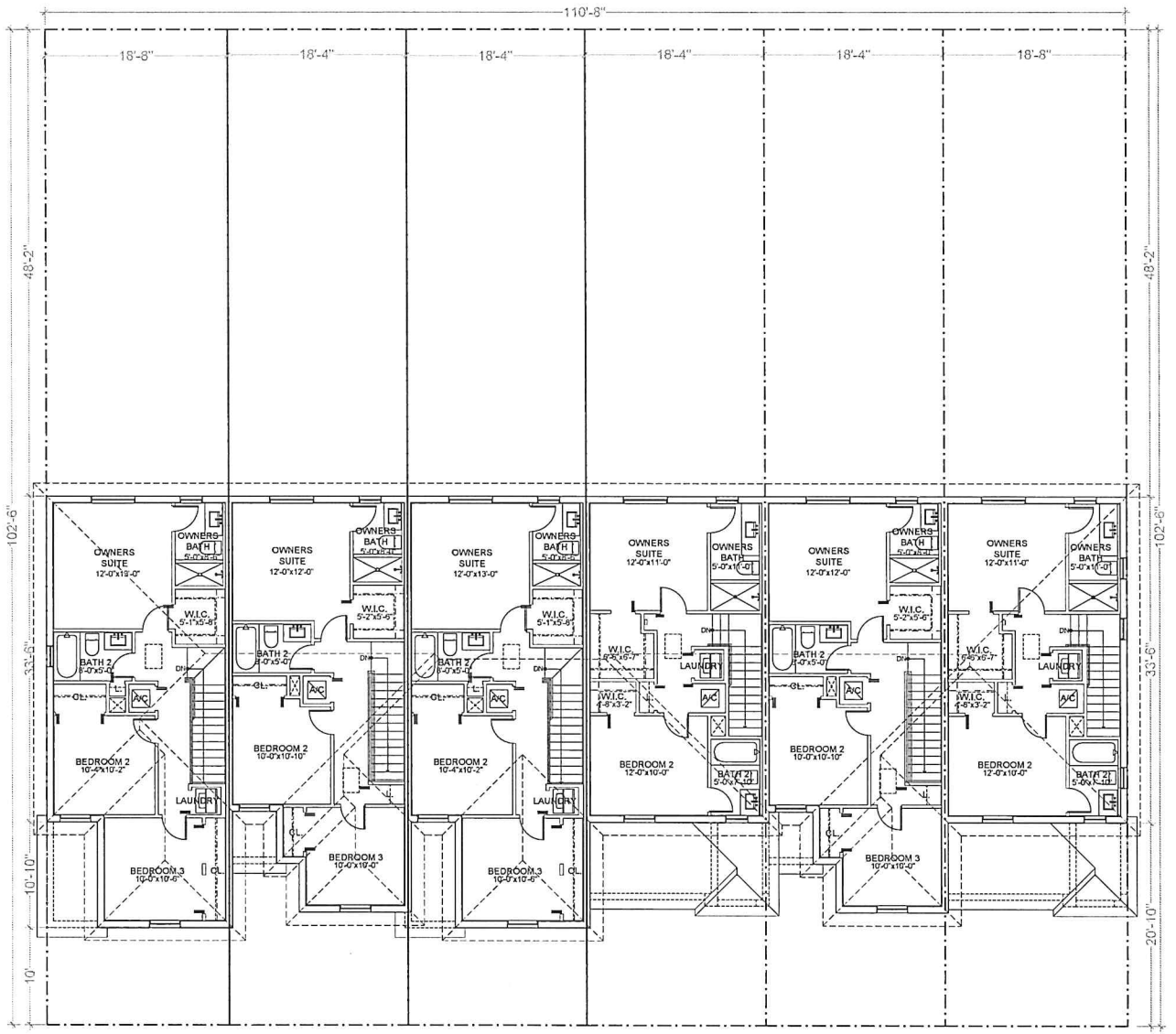
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SCALE:	AS SHOWN
DRAWN:	CC
CHECK BY:	PPKS
JOB NO.:	23-48

A-12

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BUILDING TYPE II - 6 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

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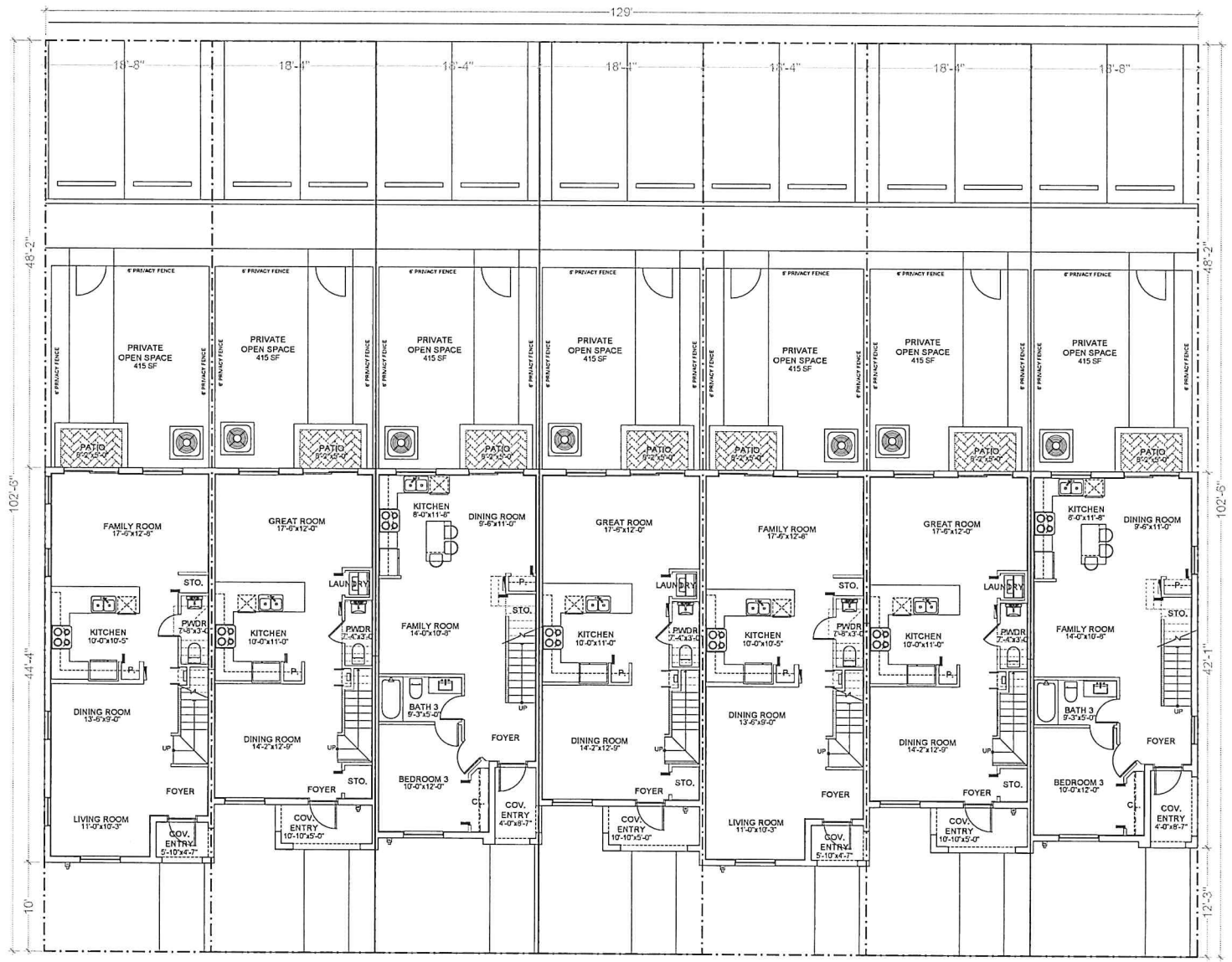
BUILDING 6 UNIT

FLOOR PLAN
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SCALE: AS SHOWN
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BUILDING TYPE III -7 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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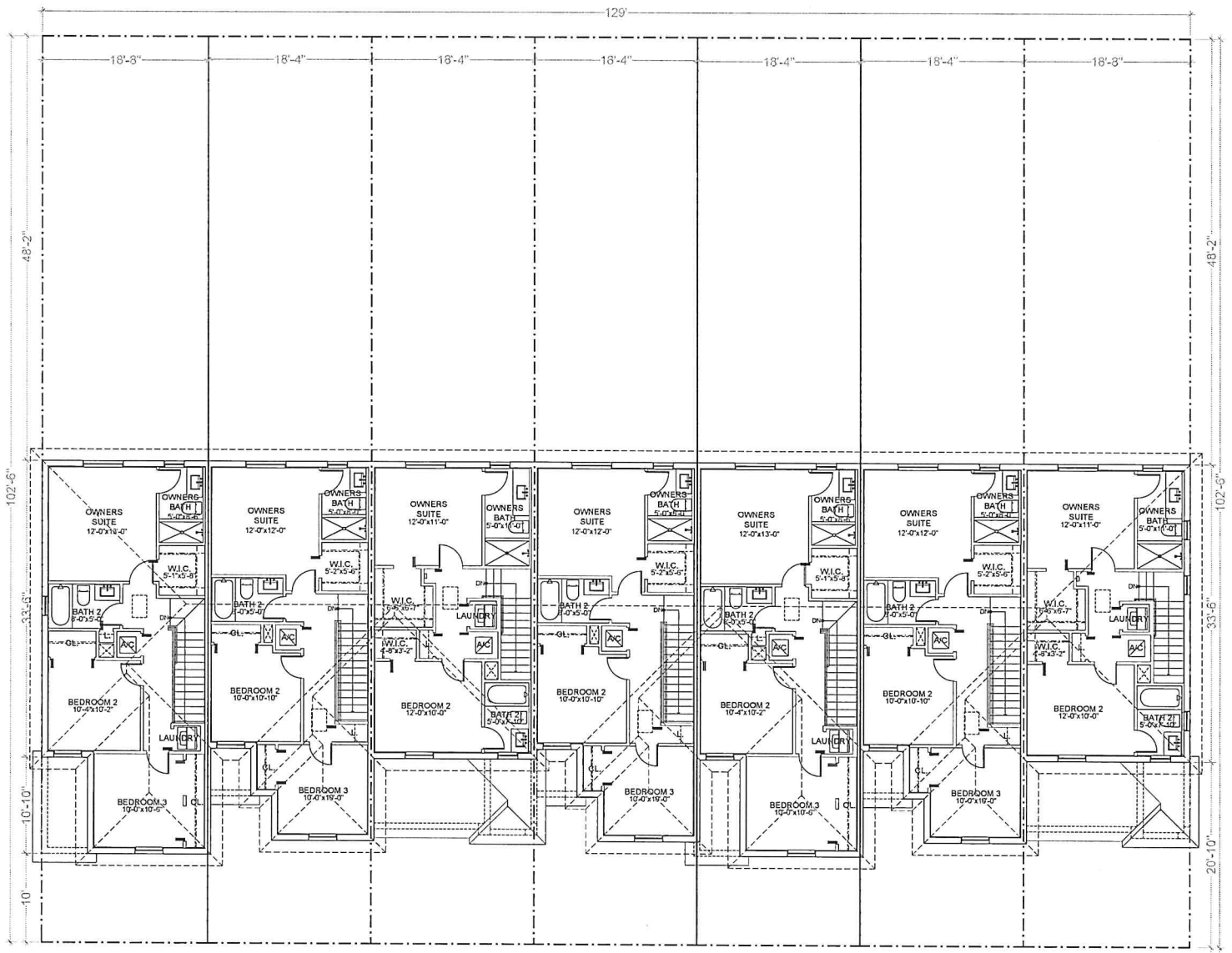
BUILDING 7 UNIT

FLOOR PLAN
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SCALE: AS SHOWN
DRAWN: CG
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UNIT C.2 | UNIT B | UNIT A | UNIT B | UNIT C | UNIT B | UNIT A.2

BUILDING TYPE III -7 UNIT
SECOND FLOOR
SCALE 3/16" = 1'-0"

NOTE:
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BUILDING 7 UNIT

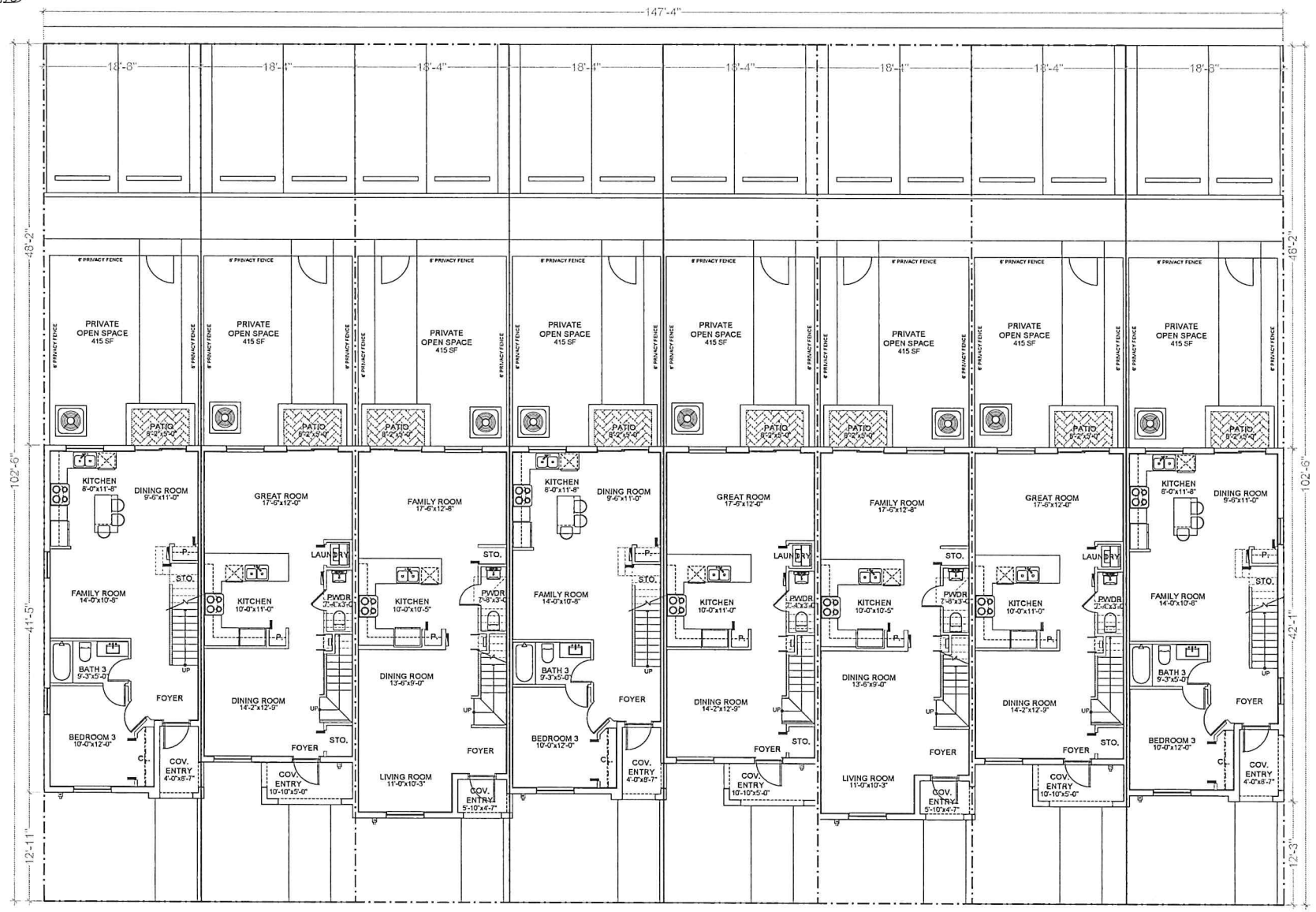
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BUILDING TYPE IV -8 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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BUILDING 8 UNIT

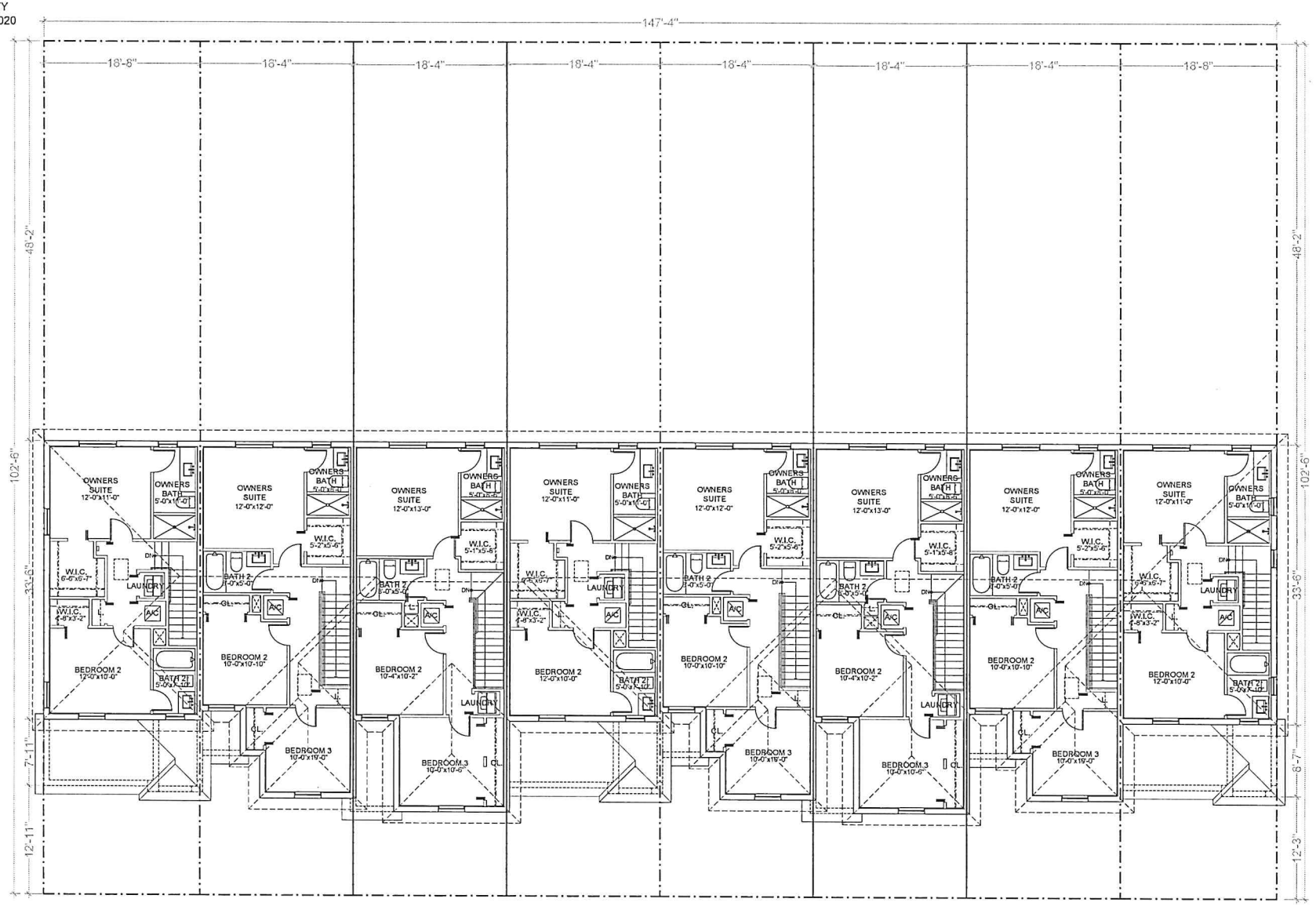
FLOOR PLAN

DATE :	2024-07-17
SCALE :	AS SHOWN
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BUILDING TYPE IV -8 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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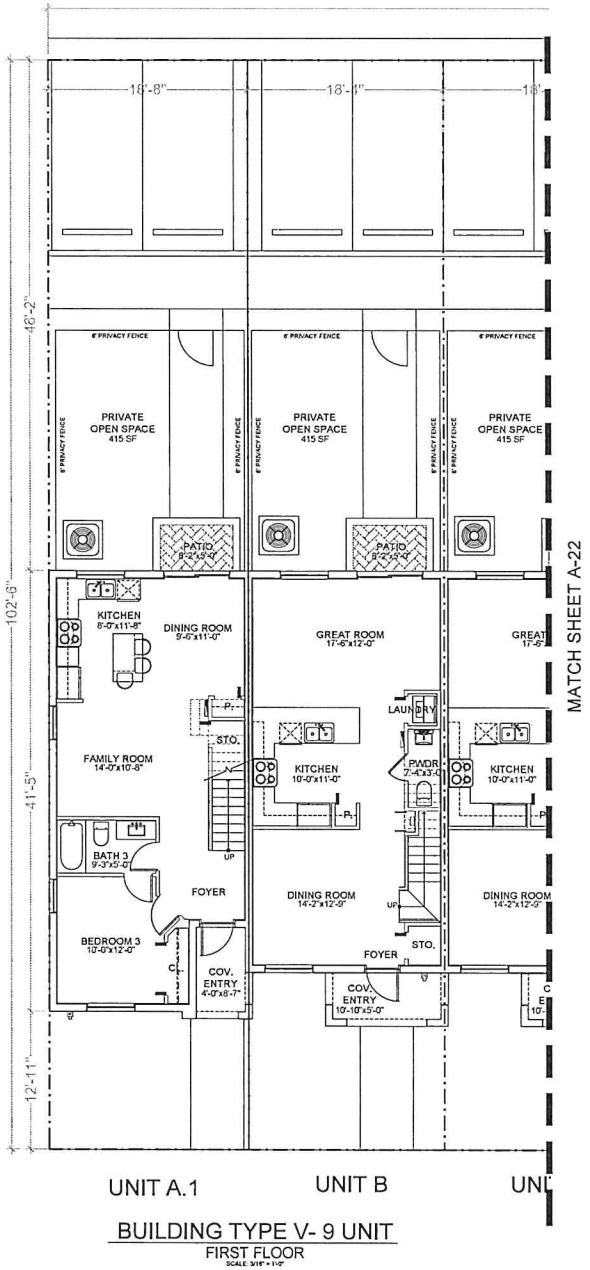
BUILDING 8 UNIT

FLOOR PLAN
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BUILDING TYPE V- 9 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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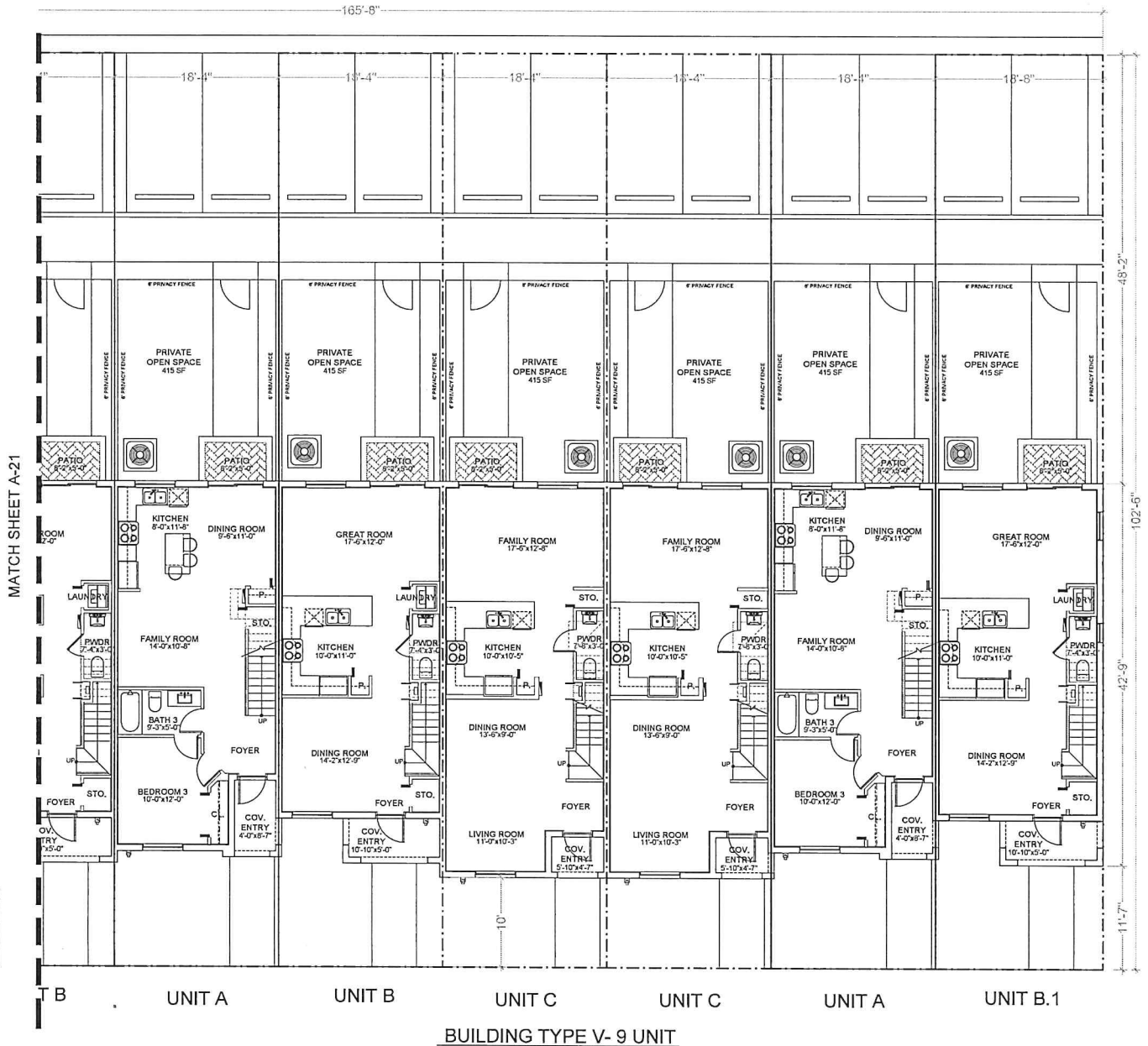
BUILDING 9 UNIT

FLOOR PLAN
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BUILDING TYPE V- 9 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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BUILDING 9 UNIT

FLOOR PLAN

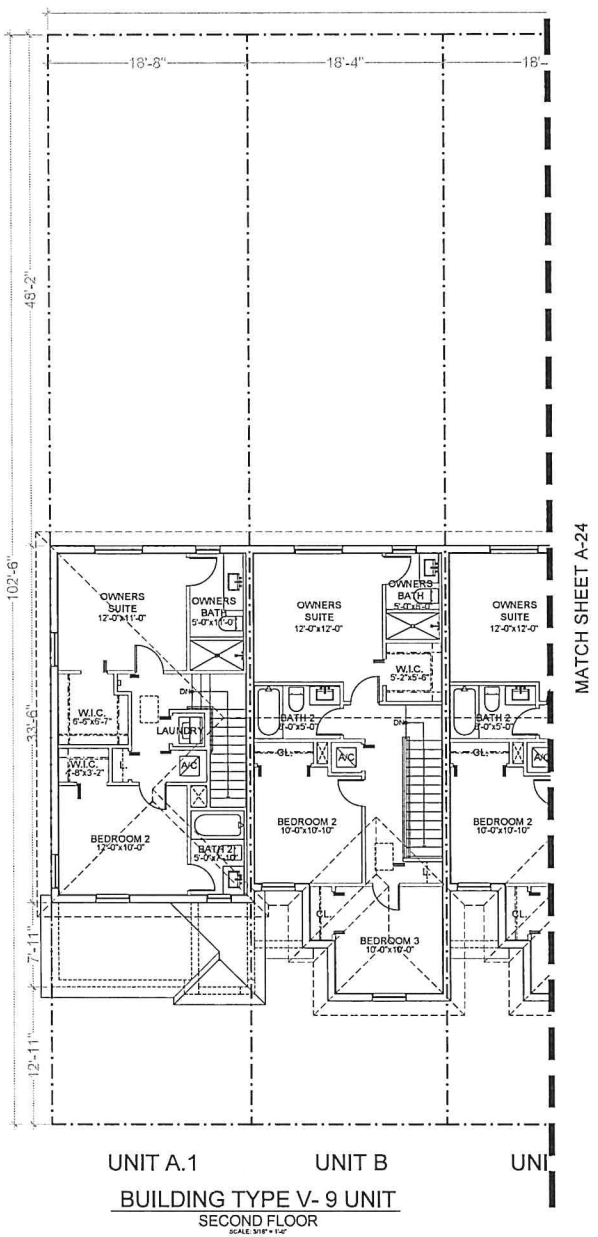
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BUILDING TYPE V- 9 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

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BUILDING 9 UNIT

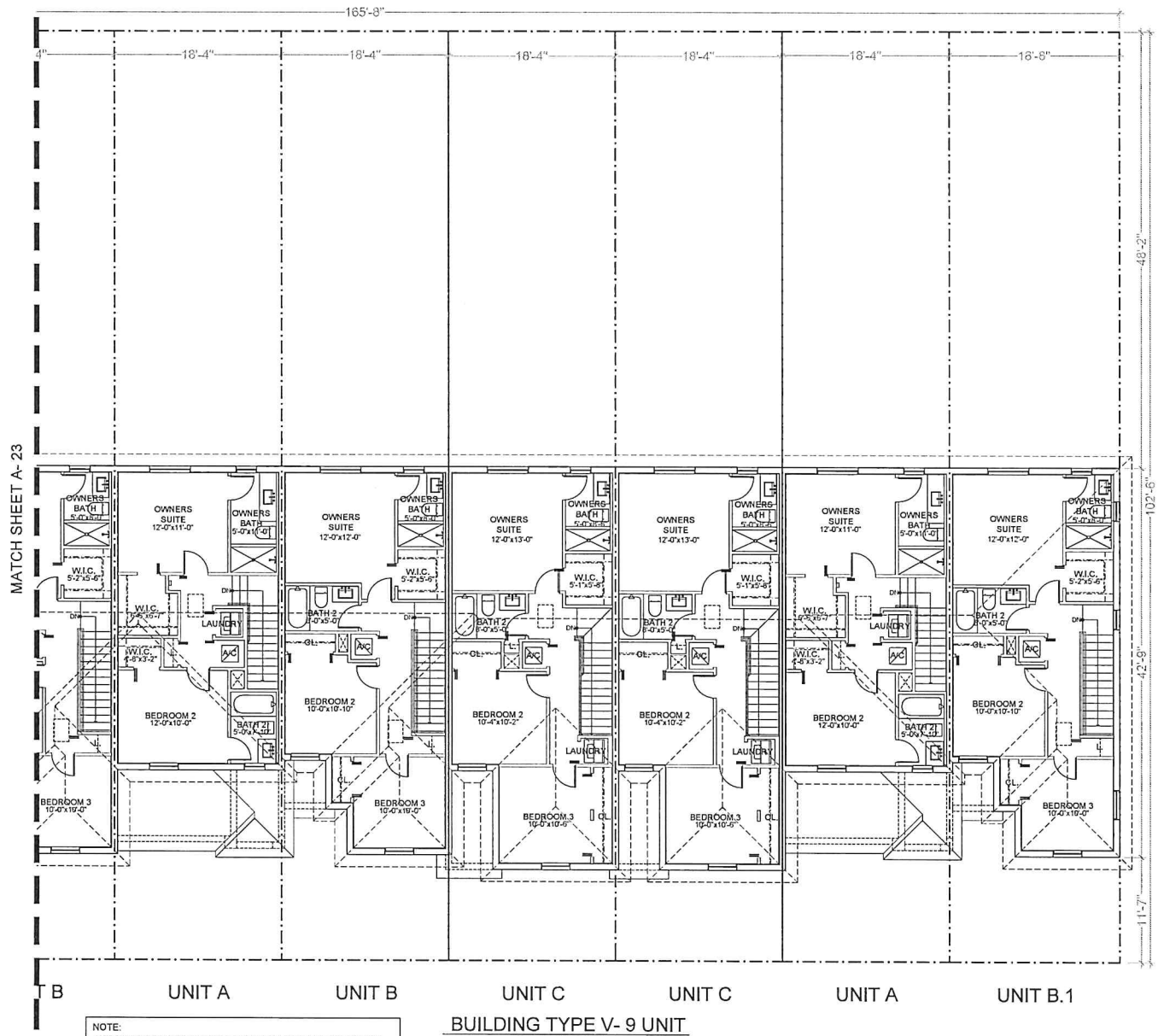
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BUILDING TYPE V- 9 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

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BUILDING 9 UNIT

FLOOR PLAN

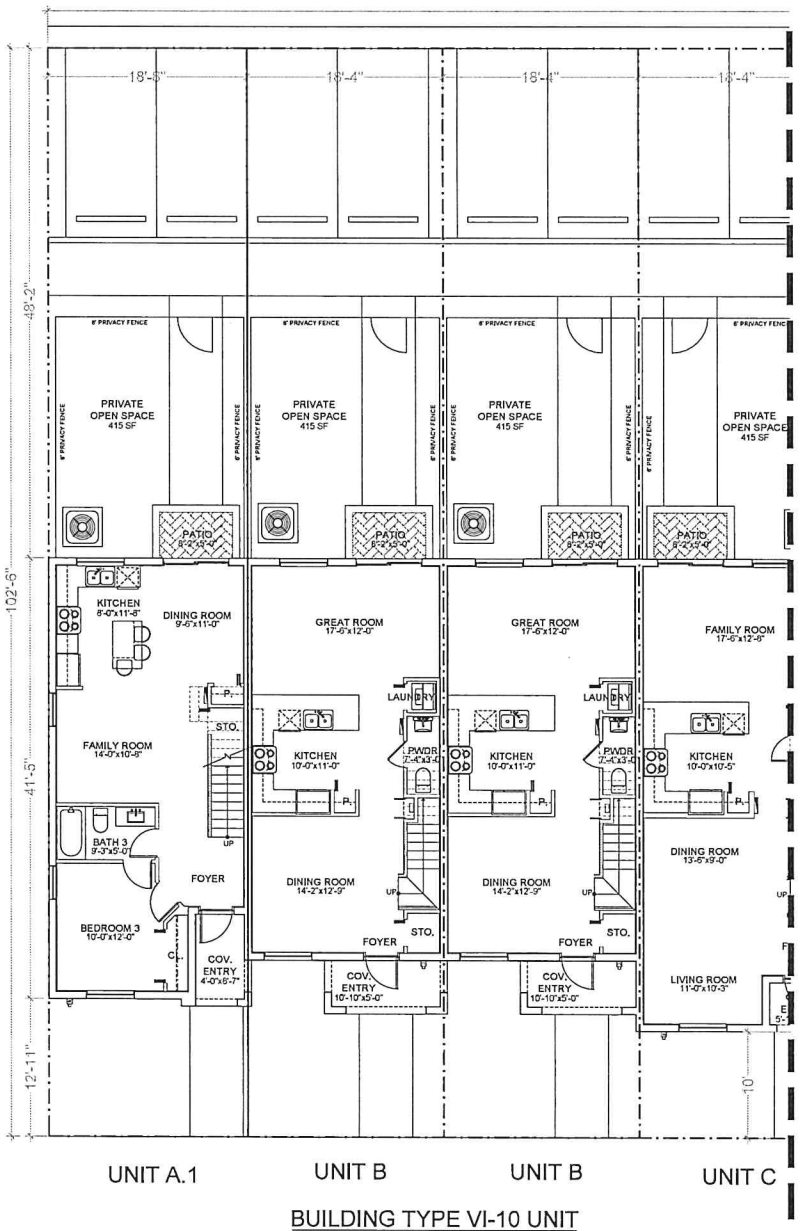
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BUILDING TYPE VI-10 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

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SEAL:

BUILDING 10 UNIT

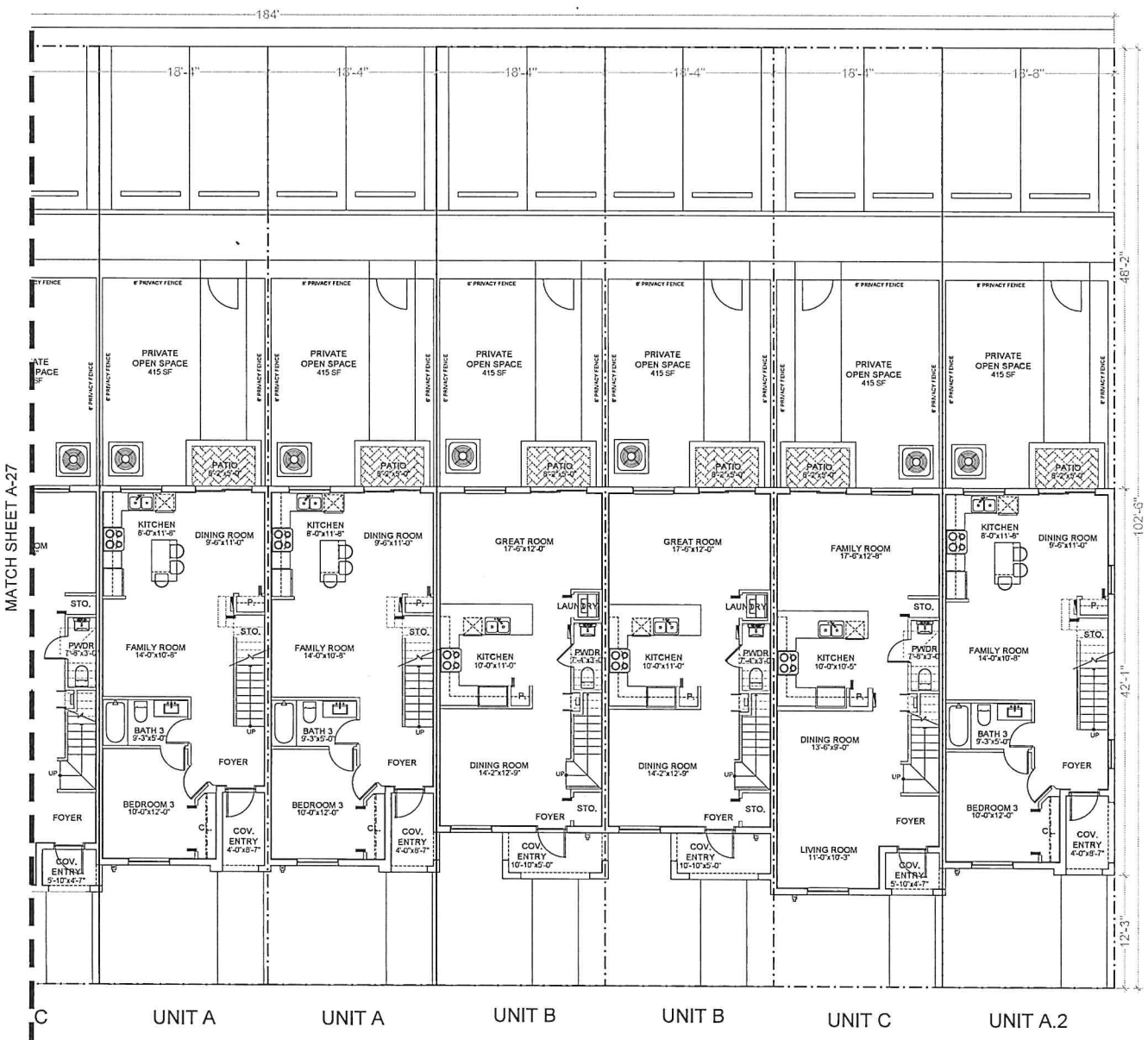
FLOOR PLAN

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

A-27

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BUILDING TYPE VI-10 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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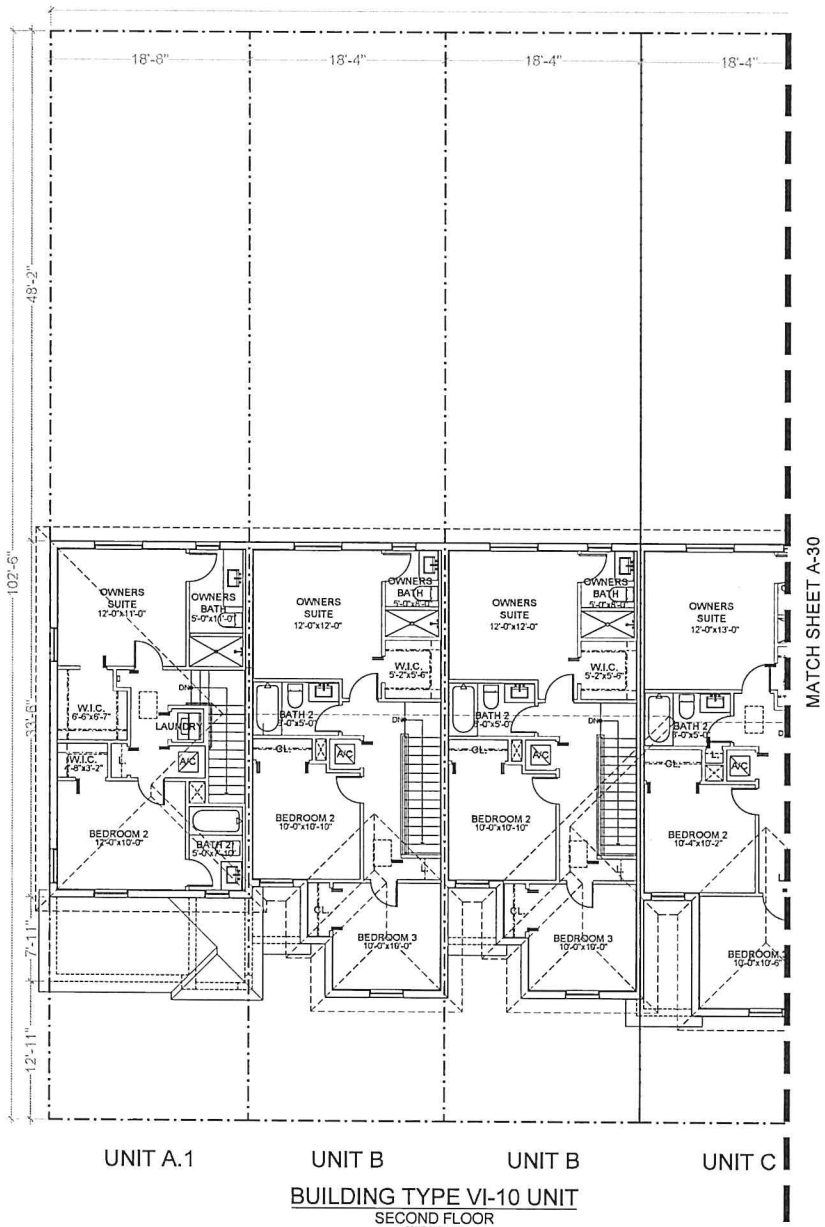
SEAL:

BUILDING 10 UNIT

FLOOR PLAN
DATE: 2024-07-17
SCALE: AS SHOWN
DRAWN: CG
CHECK BY: PPKS
JOB NO.: 23-48

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BUILDING TYPE VI-10 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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BUILDING 10 UNIT

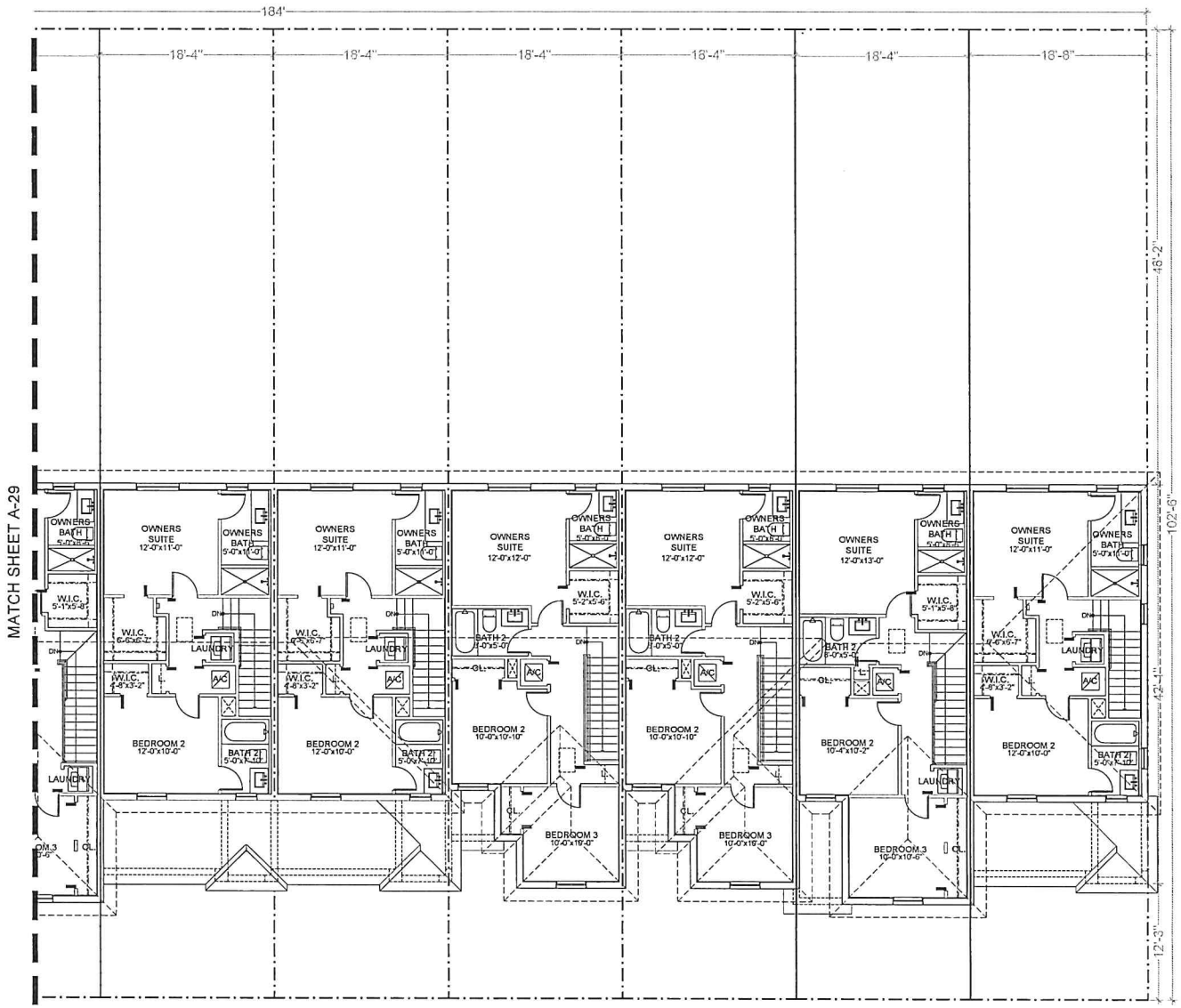
FLOOR PLAN

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CC
CHECK BY:	PPKS
JOB NO.:	23-48

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BUILDING TYPE VI-10 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

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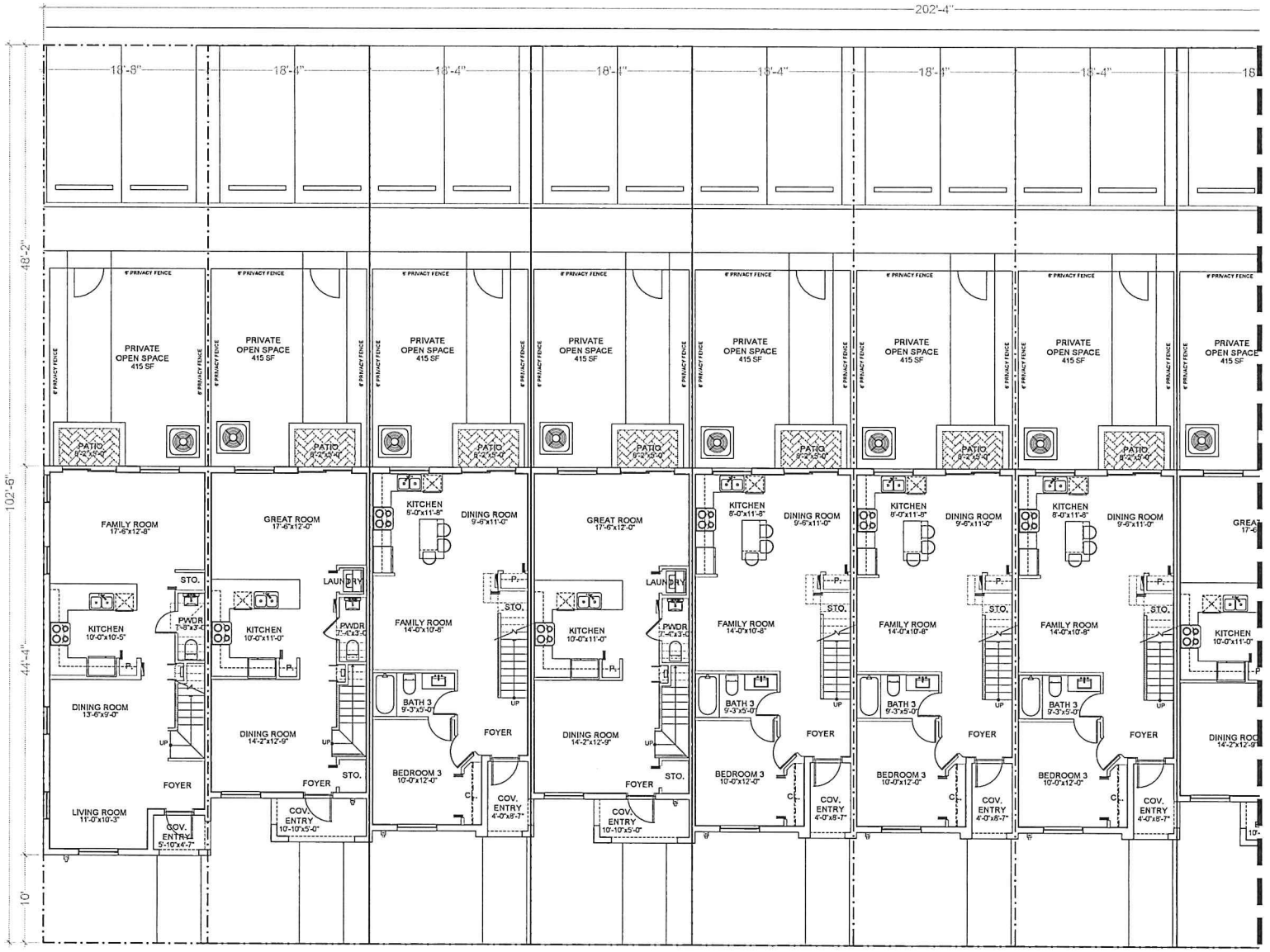
FLOOR PLAN

DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

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MATCH SHEET A-34

BUILDING TYPE VII-11 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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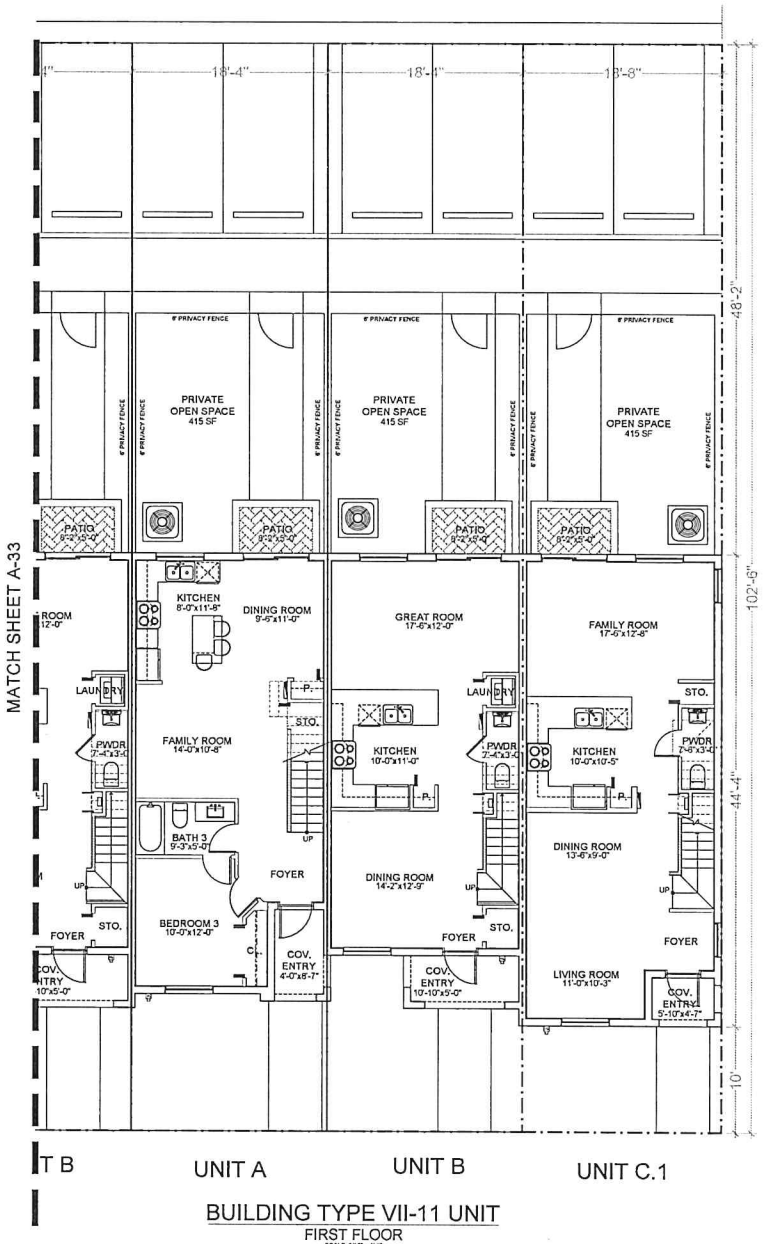
BUILDING 11 UNIT

FLOOR PLAN
DATE: 2024-07-17
SCALE: AS SHOWN
DRAWN: CG
CHECK BY: PPKS
JOB NO.: 23-48

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BUILDING TYPE VII-11 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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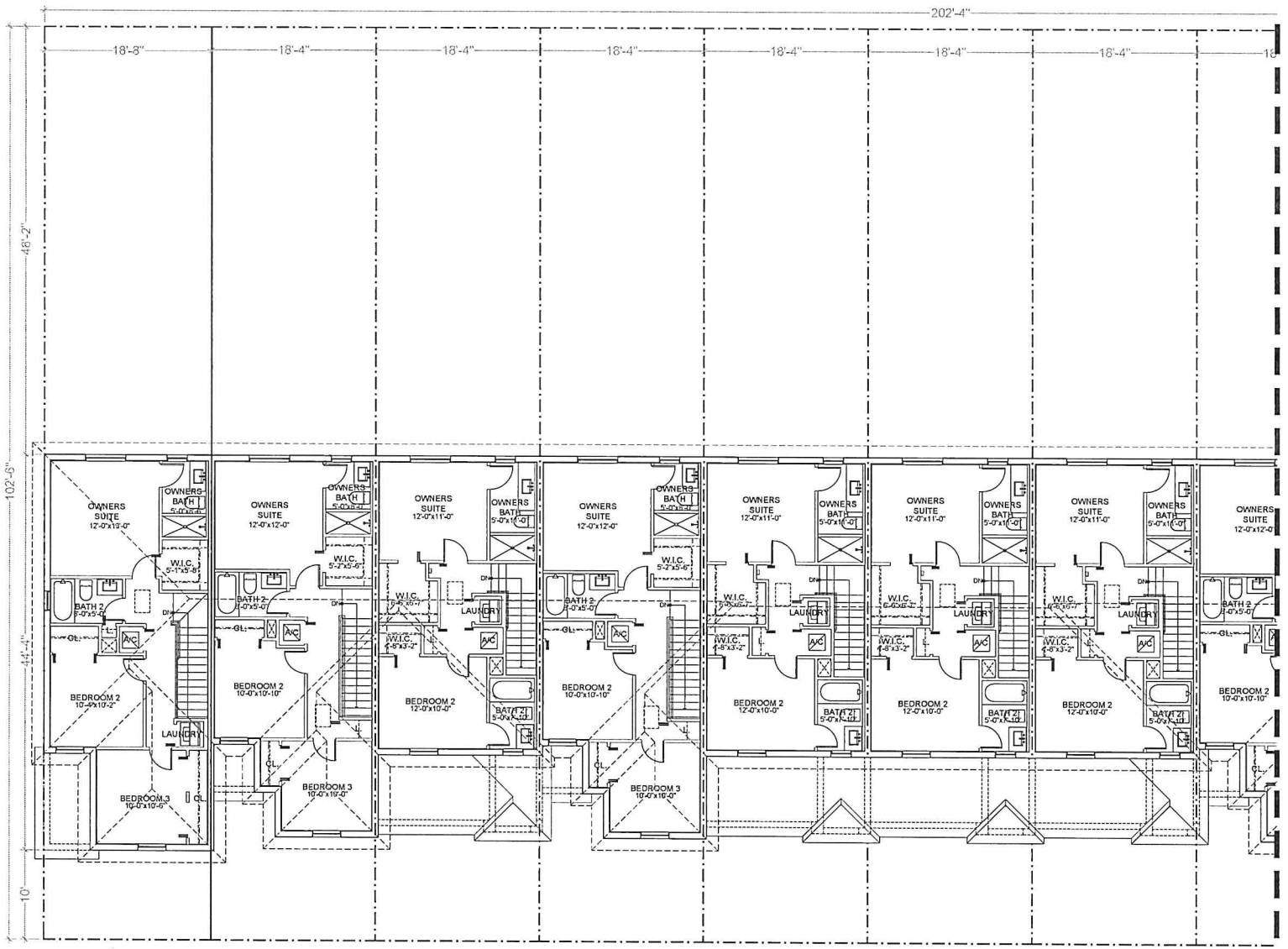
FLOOR PLAN

DATE :	2024-07-17
SCALE :	AS SHOWN
DRAWN :	CG
CHECK BY:	PPKS
JOB NO. :	23-48

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BUILDING TYPE VII-11 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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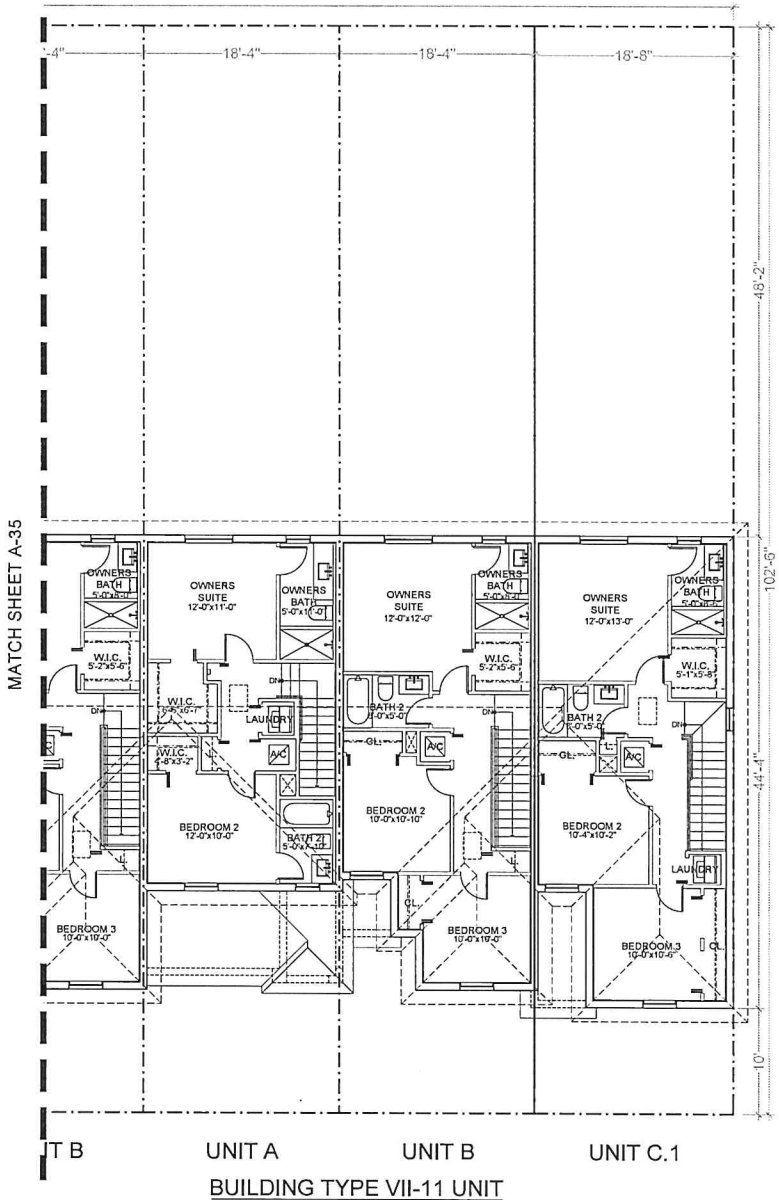
SEAL:

BUILDING 11 UNIT

FLOOR PLAN
DATE : 2024-07-17
SCALE : AS SHOWN
DRAWN : CG
CHECK BY: PPKS
JOB NO. : 23-48

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BUILDING TYPE VII-11 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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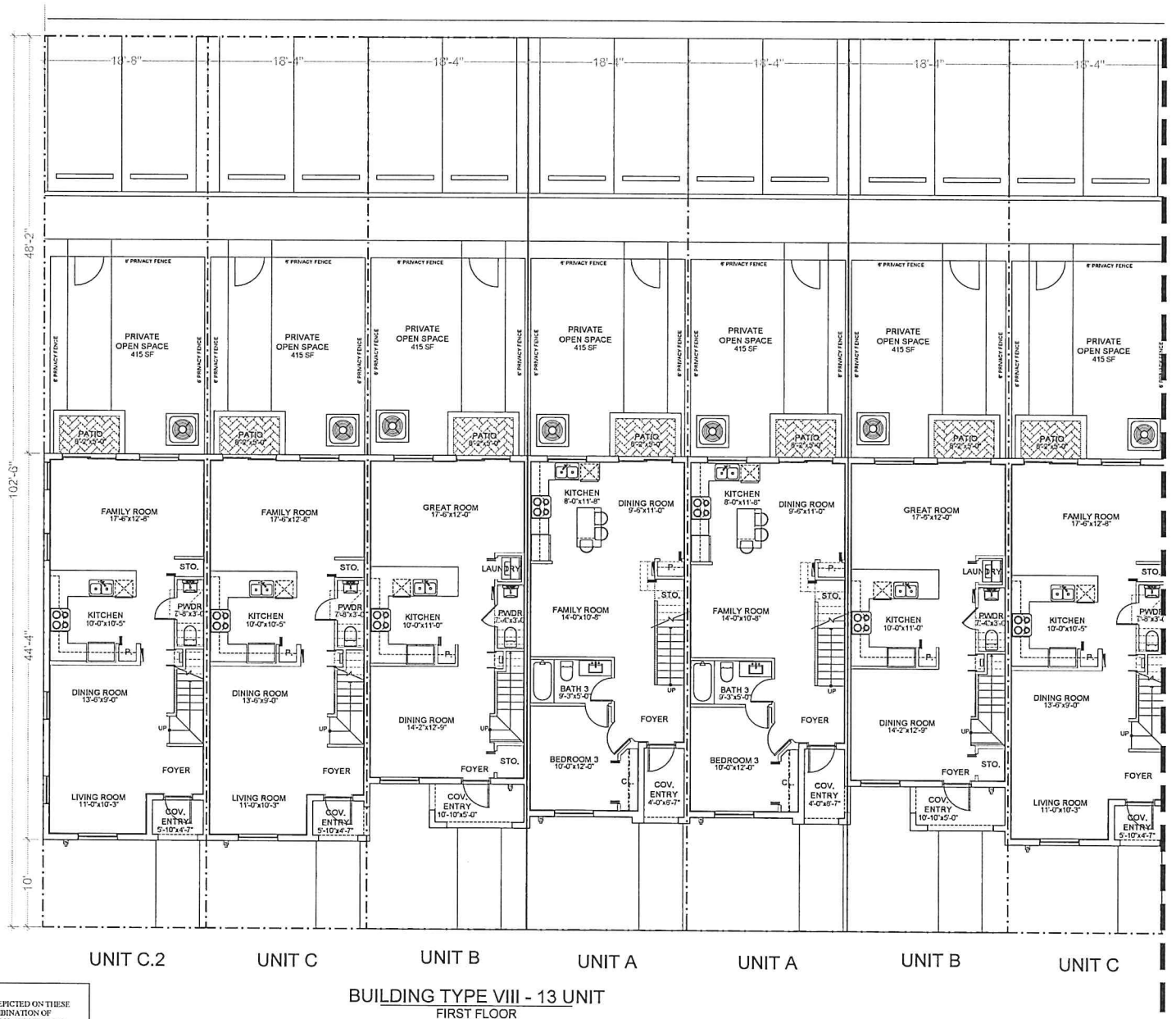
SEAL:

BUILDING 11 UNIT

FLOOR PLAN
DATE: 2024-07-17
SCALE: AS SHOWN
DRAWN: CG
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JOB NO.: 23-48

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BUILDING TYPE VIII - 13 UNIT
FIRST FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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BUILDING 13 UNIT

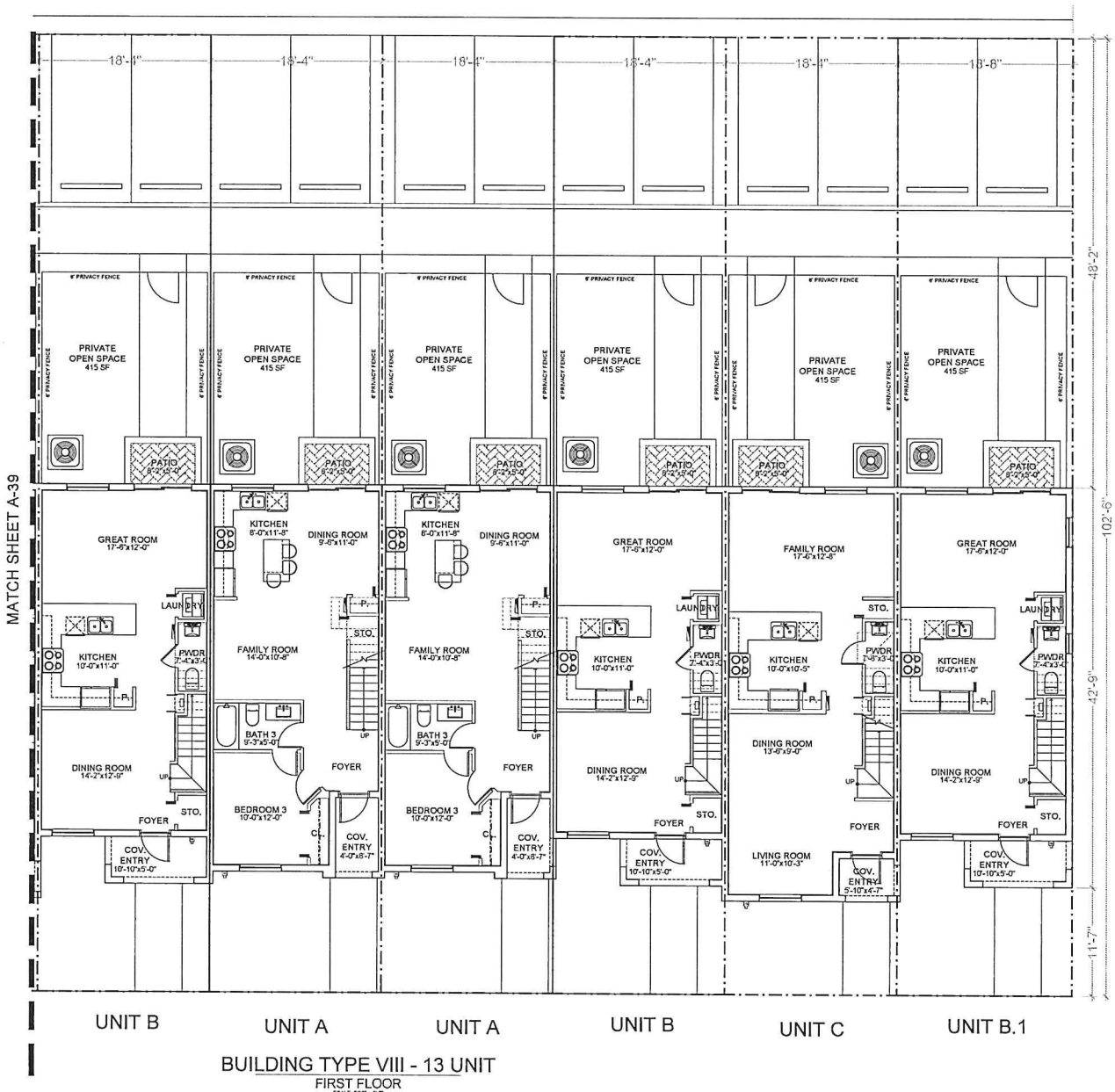
FLOOR PLAN

DATE:	2024-07-17
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DRAWN:	CG
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JOB NO.:	23-48

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BUILDING TYPE VIII - 13 UNIT
FIRST FLOOR
SCALE 3/16" = 1'-0"

NOTE:
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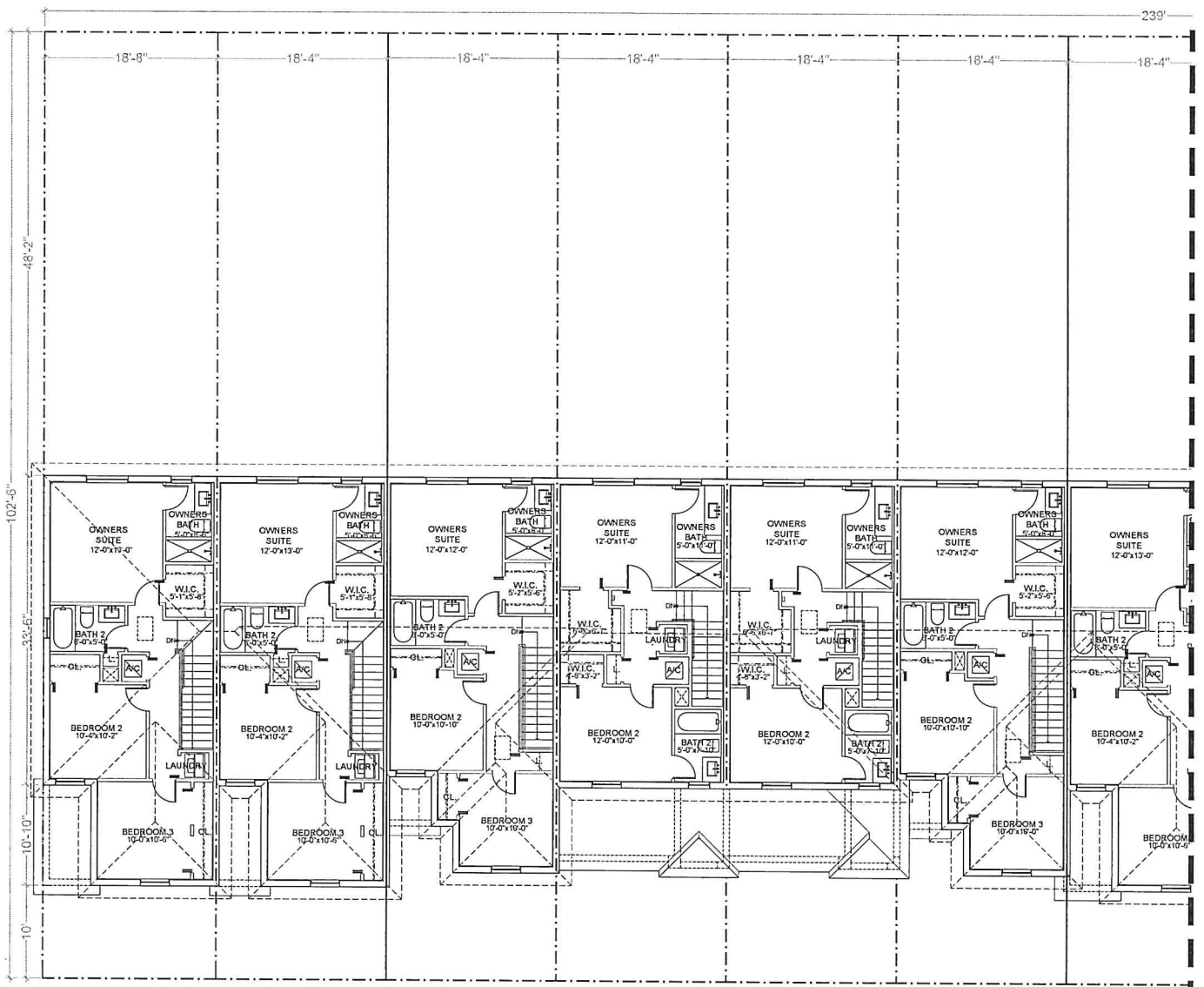
FLOOR PLAN

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DRAWN:	CG
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UNIT C.2 | UNIT C | UNIT B | UNIT A | UNIT A | UNIT B | UNIT C

BUILDING TYPE VIII - 13 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
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BUILDING 13 UNIT

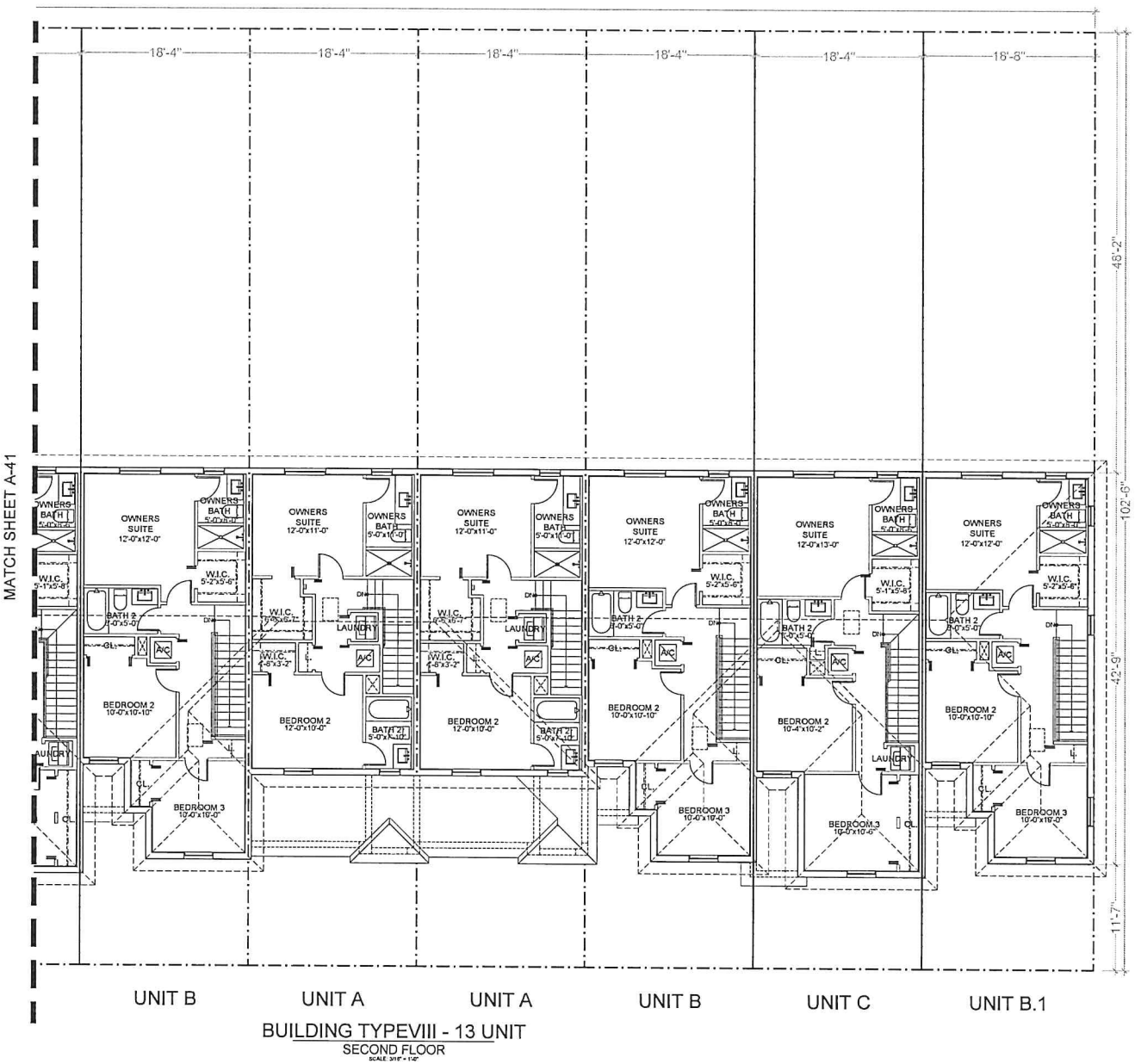
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BUILDING TYPEVIII - 13 UNIT
SECOND FLOOR
SCALE: 3/16" = 1'-0"

NOTE:
ANY COMBINATION OF BUILDING AND UNIT TYPES DEPICTED ON THESE PLANS MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT TYPES APPROVED. ADDITIONALLY, ANY TYPICAL BUILDING ELEVATION DEPICTED ON THESE PLANS MAY BE SUBSTITUTED WITH ANY OTHER BUILDING ELEVATION PROVIDED ANY NEW ELEVATION MAINTAINS ELEMENTS OF THE ARCHITECTURAL EXPRESSIONS APPROVED."

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OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

BUILDING 13 UNIT

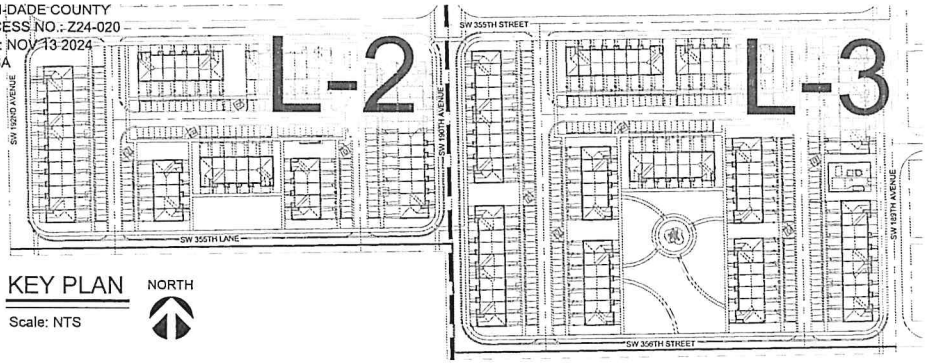
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DATE:	2024-07-17
SCALE:	AS SHOWN
DRAWN:	CG
CHECK BY:	PPKS
JOB NO.:	23-48

A-42

SHEET NO.:

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KEY PLAN
Scale: NTS
NORTH

SHEET INDEX:

L-1	INDEX
L-2	OVERALL LANDSCAPE PLAN
L-3	OVERALL LANDSCAPE PLAN
L-4	BUILDING TYPE VIII-13 UNIT LANDSCAPE PLAN
L-5	LANDSCAPE DETAILS

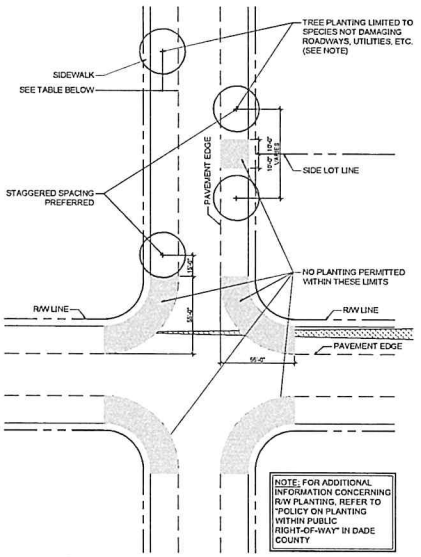
DIEGO RODRIGUEZ MITIGATION CALCULATIONS

TREE MITIGATION BREAKDOWN

TYPE	REQUIREMENT	QTY	SQ FT
Large Shade Wooden Tree 1	12' OA	-	-
Large Shade Wooden-NativeTree 1	12' OA	125	62,500
Medium Shade WoodenTree 2	8' OA	50	15,000
Medium Shade Wooden- Native Tree 2	8' OA	167	50,100
Large Palm 1	12' CT	-	-
Large Palm 1 Native	12' CT	-	-
Small Palm 2	3' CT	-	-
Small Palm 2 Native	3' CT	-	-
Small Shade WoodenTree 3	6' OA		-
Small Shade Wooden-NativeTree 3	6' OA		-

TREE REPLACEMENT

	Required	Provided
Palm Replacement (Sq Ft.)		-
Native Palm Replacement (Sq Ft.)		-
Total Palm Replacement (Sq Ft.)		-
Native Tree Replacement (Sq Ft.)		112,000
Total Replacement (Sq Ft.)	75,328	127,600



Public R.O.W. Planting Setback

SCALE: 1" = 40'-0"

	DESIGN SPEED		
ROADWAYS	BELOW 35 mph	35 - 45 mph	50 mph & ABOVE
NO CURB & GUTTER	6'	14'	30'
WITH CURB & GUTTER	4'	4'	14'

DIEGO RODRIGUEZ LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan

Zoning District: RU-4L WITH RU-TH USE — Net Lot Area: 454,792.23 s.f. / 10.44 acres

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 454,792 s.f. x 30 % = 136,438 s.f.	136,438	111,535
B. Square Feet of parking lot open space required by Chapter 33, as indicated on site plan: No. outside/ground-level parking spaces 329 x 10 s.f. per parking spaces =	3,290	3,290
C. Total s.f. of landscaped open space required by Chapter 33: A + B =	139,728	114,825
LAWN AREA CALCULATION		
A. 139,728 total s.f. of landscaped open space required by Chapter 33		
B. Maximum lawn area (sod) permitted = 60 % x 139,728 s.f. =	83,836	72,565
TREES		
A. No. trees required per net lot acre: Less existing number of trees meeting minimum requirements = 29 trees x net lot acres =	293	293 * / **
B. % Palms Allowed: No. trees required x 30% =	88	-
C. % Natives Required: No. trees provided x 30% =	88	324 * / **
D. Street trees (maximum average spacing of 35' o.c.): 5,190 linear feet along street =	146	146
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.) ____ linear feet along street / 25 =	N/A	N/A
F. Total Trees Required: A + D + E = 439 Total Trees	439	439 * / **
SHRUBS		
A. No. trees required x 10 = No. of shrubs allowed	4,390	4,416*
B. No. shrubs allowed x 30% = No. of native shrubs required	1,317	3,648*

SEE LANDSCAPE

* Includes 178 Trees, of which 118 are Native Trees; and 8,920 Shrubs, of which 3,906 are Native Shrubs from Typical Buildings Landscape Plan, See typical buildings total plant list.
** Includes 1 existing tree to remain, Refer to Tree Disposition Plan.

PLANT SCHEDULE TYPICAL BUILDINGS TOTAL

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	NATIVE	NOTES
TREES						
	CO	10	Chrysophyllum oliviforme Satinleaf	10' HT. X 4' SPR. X 2" CAL.	Y	-
	CR	14	Clusia rosea Pitch Apple	10' HT. X 4' SPR. X 2" CAL.	Y	-
	CD	42	Coccoloba diversifolia Pigeon Plum	10' HT. X 4' SPR. X 2" CAL.	Y	-
	CES	53	Conocarpus erectus sericeus Silver Buttonwood	10' HT. X 4' SPR. X 2" CAL.	Y	-
	LI	29	Lagerstroemia indica 'Natchez' Natchez Crape Myrtle	10' HT. X 4' SPR. X 2" CAL.	N	-
PALM TREES						
	VM2	40	Veitchia montgomeryana 'Double' Montgomery Palm	10' O.A. HT. MIN.	N	-
	VM	20	Veitchia montgomeryana 'Single' Montgomery Palm	14' O.A. HT. MIN	N	-
SHRUBS						
	CG	793	Clusia guttifera Small Leaf Clusia	24" HT. X 24" SPR. / 24" O.C.	Y	-
	CE2	938	Conocarpus erectus Green Buttonwood	24" HT. X 24" SPR. / 24" O.C.	Y	-
SHRUB AREAS						
	CH	275	Chrysobalanus icaco 'Red Tip' Red Tip Cocoplum	18" HT. X 18" SPR. / 18" O.C.	Y	-
	HC	166	Hamelia patens 'Compacta' Dwarf Firebush	18" HT. X 18" SPR. / 18 O.C.	N	-
	IN	144	Iazea x 'Nora Grant' Nora Grant Iaora	24" HT. X 24" SPR. / 24" O.C.	N	-
	SA	304	Schefflera arboricola 'Trinette' Variegated Schefflera	18" HT. X 18" SPR. / 18" O.C.	N	-
GROUND COVERS						
	FM	2,274	Ficus microcarpa Green Island ficus	15" HT. X 15" SPR. / 15" O.C.	N	-

PLANT SCHEDULE MDC DIEGO RODRIGUEZ

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	NATIVE	NOTES
TREES						
	CD	10	Coccoloba diversifolia Pigeon Plum	10' HT. X 4' SPR. X 2" CAL.	Y	
	CE	46	Conocarpus erectus Green Buttonwood	10' HT. X 4' SPR. X 2" CAL.	Y	-
	CES	12	Conocarpus erectus sericeus Silver Buttonwood	10' HT. X 4' SPR. X 2" CAL.	Y	
	QV	19	Quercus virginiana Live Oak	10' HT. X 4' SPR. X 2" CAL.	Y	-
	TH	25	Tabebuia heterophylla Pink Tabebuia	10' HT. X 4' SPR. X 2" CAL.	N	-
STREET TREES						
	BS1	34	Bursera simaruba Gumbo Limbo	12' HT. X 6' SPR. X 2" CAL.	Y	STREET TREE
	CD1	23	Coccoloba diversifolia Pigeon Plum	12' HT. X 6' SPR. X 2" CAL.	Y	STREET TREE
	CE1	23	Conocarpus erectus Green Buttonwood	12' HT. X 6' SPR. X 2" CAL.	Y	STREET TREE
	IC1	14	Ilex cassine Dahoon Holly	12' HT. X 6' SPR. X 2" CAL.	Y	STREET TREE
	QV1	6	Quercus virginiana Live Oak	12' HT. X 6' SPR. X 2" CAL.	Y	STREET TREE
	RE	18	Roystonea elata Florida Royal Palm	8' G.W. X 22' O.A. HT. MIN	Y	STREET TREE
	TH1	30	Tabebuia heterophylla Pink Tabebuia	12' HT. X 6' SPR. X 2" CAL.	N	STREET TREE
SHRUBS						
	AI	8	Alcantarea imperialis Imperial Bromeliad	36" HT. X 36" SPR.	N	-
	CG	684	Clusia guttifera Small Leaf Clusia	24" HT. X 24" SPR. / 24" O.C.	Y	
	CE2	400	Conocarpus erectus Green Buttonwood	24" HT. X 24" SPR. / 24" O.C.	Y	
SHRUB AREAS						
	CH	206	Chrysobalanus icaco 'Red Tip' Red Tip Cocoplum	18" HT. X 18" SPR. / 18 O.C.	Y	-
	HP	352	Hamelia patens Firebush	18" HT. X 18" SPR. / 18" O.C.	Y	-
	SV	148	Schefflera arboricola 'Trinette' Variegated Schefflera	18" HT. X 18" SPR. / 18" O.C.	N	-
GROUND COVERS						
	FM	560	Ficus microcarpa Green Island ficus	15" HT. X 15" SPR. / 15" O.C.	N	
LAWN	AS REQUIRED		STENOTAPHRUM SECUNDATUM 'FLORATAM' ST. AUGUSTINE GRASS		SOLID EVEN SOD	

LANDSCAPE NOTES:

- NO TREES SHALL BE PLANTED ON TOP OR ADJACENT TO PROPOSED FRENCH DRAINS OR INLETS.
- ALL LANDSCAPE INSIDE THE PROPERTY ADJACENT TO DRIVEWAYS SHALL COMPLY WITH THE 10' x 10' SAFE SIGHT-TRIANGLE, PER SE, 33-11 OF MIAMI-DADE COUNTY CODE.
- SEE PUBLIC R.O.W. PLANTING SETBACK DETAILS FOR TREES WITHIN R.O.W.
- LANDSCAPE FOR ALL CORNER LOTS SHALL SHOW COMPLIANCE WITH PWD STANDARD G5.1
- DRIVEWAYS AND APPROACHES MUST ADHERE TO MDC DETAILS. MUST BE FLARED OR MIN. 5'-0" RADIUS, AND SHALL NOT BE WIDER THAN 20'-0".
- ALL TREE DIMENSIONS ARE MEASURED FROM THE FACE OF TREE TRUNK.

WHP WITKIN HULTS + PARTNERS
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MDC DIEGO RODRIGUEZ
MIAMI DADE COUNTY, FL
INDEX

Project:

Revisions:	Date:	By:
1 City Comments	09.25.2024	LBC
2 City Comments	11.07.2024	LBC

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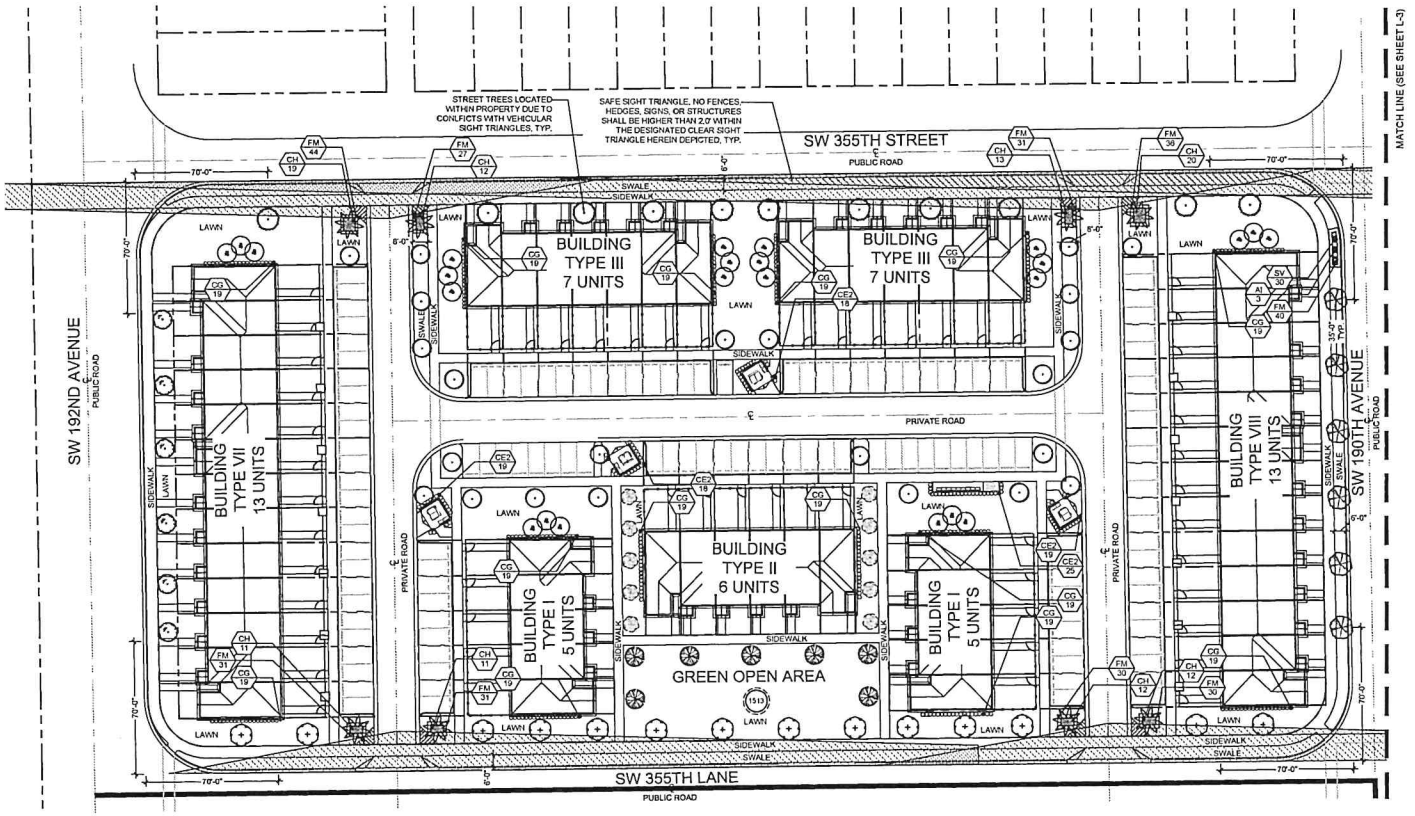
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LANDSCAPE PLAN

Scale: 1" = 30'-0"

NORTH

LEGEND

- EXISTING TREE
- TREE CANOPY

WITKIN HULTS + PARTNERS
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LANDSCAPE PLAN

Revisions:	Date:	By:
1 City Comments	09.13.24	LBC
2 City Comments	11.01.24	LBC

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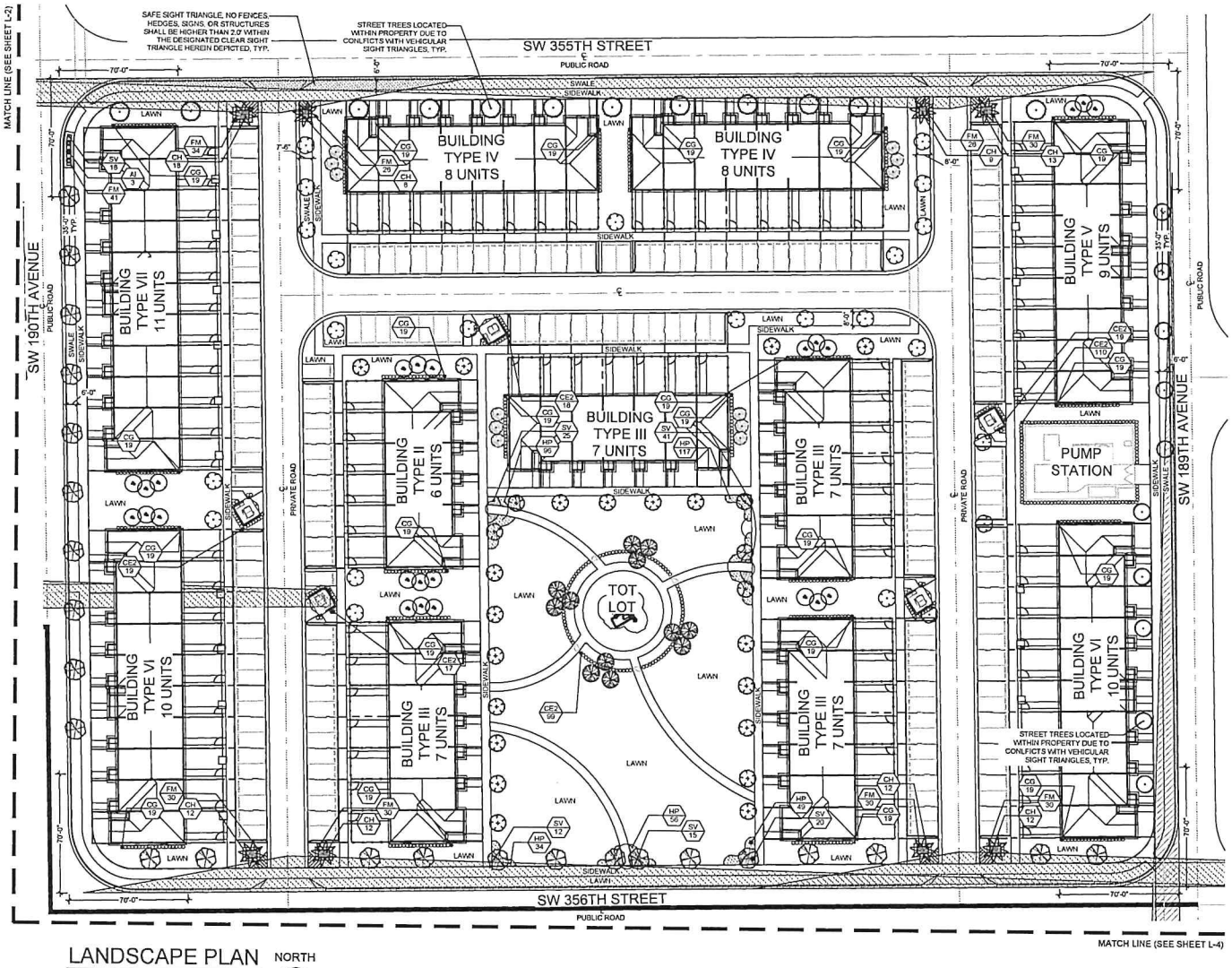
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LANDSCAPE PLAN NORTH

Scale: 1" = 30'-0"

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MIAMI DADE COUNTY, FL
LANDSCAPE PLAN

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1st DRB Comments	09-19-2024	LBC
2nd DRB Comments	11-01-2024	LBC

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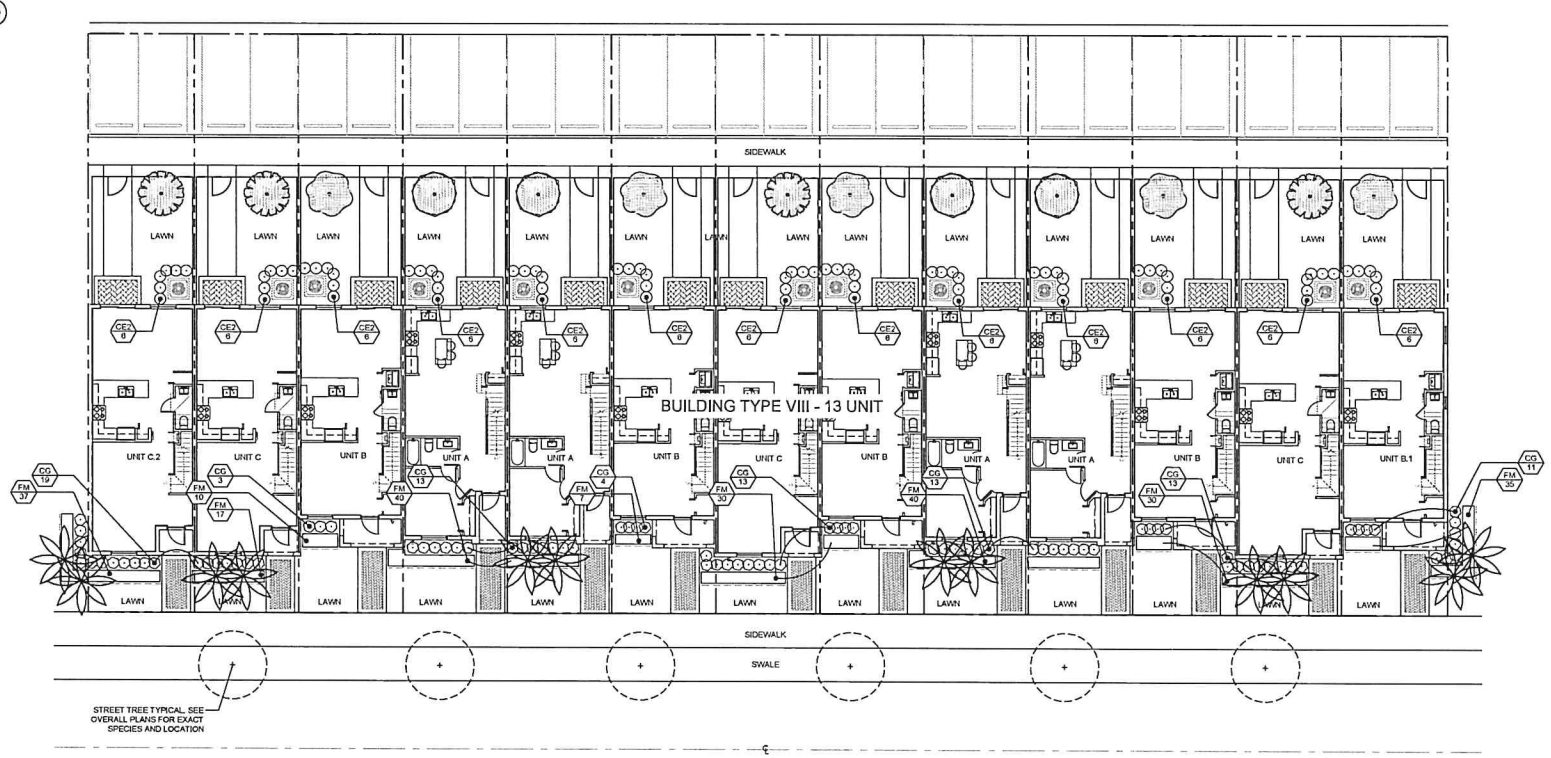
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13 UNIT TYPICAL BUILDING TYPE VIII LANDSCAPE PLAN

Scale: 1"=10'-0"

LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan

Zoning District: RU-4L WITH RU-TH USE Net Lot Area 0.54 acres 24,500 s.f.

TREES	REQUIRED	PROVIDED
A. No. trees required per net lot acre Less existing number of trees meeting minimum requirements = 29 trees x net lot acres =	14	16
B. % Palms Allowed: No. trees required x 30% =	5	3
C. % Natives Required: No. trees provided x 30% =	5	9
D. Street trees (maximum average spacing of 25' o.c.) 205 linear feet along street =	6	6
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.) ____ linear feet along street / 25 =	N/A	N/A
F. Total Trees Required A + D + E = 22 Total Trees	22	22
SHRUBS		
A. No. trees required x 10 = No. of shrubs allowed	220	220
B. No. shrubs allowed x 30% = No. of native shrubs required	66	220

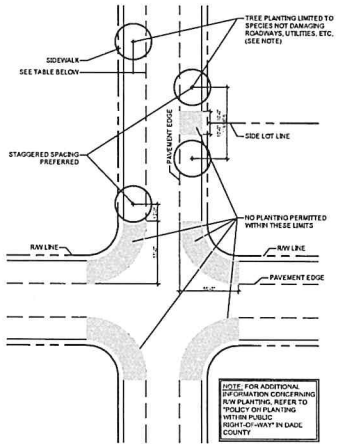
SEE LANDSCAPE

PLANT SCHEDULE BUILDING TYPE VIII - 13 UNIT

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	NATIVE	NOTES
TREES						
	CD	5	Conocarpus erectus sericeus 'Silver Buttonwood	10' HT. X 4' SPR. X 2" CAL.	Y	
	CES	4	Conocarpus erectus sericeus 'Silver Buttonwood	10' HT. X 4' SPR. X 2" CAL.	Y	
	LI	4	Lagerstroemia indica 'Natchez' Natchez Crape Myrtle	10' HT. X 4' SPR. X 2" CAL.	N	
PALM TREES						
	VM2	6	Veitchia montgomeryana 'Double' Montgomery Palm	14' O.A. HT. MIN	N	STAGGERED HTS.
SHRUBS						
	CG	89	Clusia guttifera Small Leaf Clusia	24" HT. X 24" SPR. / 24" O.C.	Y	
	CE2	131	Conocarpus erectus Green Buttonwood	24" HT. X 24" SPR. / 24" O.C.	Y	
GROUND COVERS						
	FM	248	Ficus microcarpa Green Island ficus	15" HT. X 15" SPR. / 15" O.C.	N	
LAWN	AS REQUIRED		STENOTAPHRUM SECUNDATUM 'FLORATAM' ST. AUGUSTINE GRASS			SOLID EVEN SOD

LANDSCAPE NOTES:

- NO TREES SHALL BE PLANTED ON TOP OR ADJACENT TO PROPOSED FRENCH DRAINS OR INLETS.
- ALL LANDSCAPE INSIDE THE PROPERTY ADJACENT TO DRIVEWAYS SHALL COMPLY WITH THE 10' x 10' SAFE SIGHT-TRIANGLE, PER SE, 33-11 OF MIAMI-DADE COUNTY CODE.
- SEE PUBLIC R.O.W. PLANTING SETBACK DETAILS FOR TREES WITHIN R.O.W.
- LANDSCAPE FOR ALL CORNER LOTS SHALL SHOW COMPLIANCE WITH PWD STANDARD G5.1
- DRIVEWAYS AND APPROACHES MUST ADHERE TO MDC DETAILS. MUST BE FLARED OR MIN. 5'-0" RADIUS, AND SHALL NOT BE WIDER THAN 20'-0".
- ALL TREE DIMENSIONS ARE MEASURED FROM THE FACE OF TREE TRUNK.



Public R.O.W. Planting Setback

SCALE: 1" = 40'-0"

ROADWAYS	DESIGN SPEED BELOW 35 mph	35 - 45 mph	50 mph & ABOVE
NO CURB & GUTTER	8'	14'	32'
WITH CURB & GUTTER	4'	4'	14'

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MIAMI DADE COUNTY, FL
13 UNIT TYPICAL BUILDING TYPE VIII LANDSCAPE PLAN

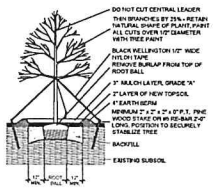
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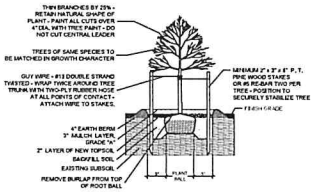
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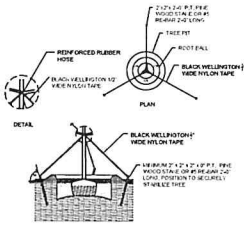
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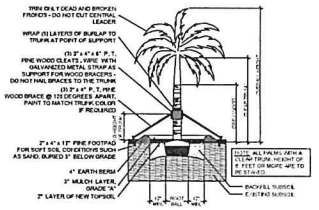
LARGE TREE PLANTING DETAIL



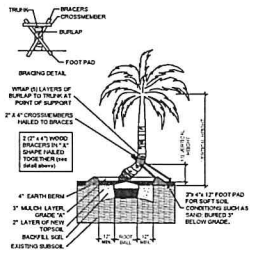
SMALL TREE PLANTING DETAIL



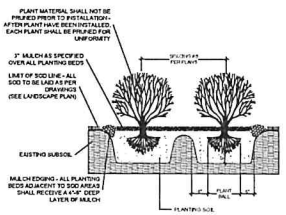
TYPICAL TREE GUYING DETAIL



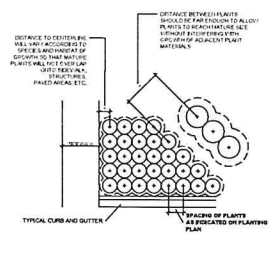
STRAIGHT TRUNK PALM PLANTING DETAIL



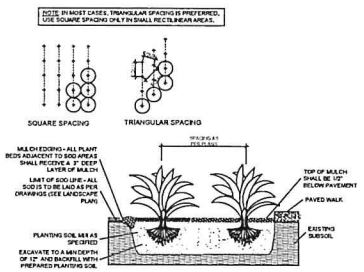
CURVED TRUNK PALM PLANTING DETAIL



TYPICAL SHRUB PLANTING DETAIL



TYPICAL CONTAINER SPACING DETAIL



TYPICAL GROUNDCOVER PLANTING DETAIL

PLANTING NOTES:

-All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.

-All plants are to be top dressed with a minimum 3" layer of Melaleuca mulch, Eucalyptus mulch or equal.

-Planting plans shall take precedence over plant list in case of discrepancies.

-No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and or deletions to the plant material must be approved by the project engineer.

-Landscape Contractor is responsible for providing their own square footage takeoffs and field verification for 100% sod coverage for all areas specified.

- All landscape areas are to be provided with automatic sprinkler system which provide 100% coverage, and 50% overlap.

- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.

- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable.

- Planting soil for topsoil and backfill shall be 50/50 mix, nematode free. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% salt free coarse sand and 25% Aerolite.

- Tree and shrub pits will be supplemented with "Agriform Pells", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.

SOD NOTES:

-Sod is to be grade "A" weed free.

-All areas marked "LAWN" shall be solid sodded with St. Augustine 'Floratam' solid sod. See limit on plan. All areas marked 'Bahia Grass' shall be solid sodded with Paspalum.

-Provide a 2" deep blanket of planting soil as described in planting notes this sheet. Prior to planting, remove stones, sticks, etc. from the sub soil surface. Excavate existing non-conforming soil as required so that the finish grade of sod is flush with adjacent pavement or top of curb as well as adjacent sod in the case of sod patching.

-Place sod on moistened soil, with edges tightly butted, in staggered rows at right angles to slopes.

-Keep edge of sod bed a minimum of 18" away from groundcover beds and 24" away from edge of shrub beds and 36" away from trees, measured from center of plant.

-Sod Shall be watered immediatley after installation to uniformily wet the soil to at least 2" below the bottom of the sod strips.
-Excavate and remove excess soil so top of sod is flush with top of curb or adjacent pavement or adjacent existing sod.

GENERAL NOTES:

-The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).

-Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.

-All unattended and unplanted tree pits are to be properly barricaded and flagged during installation.

-All planting plans are issued as directives for site layout. Any deviations, site changes, etcetera are to be brought to the attention of the Landscape Architect for clarification prior to installation.

WITKIN HULTS + PARTNERS
307 North 21st Avenue, Hollywood, Florida
Phone: 954.923.5663
www.witkindesign.com

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Project:
MDC DIEGO RODRIGUEZ
MIAMI DADE COUNTY, FL
LANDSCAPE DETAILS

Revisions: Date: By:

Seal:

Lic. # LA6667290
Member A.S.L.A.

Drawing: Landscape Details
Date: 10/11/2023
Scale: See Left
Drawn by: RA
Sheet No.:

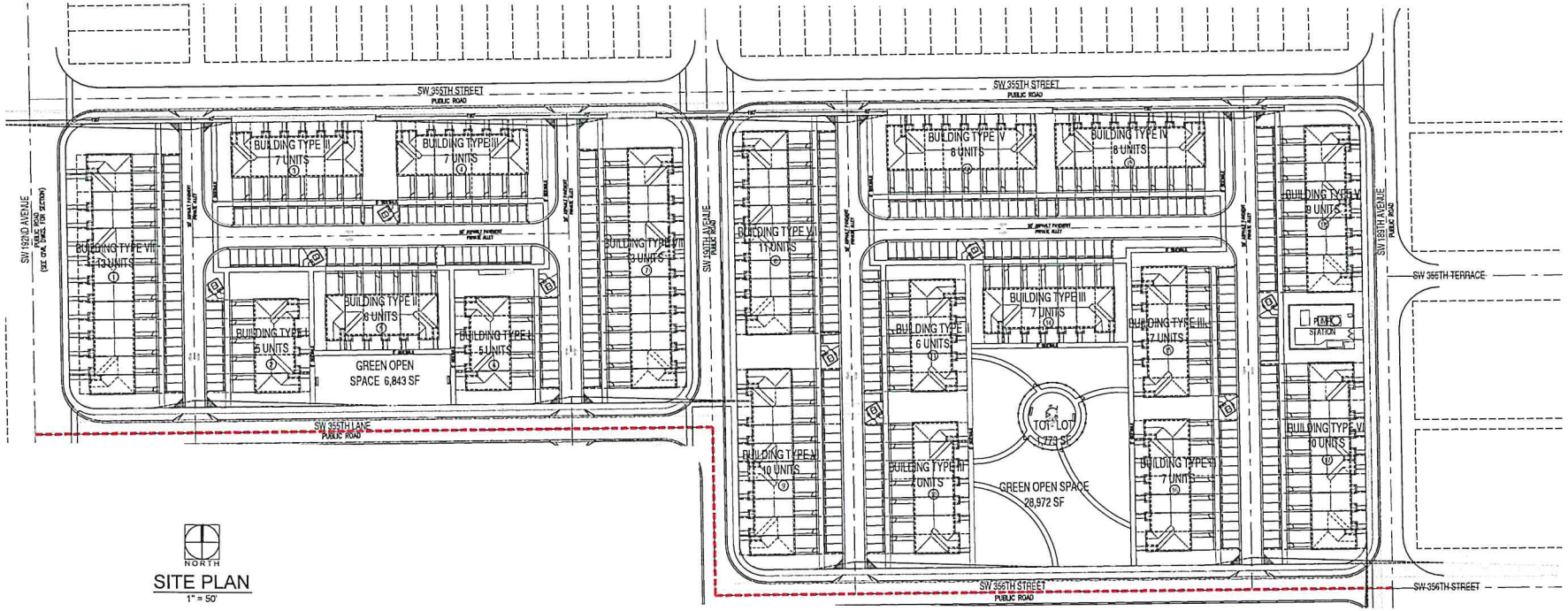
L-5

Cad Id.: 2023-060

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MDC DIEGO RODRIGUEZ SITE DATA RU-4L WITH RU-TH USE		
	SQFT	ACRES
GROSS AREA NORTH PARCEL	447,224.00	10.27
GROSS AREA SOUTH PARCEL	92,140.00	2.12
VACATED ROW AREA FROM SOUTH PARCEL	16,004.00	0.37
TOTAL GROSS AREA	555,368.00	12.75
ROW DEDICATIONS	100,575.77	2.31
NET AREA	454,792.23	10.44
DENSITY PERMITTED	# OF UNITS	DUA
ZONING RU-4L	241	23
DENSITY PROVIDED	UNITS	DU/ACRE
VILLA LOTS	146	
GROSS RESIDENTIAL DENSITY		11.45
NET RESIDENTIAL DENSITY		13.98
SITE CALCULATIONS	SF	%
VILLA LOT AREA	275,731.00	60.63
DRIVES & VEHICULAR USE AREAS	59,908.00	13.17
DUMPSTERS	1,401.83	0.31
PUMP STATION	2,926.00	0.64
PEDESTRIAN SIDEWALKS	16,426.00	3.61
TOT-LOT	1,773.00	0.39
UNENCUMBERED GREEN AREA	96,626.30	21.25

TOTAL NET AREA	454,792.23	100.00
OPEN SPACE CALCULATIONS	SF	%
PEDESTRIAN SIDEWALKS	16,426.00	3.61
TOT-LOT	1,773.00	0.39
UNENCUMBERED GREEN AREA	96,626.30	21.25
TOTAL OPEN SPACE	114,825.30	25.25
ZONING DISTRICT	RU-TH USE	
	PERMITTED/ ALLOWED	PROVIDED
COMMON OPEN SPACE	30.00%	25.25 %
GROUPING LENGTH	240'-0"	239'-0"
LOT AREA	1,250 SF	1,880 SF
AVERAGE LOT AREA	1,500 SF	1,880 SF
FRONT YARD TO EDGE OF PAVEMENT	15'-0"	24'-0"
FRONT YARD TO WHEN FACING GREEN	N/A	10'-0"
INTERIOR SIDE VILLA	0'-0"	0'-0"
SIDE YARD VILLA	15'-0"	15'-0"
BETWEEN BUILDINGS VILLA	20'-0"	20'-0"
REAR YARD VILLA	10'-0"	48'-2"
PRIVATE PATIO AREA VILLA	400 SF	415 SF
PARKING	REQUIRED	PROVIDED
VILLAS 2 PER UNIT	292	292
VISITOR'S 0.25 PER UNIT	37	37
TOTAL	329	329



NORTH

SITE PLAN
1" = 50'

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OWNER:
LENNAR HOMES

MDC DIEGO RODRIGUEZ
BY: LENNAR HOMES
VILLAS
MIAMI-DADE COUNTY, FLORIDA

SEAL:

SITE PLAN

SITE PLAN
DATE: 2024-10-31
SCALE: AS SHOWN
DRAWN: CG
CHECK BY: PPKS
JOB NO.: 23-48

SP-1

SHEET NO.:

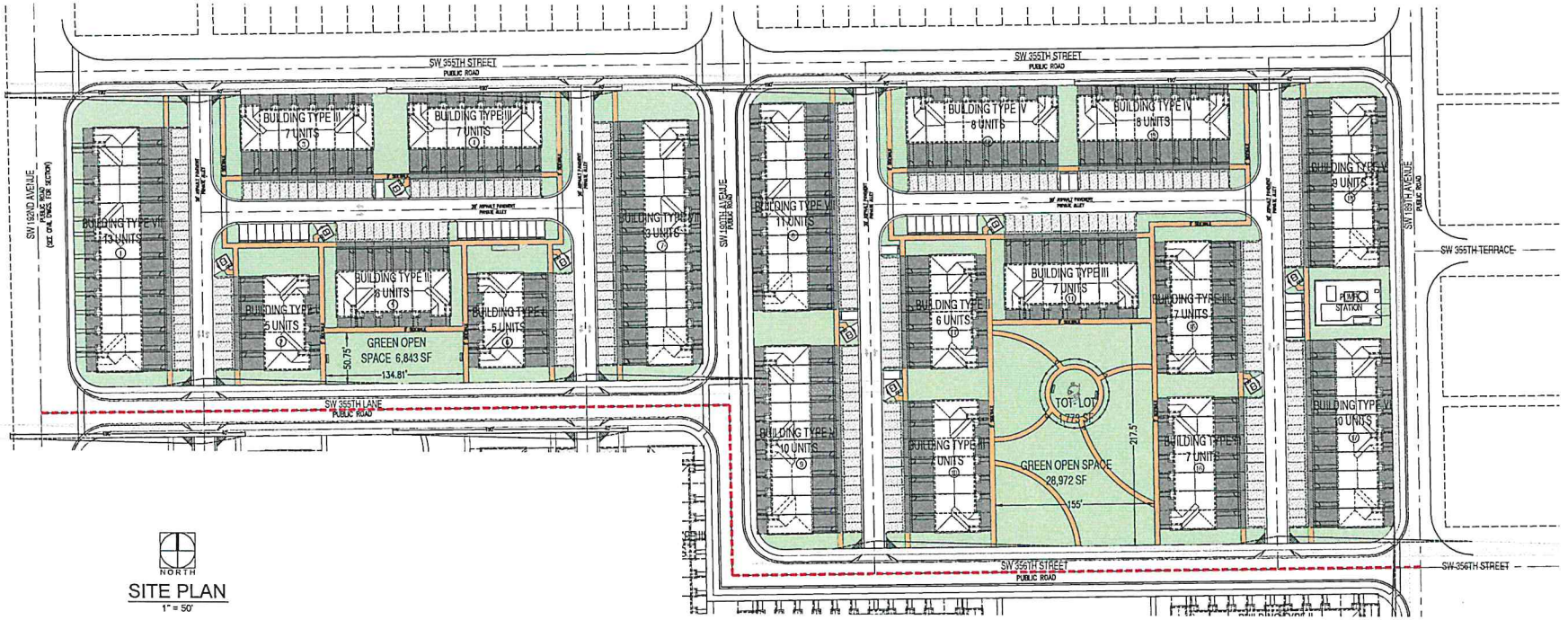
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LEGEND

- SIDEWALK
- COMMON GREEN AREA
- PRIVATE OPEN SPACE

MDC DIEGO RODRIGUEZ SITE DATA RU-4L WITH RU-TH USE		
OPEN SPACE CALCULATIONS	**SF**	**%**
PEDESTRIAN SIDEWALKS	15,426.00	3.61
TOT-LOT	1,773.00	0.39
UNENCUMBERED GREEN AREA	96,626.30	21.25
TOTAL OPEN SPACE	114,825.30	25.25



NORTH

SITE PLAN

1" = 50'

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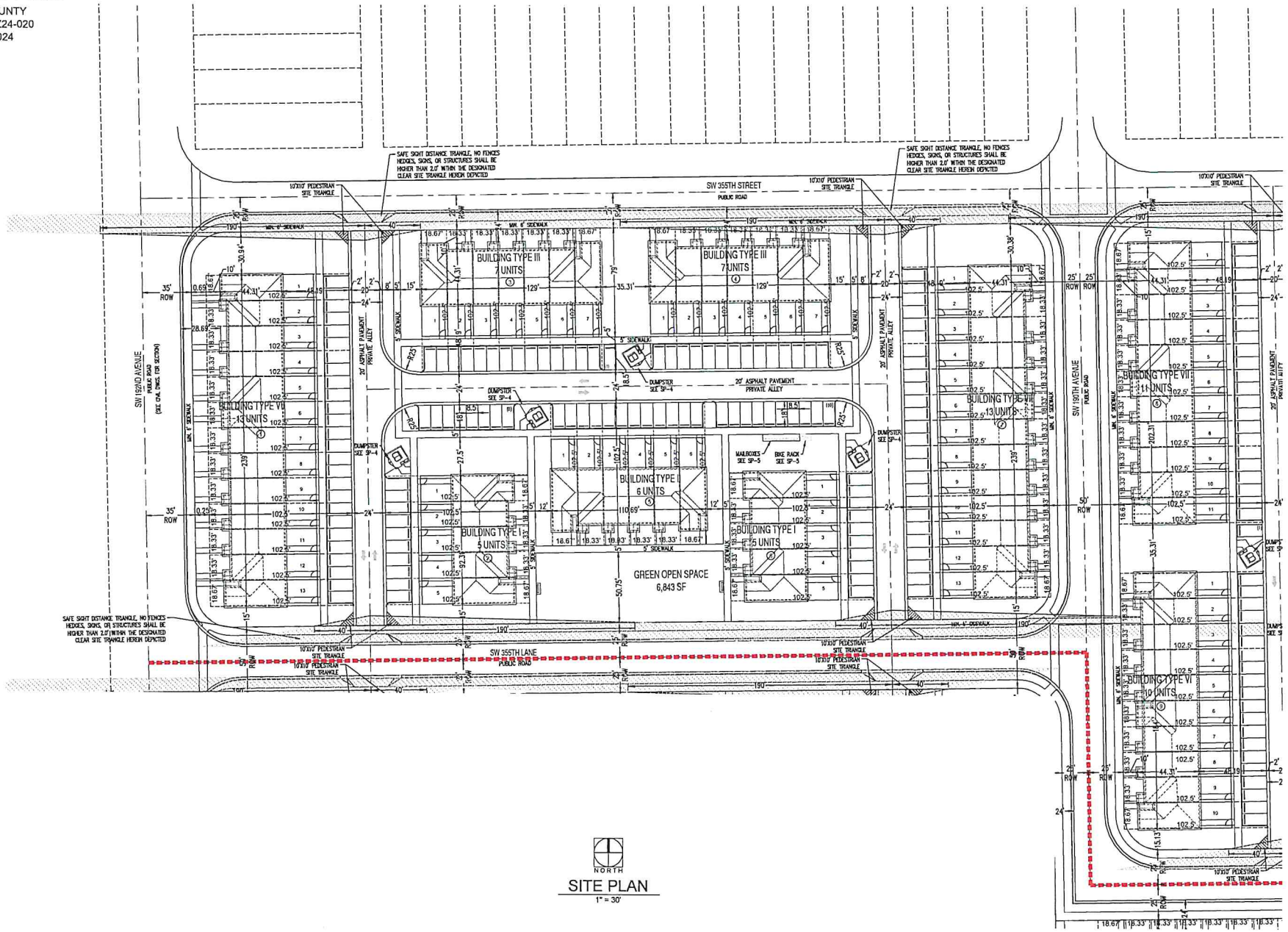
SITE PLAN

SITE PLAN	
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SCALE:	AS SHOWN
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NORTH

SITE PLAN
1" = 30'

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SITE PLAN

SITE PLAN

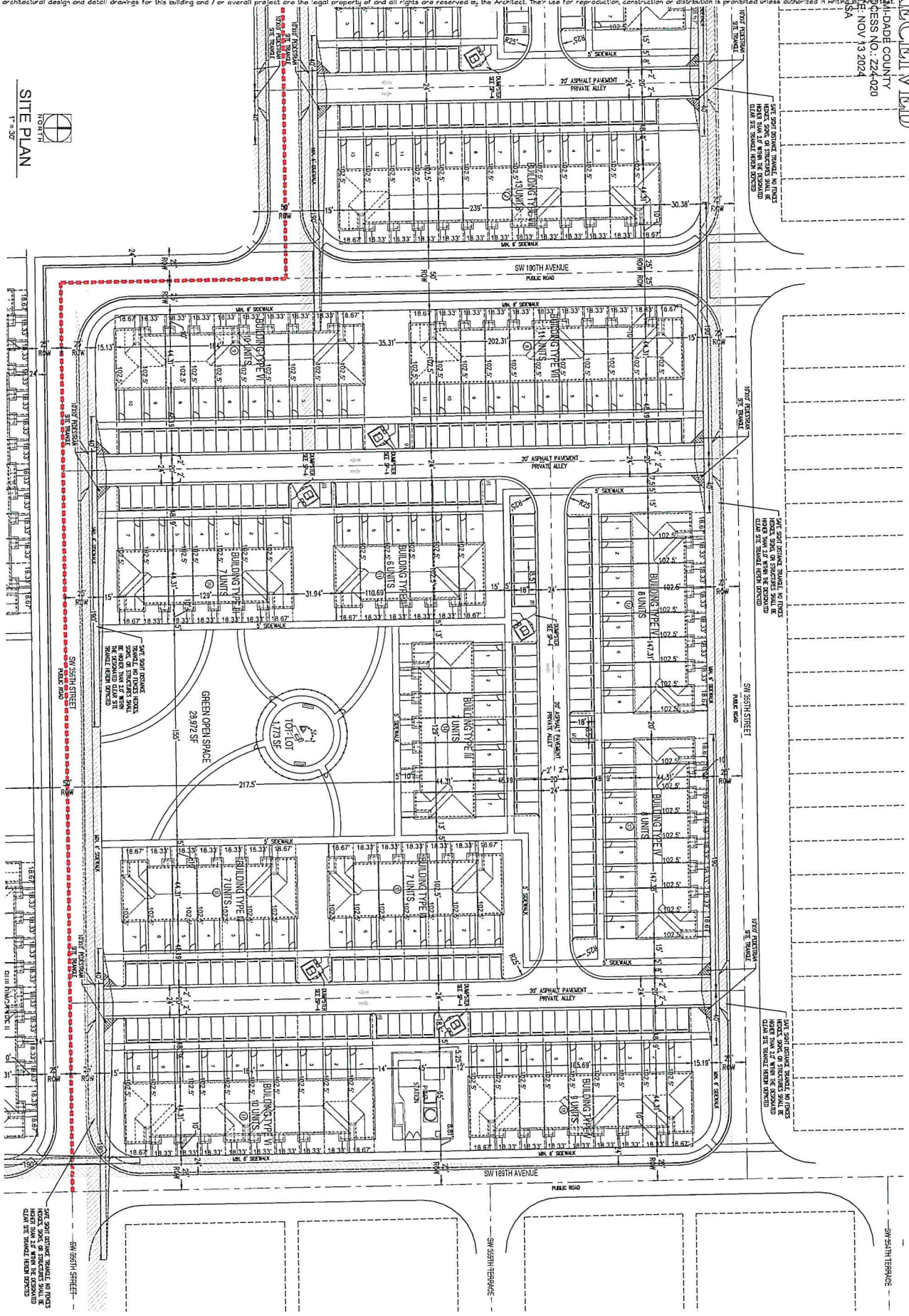
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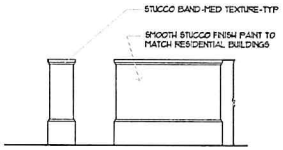
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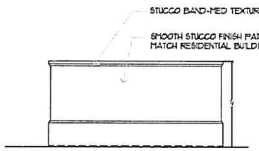
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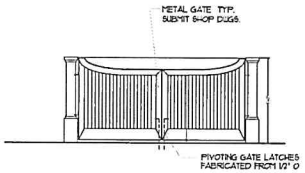
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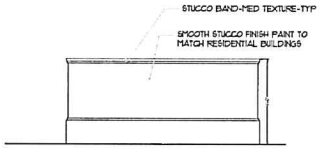
DUMPSTER
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



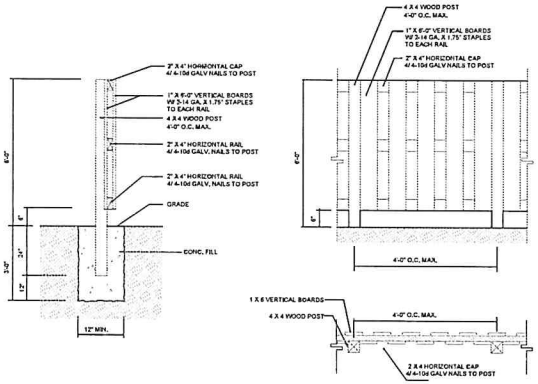
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RIGHT SIDE ELEVATION
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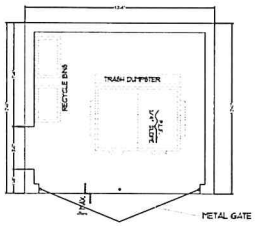
DUMPSTER
FRONT ELEVATION
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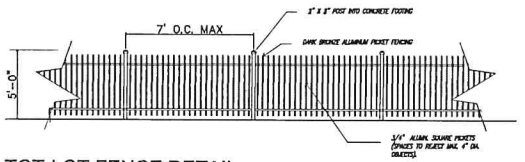
DUMPSTER
REAR ELEVATION
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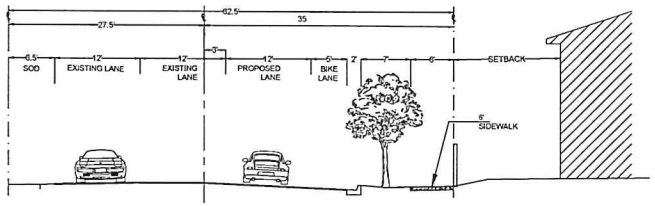
REAR LOADED VILLA
REAR YARD ENCLOSURE FENCE
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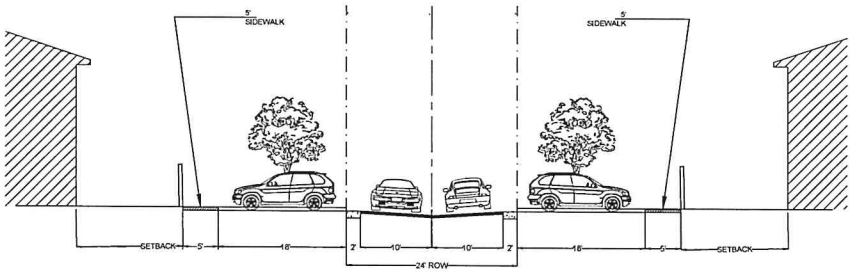
DUMPSTER PLAN
SCALE: 1/4" = 1'-0"



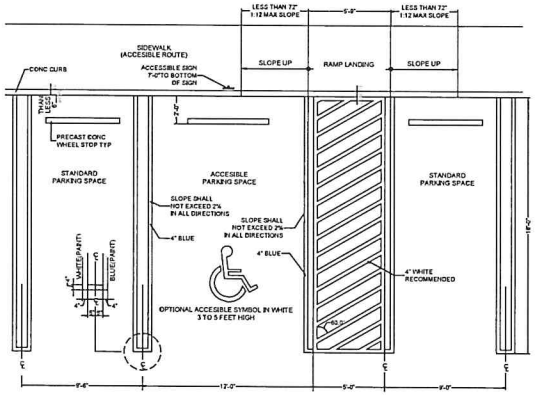
TOT-LOT FENCE DETAIL
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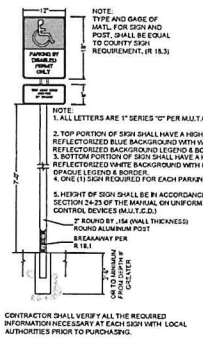
STREET SECTION FOR SW 192ND AVENUE
SCALE: 1"= 8'



STREET SECTION A-A
SCALE: 1"= 8'



PARKING DETAILS
SCALE: 1/4" = 1'-0"



NOTE: CONTRACTOR SHALL VERIFY ALL THE REQUIRED INFORMATION NECESSARY AT EACH SIGN WITH LOCAL AUTHORITIES PRIOR TO PURCHASING.

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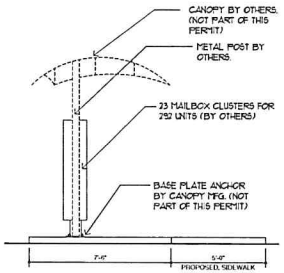
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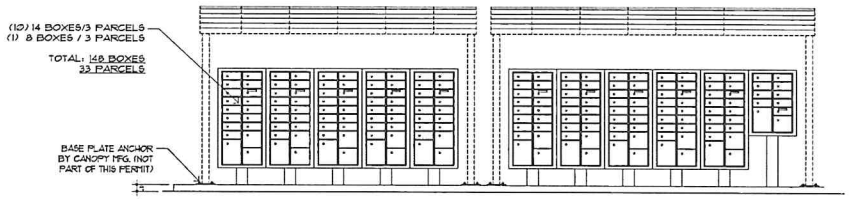
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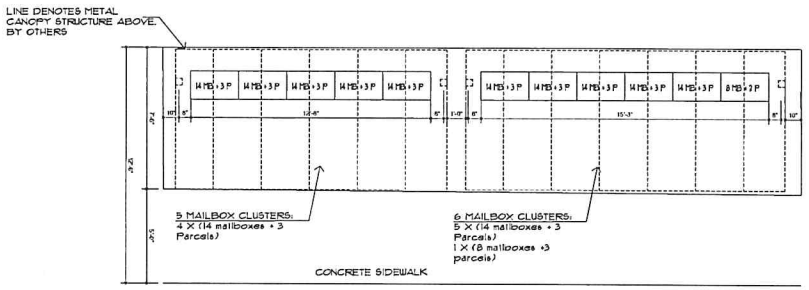
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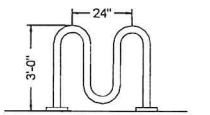
MAILBOX SIDE ELEVATION
SCALE: 3/16" = 1'-0"

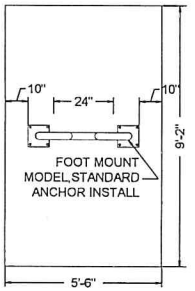


MAILBOX ELEVATION
SCALE: 3/16" = 1'-0"



MAILBOX CLUSTER PLAN
SCALE: 3/16" = 1'-0"





BIKE RACK DETAIL
SCALE: 1/4" = 1'-0"

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DISCLOSURE OF INTEREST*

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PROCESS NO.: 224-020
DATE: FEB 7 2024
BY: ISA

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 Diego Daniel Rodriguez, Trustee of Diego Daniel Rodriguez Irrevocable Trust, Martha Maria Munoz Irrevocable Trust, and Daniel Jose Rodriguez Irrevocable Trust

NAME AND ADDRESS	Percentage of Interest
See attached Exhibit A.	

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

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].

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-020
DATE: FEB 7 2024
BY: ISA

NAME OF PURCHASER: Lennar Homes, LLC

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
Lennar Homes, LLC, 5505 Blue Lagoon Drive, Miami, FL 33126	99%
U.S. Home Corporation (A Wholly owned subsidiary of Lennar Corporation)	1%

Date of contract: 9/22/23

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

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

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

Signature _____ **Diego Daniel Rodriguez, Trustee**
(Applicant) (Print Applicant name)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of Oct. 2023 by Diego Daniel Rodriguez, who is personally known to me or who has produced _____ as identification.

Sworn to and subscribed to before me this 16 day of Oct. 2023

Notary Public State of Florida
Lissette Rodriguez
My Commission HH 02...
Expires 08/27/2024

Notary Public: _____
Commission Expires: _____

*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.

This instrument was prepared by:

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

H&K DRAFT 1-22-2025

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Diego Daniel Rodriguez, Trustee of Martha Maria Munoz Irrevocable Trust, Diego Daniel Rodriguez, Trustee of Diego Daniel Rodriguez Irrevocable Trust, and Diego Daniel Rodriguez, Trustee of Daniel Jose Rodriguez Irrevocable Trust (hereinafter the "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");

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the January 2024 Cycle and said amendment is identified as Application No. CDMP20240002; and

WHEREAS, the Owner has also filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2024000020 (the "Zoning Application"), for the purpose of seeking the rezoning of the Property and site plan approval 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 Zoning 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) The foregoing recitals are true and correct and are incorporated herein.

2) **Compliance with CDMP Covenant**. The Owner shall comply with the Comprehensive Development Master Plan (CDMP) covenant accepted in conjunction with the approval of CDMP Application No. CDMP20240002, which was processed concurrently with Zoning Application No. Z2024000020.

3) **Maximum Residential Density**. Notwithstanding the approval of the Zoning Application, the proposed development of the Property shall be developed with a maximum of one hundred forty-six (146) residential dwelling units.

4) **Controlling Plans**. The Property shall be developed substantially in accordance with conceptual plans submitted in connection with the Application entitled "MDC Diego Rodriguez," as prepared by Pascual, Perez, Kiliddjian and Starr, with floor plans and building elevations consisting of 44 sheets dated stamped received August 1, 2024, and site plan consisting of 6 sheets dated stamped received November 13, 2024, civil plans entitled "Illustrative Site Plan and Truck Path," and "Schematic Signing and Pavement Marking Plan," as prepared by Robayna and Associates, Inc., consisting of 5 sheets dated stamped received November 13, 2024, and landscape plans entitled "MDC Diego Rodriguez,," as prepared by Witkin Hults + Partners, consisting of 5 sheets dated stamped received November 13, 2024, for a total of 60 sheets (the "Plans"). The Plans are on file with the County's Department of Regulatory and Economic Resources (the "Department").

5) **Urban Development Design Guidelines.** Any development application seeking to benefit from the density increase provided by the "DI-1 Overlay" shall utilize the Miami-Dade County's Urban Design Manual endorsed by Resolution R-1360-98 of the Board of County Commissioners as a guideline for the Property's development, and at a minimum, shall incorporate the following design principles:

(A) Buildings shall be compatible with surrounding development or made compatible through

H&K DRAFT 1-22-2025

the use of, among other methods: landscaping, buffers such as walls and fences, architectural styles that complement surrounding development, and building height transitions.

(B) Buildings shall be built close to the sidewalk to create a public space in the street corridor that is comfortable, interesting, and safe for pedestrians. The Owner shall seek, if necessary, variances of the County's zoning regulations to accommodate this requirement. If any variances necessary to meet this requirement are not approved by the County at the time the Property or any portion thereof is subject to a district boundary change to accommodate the density increase provided by the "DI-1 Overlay," the Owners shall develop buildings as reasonably close as possible to the minimum setback permitted by the County's zoning standards.

(C) The front of buildings shall provide a door serving as the primary entrance and address the street by incorporating such features as porches, stoops, covered entrances, or similar elements.

(D) The Property shall connect to the adjoining (and proposed) street sidewalk network.

(E) Except as provided in this Declaration, fences and walls along street frontages shall have a height that does not impede pedestrian visibility of a building's front elevation from the street.

(F) The Owner agrees to install a combination of fence, columns, and landscaping, in compliance with Chapter 28 of the County Code, to provide privacy to the residents of the proposed subdivision and to screen to the maximum extent practicable any off-street parking areas.

(G) Buildings shall have abundant windows and doors at street level and incorporate a variety of architectural features and treatments on all facades such as, but not limited to balconies, porches, enclosed entrances; a variety of materials such as stone, metal, stucco, concrete and brick; modulation and articulation of building surfaces; and changes in roof levels.

(H) Uniform street furniture and lighting standards shall be provided throughout the Property.

(I) To ensure an adequate transition between the development of the Property and any adjacent

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existing agricultural operations, the Owner shall incorporate appropriate buffering elements between the proposed development and any existing agricultural operation. In addition, the Owner shall take steps to control the spillage of light and stormwater runoff from the Property onto any adjacent agricultural operations.

6) **Connection to Public Water and Sanitary Sewer.** The Owner hereby acknowledges and agrees that the Property shall connect to the public water and public sanitary sewer system, at the Owner's expense, and such infrastructure shall be designed and installed in accordance with the requirements of Chapter 24 of the County Code. The right to connect the Property to the County's sewage system is subject to the terms, covenants, and conditions set forth in court orders, judgments, consent orders, consent decrees, and the like entered into between the County and the United States, the State of Florida, and/or any other governmental entity, including but not limited to, the Consent Decree in the United States of America, the State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM (S.D. Fla) (the "Consent Decree), as well as all other current, subsequent, or future enforcement, and regulatory actions and proceedings.

7) **Development of SW 192 Avenue.** The subject property does not contain County designated Natural Forest Community (NFC); however, there is a County owned designated NFC located directly west of the Property, across SW 192 Avenue. The Owner acknowledges and agrees to avoid adverse environmental impacts to the NFC including the storage of construction materials adjacent to the NFC, drainage, and erosion.

8) **Notice to Future Owners or Lessees**. The Owner, its successors, and assigns shall provide to all initial and future grantees of any home within the Property a written notice, acknowledgement, and waiver acknowledging that the Property is located in the vicinity of the Navy Wells Pineland Preserve, owned and managed by Miami-Dade County, and a Miami-

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Dade County designated Natural Forest Community ("NFC"), which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands and spontaneous natural wildfires. All initial contracts for sale of any portion of the Property shall contain the following statement:

> "Grantee(s) hereby acknowledges and understands that the property which is the subject of this conveyance is located in the vicinity of a designated Natural Forest Community (NFC), which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands. As a result, Grantee may be affected by smoke generated by the controlled burnings. By acknowledging this notice, Grantee, its successors, and assigns hereby acknowledges and agrees that such controlled burnings do not constitute and shall not be deemed a nuisance by said Grantee."

9) **Endangered or Threatened Species.** The Owner shall timely seek and obtain all appropriate permits and approvals prior to any work on the Property. The impacts to threatened and endangered species that may nest, roost, or forage within the Property which may result from the development of the Property must be identified prior to approval of any of the following development orders: soil improvement permit, paving and drainage approvals, infrastructure permits, building permit, or tree removal permit, for development of any portions of the Property. The Owner shall conduct a survey to determine the absence or presence of listed wildlife species found in Appendix B of the CDMP within the area or phase of development subject to the request for approval of said development order. The survey(s) shall utilize professionally recognized survey timeframes and methodology and shall be subject to review and approval by DERM. In addition, the Owner will implement Best Management Practices with respect to the Florida Bonneted Bat, and if evidence of the bat on the Property is established, then tree removal activity will cease until further guidance from DERM.

10) **Street Lighting.** In order to minimize the impacts of the proposed development, the Owner agrees, to the extent neighboring properties are zoned or used for agriculture, that the

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development shall not include external street lights along the perimeter of the Property adjacent to such agricultural property. The Owner also agrees to provide light shields or other comparable equipment for any internal street lights to prevent light spillage on adjacent agricultural properties.

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 Owners shall constitute a covenant running with the land and shall be recorded, at Owners expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owners, 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 Owners, 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

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Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County.

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 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.

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

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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

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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]]

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IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions as of this ____ day of _____, 2025.

WITNESSES:

Martha Maria Munoz Irrevocable Trust,
Diego Daniel Rodriguez Irrevocable Trust, and
Daniel Jose Rodriguez Irrevocable Trust

By: _____
Name: Diego D. Rodriguez
Title: Trustee
Address: 3070 Gifford Lane
Miami, Florida 33133

_____
Signature

_____
Printed Name

_____
Address

_____
Signature

_____
Printed Name

_____
Address

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence [ ] or online notarization [ ] by Diego D. Rodriguez, as Trustee for Martha Maria Munoz Irrevocable Trust, Diego Daniel Rodriguez Irrevocable Trust, and Daniel Jose Rodriguez Irrevocable Trust. 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:

H&K DRAFT 1-22-2025

Section-Township-Range: 26-57-38
Folio Number: 30-7826-000-0160 and 30-7826-000-0173
#509225467_v3

EXHIBIT "A"

LEGAL DESCRIPTION:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 26, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING AND BEING IN DADE COUNTY, FLORIDA

SUBJECT TO THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP RECORDED IN RIGHT OF WAY PLAT BOOK 124 PAGE 5 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY.

AND

THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 26, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING BEING IN DADE COUNTY, FLORIDA, LESS THEREFROM THE NORTH 25 FEET AND THE EAST 25 FEET THEREOF

H & K DRAFT 1-22-2025

Section-Township-Range: 26-57-38
Folio Number: 30-7826-000-0160 and 30-7826-000-0173
#509225467_v3

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO.: Z24-020
DATE: FEB 7 2024
BY: ISA

EXHIBIT A TO DISCLOSURE OF INTEREST FORM

[LIST OF BENEFICIARIES FOR EACH TRUST AND THEIR PERCENTAGE OF INTEREST]

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO.: Z24-020
DATE: FEB 7 2024
BY: ISA

EXHIBIT A

BENEFICIARY'S NAME AND ADDRESS	PERECENTAGE OF INTEREST IN REAL PROPERTY
Diego Daniel Rodriguez Irrevocable Trust 3070 Gifford Lane, Miami, FL 33133 -Sole Beneficiary is Diego Daniel Rodriguez	37.34%
Martha Maria Munoz Irrevocable Trust 3070 Gifford Lane, Miami, FL 33133 -Sole Beneficiary is Martha Maria Munoz	31.33%
Daniel Jose Rodriguez Irrevocable Trust 3070 Gifford Lane, Miami, FL 33133 -Sole Beneficiary is Daniel Jose Rodriguez	31.33%