

BCC Zoning

7/17/2025

Addendum

Agenda items

Item No. 8C1 – Z2024000119

- Revised Recommendation
- Conceptual Plan
- Revised Covenant
- Additional disclosure of interest

Item No. 8C3 – Z2024000200

- Revised project description
 - o From: The property currently consists of an existing storage facility that includes 3 buildings, one of the buildings will be demolished and replaced by a detached new four (4) story self-storage structure consisting...
 - o To: The property currently consists of an existing storage facility that includes 6 buildings. Three and a half of the buildings will be demolished and replaced by a detached new four (4) story self-storage structure consisting...

Item No. 8C4 – Z2024000201

- Building & Neighborhood Compliance memo

Item No. 8C7 – Z2024000241

- Revised Recommendation
- Conceptual Plan
- Revised Covenant

Item No. 8C8 – Z2024000242

- DERM Memo

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners (Revised July 15, 2025)**

PH: Z24-119

July 17, 2025

Item No. 8C1

Recommendation Summary	
Commission District	8
Applicant	Albert Livingston ET AL
Summary of Request	The applicants seek to permit a rezoning of the subject property from AU (minimum 5-gross acre lot) and EU-1 (minimum 1-gross acre lot), to RU-3M (Minimum Apartment House District, maximum 12.9-units per net acre), which would allow the property to be developed with more residential units than currently permitted.
Location	Lying generally located south of SW 314 Street, north of SW 318 Street, west of SW 192 Avenue and east of SW 197 Avenue, Miami-Dade County, Florida.
Property Size	±40.79-gross (±35.18-net) Acres
Existing Zoning	AU, Agricultural District, EU-1, Single-Family One Acre Estate District
Existing Land Use	Single-family residences, groves, vacant land
2030-2040 CDMP Land Use Designation	Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre) (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240009)* <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval for a rezoning to RU-3M, (Minimum Apartment House District, maximum 12.9-units per net acre), subject to the Board's acceptance of the proffered Declaration of Restrictions and Conceptual Plan (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240009 and it becoming effective) *

*** This recommendation is contingent on approval of the CDMP amendment Application No. CDMP20240009 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 AU, Agricultural District, and EU-1, Single-Family One Acre Estate District, to RU-3M, Minimum Apartment House District.

PROJECT HISTORY AND DESCRIPTION:

On July 11, 2025, the applicant submitted a conceptual plan that depicts an 8-foot-wide landscaped buffer, as well as an 8' sidewalk (for a total of 16' in width) along the perimeter of the subject site to buffer the existing surrounding properties from the proposed development. In addition, the declaration of restrictions includes a commitment to build in accordance with the conceptual plan.

The application site consists of a multiple parcels with a total area of ±40.79-gross (±35.18-net) acres, most of which is zoned AU, Agricultural District. However, in June 2006, pursuant to Resolution #Z-23-06, a portion of the subject site, identified under Folio No. 30-7814-000-0420, was approved by the Miami-Dade Board of County Commissioners (BCC) for a district boundary change from AU, Agricultural District, to EU-1, Single-Family One Acre Estate District.

Staff notes that the applicant has concurrently filed a small-scale amendment application (CDMP20240009) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP application seeks to redesignate the ±40.79-gross (±35.18-net) acres subject property from "Estate Density Residential (1 to 2.5 dwelling units per gross acre)" to "Low Density Residential (2.5 to 6 dwelling units per gross acre) with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre)." 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 451 residential dwelling units. The proposed development of the property shall provide workforce housing units and will commit to twenty percent (20%) as part of the CDMP application. Approval of this zoning application is contingent on the approval of the concurrent CDMP amendment Application No. CDMP20240009 and it becoming effective.

Under the current zoning application, the applicant seeks to permit a rezoning of the ±40.79-gross (±35.18-net) acres subject parcel from AU, Agricultural District, and EU-1, Single-Family One Acre Estate District, to RU-3M, Minimum Apartment House District, with the goal of developing the subject property as a townhouse development in accordance with the RU-TH zoning district standards through a subsequent Administrative Site Plan Review ("ASPR") process, as stated on the applicant's letter of intent. Staff notes that there were no plans submitted for this subject application. However, a zoning Declaration of Restrictions is being voluntarily proffered by the applicant that, among other things, restricts the subject property to a maximum permitted residential density of four hundred and fifty-one (451) residential dwelling units (at the current allowable "Estate Density" of 1 to 2.5 du/a, the subject property can only be developed to a max of 102 dwelling units), commits to build in accordance with a conceptual plan depicting a landscape buffer and sidewalks, incorporates sound urban design principles into the design of the proposed development, and requires that the applicant commits to set aside twenty percent (20%) of dwelling units as for-sale workforce housing to households whose annual income is up to one hundred forty percent (140%) ("WHU") of the Area Median Income of Miami Dade County (2025 Home Price for a four person household - \$414,842).

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU & EU-1; single-family residences, groves, vacant land	Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre) (Subject to approval of the concurrent CDMP amendment) *
North	AU; single-family residences, groves and vacant land	Estate Density Residential (1 to 2.5 dua)
South	AU & RU-1; single-family residences, groves, vacant land	Estate Density Residential (1 to 2.5 dua)
East	AU & RU-1; single-family residences	Estate Density Residential (1 to 2.5 dua) Low Density Residential (2.5 to 6 dua)
West	AU; single-family residences, vacant land	Agriculture
* Land subject to CDMP Amendment Application No. CDMP20240009, filed concurrently by the applicant, which, if approved by the Board, would change the land use designation to “Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre).”		

NEIGHBORHOOD COMPATIBILITY:

The ±40.79-gross (±35.18-net) acres subject parcel is generally located south of SW 314 Street and east of SW 197 Avenue, and consists of eight (8) parcels. These parcels collectively include 3 single-family residences, 4 groves, and a plant nursery. The properties to the north are zoned AU and consist of single-family residences, whereas the properties to the east and south of the subject site are zoned AU and RU-1, and consist of existing single-family residences, groves, and vacant land. The abutting vacant properties to the west are zoned AU and are located outside of the Urban Development Boundary (UDB). The subject property itself is located immediately east of and inside the UDB which runs along SW 197 Avenue.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the property in order to develop the parcel with additional housing 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 230 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 (CDMP20230009) 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 redesignate the ±40.79-gross (±35.18-net) acres subject property from “Estate Density Residential (1 to 2.5 dwelling units per gross acre)” to “Low Density Residential with 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, 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 applicant to develop the ±40.79-gross acre subject site with a maximum total of 530 dwelling units as the maximum density allowed under the CDMP Low Density Residential w/ One Density Increase (DI-1) threshold on the LUP map. The applicant seeks a district boundary change from AU to RU-3M. Staff notes that the RU-3M zoning district allows development at a maximum of 12.9 units per net acre, which is within the maximum density threshold of 13 dwelling units allowed under the aforementioned CDMP Low-Medium Density Residential threshold on the LUP map. Although a site plan was not submitted for this subject application, the submitted letter of intent indicates that the applicant intends to develop the site as a townhouse development in accordance with the RU-TH zoning district standards. Staff notes that the RU-TH zoning district allows development at a maximum of 8.5 units per net acre, which would also be within the aforementioned maximum density threshold. Additionally, staff notes that through the Workforce Housing program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. Notwithstanding, the applicant has voluntarily proffered a zoning covenant that among other things, restricts the subject property to a maximum permitted residential density of four hundred and fifty-one (451) residential dwelling units, commits to build in accordance with a conceptual plan depicting a landscape buffer and sidewalks, incorporates sound urban design principles into the design of the proposed development, and requires that the applicant to set aside twenty percent (20%) of dwelling units as for-sale workforce housing to households whose annual income is up to one hundred forty percent (140%) (“WHU”) of the Area Median Income of Miami Dade County. Furthermore, the zoning covenant provides that the owner shall comply with the CDMP covenant accepted in conjunction with the approval of CDMP amendment application no. CDMP20230009, that is being processed concurrently with this zoning hearing application.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2040, 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.* Additionally, the **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff opines that developing the site in accordance with the RU-TH zoning district standards as an attached townhouse multi-family development, along with the additional landscaping and sidewalks that have been indicated on the conceptual plan that shall be provided on the perimeter of the proposed development as buffering, would be **compatible** with the

surrounding area comprised of single-family detached residences. The lot sizes for the properties immediate adjacent to the subject site vary between ± 1.0 to ± 5 -acre in lot sizes, whereas the other properties located to the south, east and west of the subject site vary between 10,000 sq. ft. to 20,000 sq. ft. in lot sizes. Based on the foregoing, staff is supportive of the proposed request and opines that approval of the same would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element and **Policies LU-4A**.

Based on the foregoing, staff opines that the approval for a rezoning to the RU-3M, (Minimum Apartment House District, maximum 12.9-units per net acre), and allowable densities for residential development on the subject site would be compatible with the surrounding area and with the County's policies to appropriately increasing residential densities and intensities of development within the UDB. Therefore, subject to the Board's approval of the CDMP amendment and proffered CDMP covenant provisions as mentioned above, to allow the redesignation of the subject parcel on the CDMP LUP map, and subject to the acceptance of the proffered covenant and conceptual plan, staff opines that **approval** to RU-3M 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 (DI-1)** land use category of 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 applicant seeks approval of a request for a district boundary change from AU, Agricultural District, and EU-1, Single-Family One Acre Estate District, to RU-3M, Minimum Apartment House District. Staff notes that the proposed RU-3M zoning district allows multi-family residential developments, which can allow 1 principal building on a lot, parcel or tract, designed for more than four (4) family units that must comply with certain specific code requirements. RU-3M zoning district also includes townhome developments, and since the proposed zoning district allows 12.9 dwelling units per acre, approval of the same could allow the property to be developed with a max of 526 dwelling units. The application seeks that the property be developed under RU-TH zoning district standards which is permitted under RU-3M, and as such, the applicant intends to develop the ± 40.79 -gross (± 35.18 -net) acre subject property as a townhouse development that shall be built in accordance with the RU-TH zoning district standards and conceptual plan depicting landscape buffers and sidewalks. RU-3M zoning district allows multifamily apartments and all the uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3, RU-TH and RU-RH Districts, subject only to the requirements, limitations and restrictions applicable in said districts, including, but not limited to, lot width, lot area, rear yard areas, building height and lot coverage. A subsequent Administrative Site Plan Review ("ASPR") process will be required to confirm compliance with these requirements. For the reasons stated above and below, staff opines that when the request to rezone the subject parcel to RU-3M in order to develop the property as a multi-family attached townhouse development is analyzed under Section 33-311, District Boundary Change, 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. Accordingly, staff recommends **approval** of the request for rezoning to RU-3M as proposed under the application, including the conceptual plan depicting landscaped buffers, and pedestrian

sidewalks provided all along the perimeter of the subject site to buffer the existing surrounding properties from the proposed development. Staff supports a district boundary change to RU-3M and opines that contingent on the approval of the CDMP land use map amendment to redesignate the subject parcel to Low Density Residential with One Density Increase (DI-1), as well as subject to the Board's acceptance of the proffered zoning covenant and conceptual plan, 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-3M would be **consistent** with the aforementioned CDMP designation of the parcel on the CDMP Land Use Plan map and would be **compatible** with the surrounding area.

Based on the submitted survey map the subject parcel is comprised of ±40.79-gross (±35.18-net) acres of land area, and is located within an urbanizing area that is currently comprised of single-family residences including estate and large lot residences, and is just inside and adjacent to the Urban Development Boundary (UDB) that is to the west of the site and runs along SW 197 Avenue. Although no site plans were submitted for this application, any future residential development on the property would have to comply with the RU-3M zoning requirements, which require the development to be compatible with the surrounding area through the implementation of adequate buffering, site planning, and/or design features in a manner that maintains the development in the area as well as complying with the requirements within the CDMP covenant. Additionally, the applicant has proffered a zoning covenant, which among other things, restricts the subject property to a maximum permitted residential density of four hundred and fifty-one (451) residential dwelling units, commits to build in accordance with the conceptual plan depicting a landscape buffer and sidewalks, incorporates sound urban design principles into the design of the proposed development, and requires that the applicant to set aside twenty percent (20%) of dwelling units as for-sale workforce housing to households whose annual income is up to one hundred forty percent (140%) ("WHU") of the Area Median Income of Miami Dade County.

Staff also note that based on the memoranda submitted by other departments reviewing the application, approval of the request would not have an unfavorable effect on the environment, the natural resources, or the economy of Miami-Dade County, and would not be incompatible with the area concerned. Staff notes that Department of Transportation and Public Works (DTPW) also reviewed the request and has no objection to the application, as specified in their memorandum. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), in their memorandum states that they have no objections to the request subject to conditions in their memorandum including that the application meets traffic concurrency criteria and that the application will generate approximately an additional 230 PM peak hour vehicle trips. Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum, indicates that the application meets all applicable LOS standards for potable water supply, wastewater disposal, and flood protection. In addition, the memorandum from the Miami-Dade Fire Rescue (MDFR) Department does not indicate that the application will have a negative impact on fire rescue services in the area. The memoranda submitted by the Department of Water and Sewer, and the Park, Recreation and Open Spaces (PROS) Department indicate no objections to the application as well. Further, the Miami-Dade County Public Schools (MDCPS) indicates that all current levels have sufficient capacity available to serve the application. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. As such, staff opines that **approval** to rezone the subject parcel to RU-3M, subject to the proffered zoning covenant and conceptual plan, 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, subject to the Board's acceptance of the proffered**

covenant and conceptual plan, staff recommends approval for a district boundary change to RU-3M, (Minimum Apartment House District, maximum 12.9-units per net acre), under Section 33-311, District Boundary Change. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240009 and it becoming effective).

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval for a rezoning to RU-3M, (Minimum Apartment House District, maximum 12.9-units per net acre), subject to the Board's acceptance of the proffered Declaration of Restrictions and Conceptual Plan (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240009 and it becoming effective)

CONDITIONS FOR APPROVAL: None.

ES:JB:SS:PM



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

ZONING RECOMMENDATION ADDENDUM

Albert Livingston ET AL
PH: Z24-119

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

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

<p>Low Density Residential (Pg. I-31)</p> <p>With One Density Increase (DI-1) w/ Urban Design (Pg. I-32)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p> <p>Density Increase with Urban Design. <i>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. If the referenced urban design principles are not employed, the allowable density shall be limited to that authorized only by the underlying color code.</i></p> <p>(*Subject to approval of the concurrent CDMP amendment Application No. CDMP20240009)</p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p>
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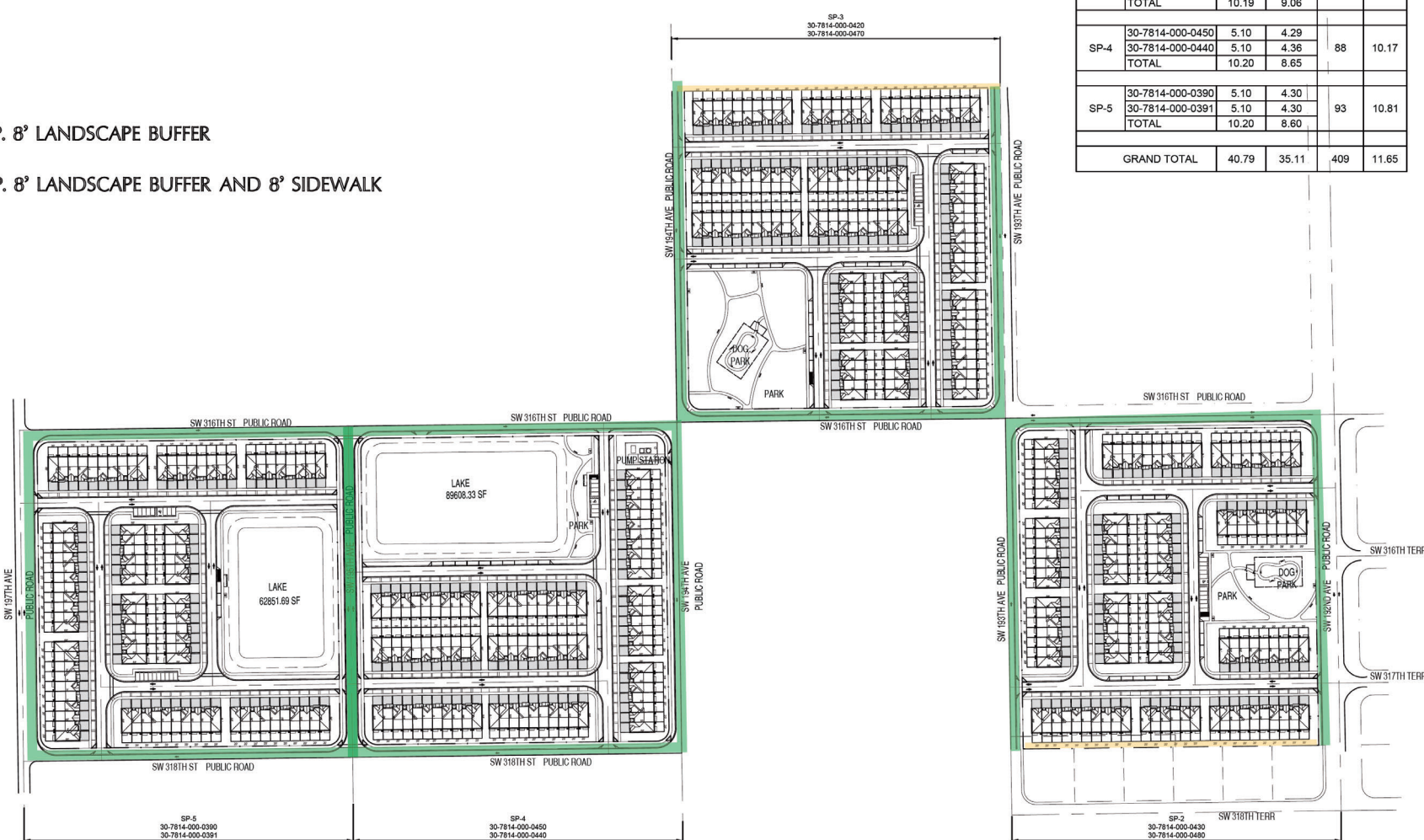
ZONING RECOMMENDATION ADDENDUM

Albert Livingston ET AL
PH: Z24-119

(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.*

- TYP. 8' LANDSCAPE BUFFER
- TYP. 8' LANDSCAPE BUFFER AND 8' SIDEWALK



SITE DATA					
SHEET		GROSS ACRES	NET ACRES	UNITS	DUA
SP-2	30-7814-000-0430	5.10	4.27	112	12.73
	30-7814-000-0480	5.10	4.53		
	TOTAL	10.20	8.80		
SP-3	30-7814-000-0420	5.10	4.71	116	12.80
	30-7814-000-0470	5.09	4.35		
	TOTAL	10.19	9.06		
SP-4	30-7814-000-0450	5.10	4.29	88	10.17
	30-7814-000-0440	5.10	4.36		
	TOTAL	10.20	8.65		
SP-5	30-7814-000-0390	5.10	4.30	93	10.81
	30-7814-000-0391	5.10	4.30		
	TOTAL	10.20	8.60		
GRAND TOTAL		40.79	35.11	409	11.65

PASCUAL PEREZ KILIDDJIAN STARR
 ARCHITECTS + PLANNERS
 LICENSE # AA 26001357
 EDUARDO PEREZ AIA
 LICENSE No.: AR 0015394
 MARIO P. PASCUAL AIA
 LICENSE No.: AR 0006254
 PETER KILIDDJIAN EA
 LICENSE No.: AR 0093647
 ANDREW STARR EA
 LICENSE No.: AR 0091330
 AT THE BEACON CENTER
 1350 NW 54th AVENUE
 DORAL FLORIDA 33126
 TELEPHONE: (305) 992-1343
 FACSIMILE: (305) 992-4945
 HTTP://WWW.PKSTARR.COM
 OWNER: BLUENEST
 DESIGN: PASCUAL PEREZ KILIDDJIAN STARR ARCHITECTS + PLANNERS
 DATE: 2024-10-12
 SCALE: AS SHOWN
 DRAWN: CC
 CHECKED: FMS
 JOB NO.: 24-34

OWNER:
 BLUENEST

40 ACRES ASSEMBLAGE
 BY: BLUENEST
 MIAMI-DADE COUNTY, FLORIDA

SEAL:
 Conceptual Plan

SITE PLAN
 DATE: 2024-10-12
 SCALE: AS SHOWN
 DRAWN: CC
 CHECKED: FMS
 JOB NO.: 24-34

SHEET NO.:



1" = 100'

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This instrument was prepared by:

Names: **Pedro Gassant, Esq.**
Address: **Holland & Knight LLP**
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, 31601 SW 197th Ave LLC, a Florida limited liability company; Narenn Hor; Olga Y. Mazariegos and Arnulfo Guevera; Robert C. and Cynthia A. Bobson and Ethel L. Johnson; Patricia J. Imran; Eastcoast Developers First LLC, a Florida limited liability company; and Albert Eugene Livingston (collectively, the “Owners”), hold fee simple title to the land in Miami-Dade County, Florida, described in **Exhibit “A”**, attached hereto, and hereinafter referred to as the “Property”;

WHEREAS, the Owners have filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2024000119 (the “Application”), for the purpose of seeking the rezoning of the Property and certain other approvals to facilitate the future development of the Property;

WHEREAS, the Owners have concurrently applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in the May 2024 Cycle, which amendment is identified as CDMP Application No. CDMP20240009 (the “CDMP Application”);

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

1. **Density Limitation.** The proposed development of the Property shall be limited to a maximum of four hundred and fifty-one (451) residential dwelling units (“Density Limitation”).
2. **For-Sale Workforce Housing.** Twenty percent (20%) of the dwelling units shall be designated as for-sale units to households whose annual income is up to one-hundred forty percent (140%)(“WHU”) of the Area Median Income (“AMI”) of Miami-Dade County. Notwithstanding the Density Limitation provided in Paragraph No. 1, should the Owners participate in the Workforce Housing Program, pursuant to Chapter 33, Article XIIA of the Miami-Dade County Code of Ordinances, the Owners may transfer any applicable density bonus in excess of the Density Limitation to another property permitted to receive such bonus, to the extent permitted by the Code of Miami-Dade County, as may be amended.
3. **Connection to Public Water and Sanitary Sewer Service.** The Owners hereby acknowledge and agree that any development of the Property shall connect to the public water and public sanitary sewer system at the Owners’ expense, and such infrastructure shall be designed and installed in accordance with the requirements of Chapter 24 of the Code of Miami Dade County and Water and Sewer Department (“WASD”) rules and regulations and design standards. 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.

4. **Landscaping and Buffering From Surrounding Properties.** The Owners shall develop the Property with an 8-foot landscape buffer and 8-foot public sidewalk in substantial accordance with the reference identified on the Conceptual Plan entitled “40 Acres Assemblage.” The location of the lakes, parks and positioning of the homes are subject to change. In addition, no multifamily apartments shall be permitted on the Property.
5. **Fire Rescue Water Flow.** The Property will ensure the appropriate water flow and accessible connection for Miami-Dade County Fire Rescue in accordance with the CDMP Level of Service (LOS).
6. **Road Mitigation.** In furtherance of the CDMP, the Owners acknowledge and agree that because the Application has an impact between SW 312th Street and SW 328th Street, on a segment of SW 177th Avenue (“Krome Avenue”), a hurricane evacuation route, mitigation is required. The Owners acknowledge that Policy LU-8E and the Capital Improvement Element of the CDMP provides that applications to amend the CDMP Land Use Map are evaluated for, among other things, whether the proposed application would impact emergency management. At the time of any subsequent development order approval (subsequent to the above-referenced concurrent zoning application), including, but not limited to, building permit, tentative-plat approval, final plat approval, site plan approval or any other development order or development permit approval, the proposed development of the Property will be reanalyzed for concurrency in accordance with Chapter 33G of the Miami-Dade County Code, and at that time the Owners must provide the proportionate share mitigation payment for impacts to the hurricane evacuation route along the impacted segment of Krome Avenue unless it is otherwise demonstrated by the applicant, through a traffic analysis, to the satisfaction of the County, that the impact mitigation is no longer required. The proportionate share mitigation payment shall be in accordance with Section 163.3180,

Florida Statutes and shall be creditable against the roadway share of the mobility fees applicable to affected roadways due as part of the development of the Property.

7. **Street Lighting.** In order to minimize the impacts of the proposed development, the Owners agree, to the extent neighboring properties are used for agriculture, that the development shall not include external streetlights along the perimeter of the Property adjacent to such agricultural property, except as may be required by the Miami-Dade County Code. The Owners also agree to provide light shields or other comparable equipment to prevent light spillage onto adjacent properties utilized for agricultural purposes.

8. **Agricultural Notice.** The Owners, successors, and assigns, shall provide in all contracts granting any interest in any portion of the Property a written notice, acknowledgement, and waiver acknowledging that the Property is abutting AU zoned land. All contracts for sale or lease or otherwise granting any interest in any portion of the Property shall contain the following statement:

LAND INVOLVED IN THIS TRANSACTION LIES ADJACENT TO LAND THAT IS ZONED AU, OR IS DESIGNATED FOR AGRICULTURAL USE BY THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP), OR IS SUBJECT TO AU REGULATIONS. AGRICULTURAL ACTIVITIES WHICH MAY BE LAWFULLY CONDUCTED WITHIN THIS AREA INCLUDE BUT MAY NOT BE LIMITED TO CULTIVATION AND HARVESTING OF CROPS; PROCESSING AND PACKING OF FRUIT AND VEGETABLES; BREEDING OF LIVESTOCK AND POULTRY; OPERATION OF IRRIGATION PUMPS AND OTHER MACHINERY; GROUND OR AERIAL SEEDING OR SPRAYING; APPLICATION OF CHEMICAL FERTILIZERS, CONDITIONERS, PESTICIDES AND HERBICIDES; GENERATION OF TRACTOR AND TRUCK TRAFFIC AND OF NOISE, ODORS, DUST AND FUMES ASSOCIATED WITH THE CONDUCT OF THE FOREGOING ACTIVITIES; AND THE EMPLOYMENT AND USE OF AGRICULTURAL LABOR. SUCH AGRICULTURAL ACTIVITIES MAY BE PROTECTED FROM NUISANCE SUITS BY THE "FLORIDA RIGHT TO FARM ACT," SECTION 823.14, FLORIDA STATUTES. IN ADDITION, THE GRANTEE(S) HEREBY ACKNOWLEDGES AND AGREES TO PROVIDE THE DISCLOSURE IN THIS PARAGRAPH IN ANY AND ALL FUTURE CONTRACTS FOR SALE OR LEASE IN ANY PORTION OF THE PROPERTY.

9. **Urban Design Guidelines.** The development shall utilize sound urban design principles, set forth in Miami-Dade County's Design Manual, including the building configuration and typology applicable to the subject site, as determined in consultation with the Development Services Division of the Department of Regulatory and Economic Resources, or successor department. These principles will serve as a guideline for the Property's development, and at a minimum, shall incorporate the following:

- a. Buildings shall be compatible with surrounding developments or made compatible through the use of: landscaping; buffers such as walls and fences; architectural styles that complement surrounding development and building height transitions.
- b. Buildings shall have abundant windows and doors included at street level and may incorporate a variety of architectural features and treatments on all facades such as, but not limited to: fixed awnings, porticos, or porches; a variety of materials such as stone, metal, stucco, concrete and brick; modulation and articulation of building surfaces.
- c. Uniform street furniture and lighting standards shall be provided throughout the Property.
- d. Pedestrian crosswalks shall be clearly delineated on any proposed private roads or drive aisles within the Property and designed with consideration to the special needs of the physically disabled.

MISCELLANEOUS

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

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

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

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the

same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality),

and inspections made and approval of occupancy given by the County (or successor municipality), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

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

each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Signature Pages to Follow]

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

31601 SW 197th Ave LLC,
a Florida limited liability company

Signature

Print Name

Signature

Print Name

By: _____

Name: Fleurant Gachelin

Address: 31601 SW 197th Ave
Homestead FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Fleurant Gachelin, as Manager on behalf of 31601 SW 197th Ave LLC, and for the purposes stated herein. He is personally known to me or has produced _____ as identification.

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____ day
of _____, 2025.

WITNESSES:

NARENN HOR,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Name: NARENN HOR

Address: 31400 SW 193rd Ave
Homestead, FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or
[] online notarization, by Narenn Hor, and for the purposes stated herein on behalf of the estate.
He/She 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:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

OLGA Y. MAZARIEGOS,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Name: OLGA Y. MAZARIEGOS

Address: 19200 SW 316th Street
Homestead, FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Olga Y. Mazariegos for the purposes stated herein. She 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:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

ARNULFO GUEVARA,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Name: ARNULFO GUEVARA

Address: 19200 SW 316th Street
Homestead, FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

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

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

ETHEL L. JOHNSON,
an individual

Signature

Print Name

By: _____

Name: ETHEL L. JOHNSON

Address: _____

Signature

Print Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Ethel L. Johnson for the purposes stated herein. She 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:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

ROBERT CRAIG BOBSON,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Name: ROBERT CRAIG BOBSON

Address: 31700 SW 194th Ave
Homestead, FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Robert C. Bobson for the purposes stated herein. He is personally known to me or has produced _____ as identification.

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

CYNTHIA ANN BOBSON,
an individual

Signature

Print Name

By: _____

Name: CYNTHIA ANN BOBSON
Address: 31700 SW 194th Ave
Homestead, FL 33030

Signature

Print Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Cynthia Bobson for the purposes stated herein. She 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:

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

PATRICIA J. IMRAN,
an individual

Signature

By: _____

Print Name

Name: PATRICIA J. IMRAN

Address: 21511 SW 192 Court
Miami, FL 33177

Signature

Print Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Patricia J. Imran, for the purposes stated herein on behalf of the estate. He/She 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:

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this ____ day of _____, 2025.

WITNESSES:

EASTCOAST DEVELOPERS FIRST LLC,
a Florida limited liability company

Signature

Print Name

Signature

Print Name

By: _____
Name: _____
Title: _____
Address: _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by _____, as _____, of EASTCOAST DEVELOPERS FIRST LLC, a Florida limited liability company, and for the purposes stated herein on behalf of the corporation. 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:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 2025.

WITNESSES:

ALBERT EUGENE LIVINGSTON,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Name: ALBERT EUGENE LIVINGSTON

Address: 31501 SW 197 Ave
Homestead, FL 33030

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Albert Eugene Livingston for the purposes stated herein. He is personally known to me or has produced _____ as identification.

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: 31601 SW 197th Avenue LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Fluerant Gachelin</u>	<u>90%</u>
<u>Elvis Dumervil</u>	<u>10%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: Bluenest Development LLC

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>SALIM CHRAIBI 5301 BLUE LAGOON DR STE 180</u> <u>MIAMI FL 33126</u>	<u>100%</u>

Date of contract: _____

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

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

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

Signature: _____
Fluerant Gachelin
(Applicant) Fluerant Gachelin

Sworn to and subscribed before me this 9 day of JULY, 25. Affiant is personally known to me or has produced FL. Dr. License as identification.

[Signature]
(Notary Public)



My commission expires April 6 2027

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

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

PH: Z24-200

July 17, 2025

Item No. 8C3

Recommendation Summary	
Commission District	11
Applicant	Public Storage Kendale Lakes, LLC
Summary of Requests	The applicant seeks to modify a prior approved resolution, in order to submit a revised site plan showing the addition of a new 4-story detached self-service storage building to the existing self-storage facility located on the subject property. Additionally, the applicant seeks to allow the proposed expanded facility to have more Floor Area Ratio (FAR) than permitted by Code.
Location	13655 SW 42 Street, Miami-Dade County, Florida.
Property Size	±4.50 Acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Self-Storage Facility
2030-2040 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
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(A)(7) Generalized Modification Standards, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 33-314(C)(21) which states "The County Commission shall have jurisdiction to directly hear applications for approval of self-service mini-warehouse storage facilities where public hearing is required."

REQUESTS:

- (1) MODIFICATION of Condition #2 of Resolution No. CZAB10-108-01, passed and adopted by Community Zoning Appeals Board 10, and reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "BMS Bird Road," as prepared by Blitstein Design Associates, Architecture, dated stamped received July 6, 2001 and consisting of 12 sheets except as herein modified to delete the retail component from the site plan and replace with office space and to delete parking stalls #1, 2, 10, & 11 located on the south side of the property and replace with open landscaping."

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Storage", as prepared by Bohler, dated stamped received March 25, 2025, consisting of 8 sheets and "Public Storage", as prepared by Obrien, dated stamped received March 25, 2025, consisting of 6 sheets, for a total of 14 sheets."

The purpose of request #1 is to allow the applicant to modify a previously approved site plan, in order to submit revised plans showing the addition of a 4-story building to the existing self-storage facility located on the subject property.

(2) NON-USE VARIANCE to allow a Floor Area Ratio of 1.15 (0.73 maximum permitted)

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

The ±4.50-acre subject property has been the subject of several zoning hearings. In 1947, the Board of County Commissioners (BCC) rezoned a portion of this site to EU-1B, Estate District (one acre or more). In 1951, the BCC abolished EU-1B zoning and rezoned the EU-1B portion of this site to EU-1, Single Family One Acre Estate District. In 2001, the Community Council Board #10 approved pursuant resolution # CZAB10-108-01 a district boundary change from EU-1 and AU to BU-1A, a special exception to permit site plan approval for a commercial development, a special exception to permit a self-service storage facility with manager’s quarters, a non-use variance of zoning regulations requiring all uses to be conducted with completely enclosed walls or within a building; to waive same to permit outside storage, and a non-use variance of zoning regulations requiring a 5’ high wall where a commercially zoned property abuts residentially zoned property to the east and requiring a wall set in 10” from the property line where a commercial property lies across the street from residential property on a through lot; to waive same to the north.

The applicant now seeks to modify condition #2 of the previously approved Resolution #CZAB10-108-01, in order to submit a new site plan showing a proposed detached self-service storage building and new parking layout. With the aforementioned request, the applicant also seeks an ancillary non-use variance to allow the Floor Area Ratio (FAR) of the existing and proposed self-service storage facilities to exceed the maximum allowed by Code. The property currently consists of an existing storage facility that includes 6 buildings. Three and a half of the buildings will be demolished and replaced by a detached new four (4) story self-storage structure consisting of an approximate total of 144,312 sq. ft. of gross self-storage area. The proposed facility will have 1 ingress/egress point along SW 42 Street (Bird Road), and another along SW 38 Street for both vehicular and pedestrian access. Parking and driveways are located at the front, and side of the buildings, submitted landscape plans depict ample landscaping in the form of trees and shrubs provided along the perimeter of the subject parcel and around the proposed structure, while street trees with shrubs have been provided along SW 38 Street and SW 42 Street.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1A; self-storage facility	Business and Office
North	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
South	RU-TH; townhomes residences	Low-Medium Density Residential (6-13 dua)
East	BU-1A; FPL property	Low Density Residential (2.5 to 6 dua)
West	BU-1A; shopping plaza, gas station	Business and Office

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

LASTRA, ROLANDO

24425 SW 127 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000201

DATE

HEARING NUMBER

FOLIO: 30-6924-000-1240

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

July 8, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

LASTRA, ROLANDO

OUTSTANDING LIENS AND FINES:

There are not outstanding liens or fines.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners (Revised July 15, 2025)**

PH: Z24-241

July 17, 2025

Item No. 8C7

Recommendation Summary	
Commission District	8
Applicants	Bluenest at Krome I, LLC., ET AL
Summary of Request	The applicants seek to permit a rezoning of the subject property that is currently zoned AU (minimum 5-gross acre lot), EU-S (minimum 25,000 square foot lot), and EU-1 (minimum 1-gross acre lot), to the zoning districts BU-1A (business uses), EU-M (minimum 15,000 square foot lot), RU-3M (Minimum Apartment House District, maximum 12.9-units per net acre), which would allow the property to be developed with commercial uses and with more residential units than currently permitted.
Location	Lying east of SW 177 (Krome) Avenue, between SW 272 Street & SW 278 Street, Miami-Dade County, Florida.
Property Size	±89.38-gross (±82.14-net) Acres
Existing Zoning	AU, Agricultural District, EU-1, One Acre Estates District, EU-S, Estate Use Suburban District
Existing Land Use	Vacant, agricultural and residences
2030-2040 CDMP Land Use Designation	Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre); and, Business and Office (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240015)* <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of requests #1, #2 and #3, subject to the Board's acceptance of the proffered Declaration of Restrictions and Conceptual Plan (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240015 and it becoming effective) *

*** This recommendation is contingent on approval of the CDMP amendment Application No. CDMP20240015 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:

REQUEST #1 ON PARCEL "A"

- 1) DISTRICT BOUNDARY CHANGE from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to EU-M, Estates Modified District.

REQUEST #2 ON PARCEL "B"

- 2) DISTRICT BOUNDARY CHANGE from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to RU-3M District.

REQUESTS #3 ON PARCELS "C"

- 3) DISTRICT BOUNDARY CHANGE from AU, Agricultural District, and EU-1, One Acre Estates District, to BU-1A, Limited Business District.

PROJECT HISTORY AND DESCRIPTION:

On July 11, 2025, the applicants submitted a conceptual plan that depicts an approximately 100-foot wide linear public park, 8-foot-wide landscaping buffers, public sidewalks and canal along the perimeter of the subject site to buffer the existing surrounding properties from the proposed development. In addition, the declaration of restrictions includes a commitment to build in accordance with the conceptual plan.

The ±89.38-gross (±82.14-net) acres subject parcel is generally lying east of SW 177 (Krome) Avenue, between SW 272 Street & SW 278 Street and consists of ten (10)-parcels. The subject parcels consist of vacant land, agricultural uses and single-family residences. In May 2024, pursuant to Resolution #Z-30-24, the Board of County Commissioner approved a request for District Boundary Change on a portion of the subject site from AU to EU-1, One Acre Estate District. Additionally, in June 2022, pursuant to Resolution #CZAB14-8-22, the Community Zoning Appeals Board 14 approved a request for District Boundary Change on another portion of the subject site from AU to EU-S, Estate Use Suburban, in lieu of EU-M, Estates Modified District, which was the original request. Staff notes that applicant intends to demolish all of the existing structures on the site and intends to develop the land as mix of uses that would include commercial, single-family estate homes and townhouses.

Staff notes that the applicant has concurrently filed an amendment application (CDMP20240015) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP application seeks to redesignate the ±89.38-gross (±82.14-net) acres subject property from "Estate Density Residential (1 to 2.5 dwelling units per gross acre)" (on ±80.88 acres) and "Business and Office" (±8.5 acres), to "Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre), and "Business and Office." 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 residential portion of the property consistent with the One Density Increase (DI-1), limiting development on the subject site to a maximum of 644 residential dwelling units. The proposed development of the property shall provide workforce housing units and will commit to twenty percent (20%) as part of the CDMP application. Approval of this zoning application is contingent on the approval of the concurrent CDMP amendment Application No. CDMP20240015 and it becoming effective.

Under the current zoning application, the applicant seeks to permit a rezoning of the ±89.38-gross (±82.14-net) acre subject parcel into three (3) distinct proposed new zoning districts. The applicants seek to rezone the periphery of the subject property (Parcel 'A') from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to EU-M, Estates Modified District (request #1), to rezone the remaining, central large portion of the property (Parcel 'B') from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to RU-3M, Minimum Apartment House District (request #2), and to rezone the approximately ±8.5-acre northwestern portion of the property (Parcel 'C') from AU, Agricultural District, and EU-1, One Acre Estates District, to BU-1A, Limited Business District (request #3). Staff notes that for the residential portions of the subject site, the applicants intend to develop the periphery of the subject site as single-family detached lots (rezoning to EU-M, under request #1), and as a townhouse development in accordance with the RU-TH zoning district standards within the center of the property (rezoning to RU-3M, under request #2). Staff further notes that a site plan was not submitted for this subject application and any site plans approvals would be sought through a subsequent Administrative Site Plan Review (“ASPR”) process. Notwithstanding, a zoning Declaration of Restrictions is being voluntarily proffered by the applicant that, among other things, restricts the residential portion of the subject property to a maximum permitted residential density of six hundred and forty-four (644) residential dwelling units (at the current density 1 to 2.5 du/a the property can only be developed to a maximum of 202 dwelling units), commits to build in accordance with a conceptual plan depicting a linear park, landscape buffers and sidewalks, incorporates sound urban design principles into the design of the proposed development, and requires that the applicant commits to set aside twenty percent (20%) of dwelling units as for-sale housing to households whose annual income is up to one hundred forty percent (140%) (“WHU”) of the Area Median Income of Miami Dade County (2025 Home Price for a four person household - \$414,842). The covenant also includes a condition that adequate landscaping buffers, park space and fencing would be provided to separate the subject site from the neighboring properties.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU, EU-1, EU-S; vacant, agricultural and residences	Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre) Business and Office (Subject to approval of the concurrent CDMP amendment) *
North	AU, BU-1, BU-1A; agricultural & retail	Agricultural
South	AU; agricultural & residences	Estate Density Residential (1 to 2.5 du/a)
East	AU, EU-1C, EU-M; agricultural & residences	Estate Density Residential (1 to 2.5 du/a)
West	AU; agricultural, residences & retail	Agricultural & Business/Office
* Land subject to CDMP Amendment Application No. CDMP20240015, filed concurrently by the applicant, which, if approved by the Board, would change the land use designation to “Low Density Residential with One Density Increase - DI-1 (6 to 13 dwelling units per gross acre)” and “Business and Office.”		

NEIGHBORHOOD COMPATIBILITY:

The ±89.38-gross (±82.14-net) acres subject parcel is located east of SW 177 (Krome) Avenue, between SW 272 Street & SW 278 Street, and consists of vacant land, agricultural uses and single-family residences. The properties to the north of the subject site consists of agricultural uses and retail. The properties to the south and east of the subject site consists of agricultural uses and residences. The properties west of the subject site are single-family residences. To the south of the subject site, the properties consist of both single-family residences, agricultural use and retail. The abutting vacant properties to the north and west are located outside of the Urban Development Boundary (UDB). The subject property itself is located immediately south and east of and inside the UDB which runs along SW 177 Avenue and theoretical SW 272 Street.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the property in order to develop the parcels with additional housing and commercial/retail 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 682 PM daily peak hour vehicle trips (where the traffic concurrency is based on the maximum density of the subject property that seeks to permit horizontal mixed-use development that incorporates townhomes, estate homes, and commercial uses). 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 CDMP amendment application (CDMP20240015) 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 scheduled to be heard by the Board of County Commissioners, prior to the zoning hearing application. The CDMP application proposes to redesignate the ±89.38-gross (±82.14-net) acres subject parcel. This includes designating the northwestern portion of the subject site from “Business and Office” and “Estate Density Residential”, to **Business and Office** for the ±8.5 acres, and the redesignation of the remaining ±80.88 acres of “Estate Density Residential” (1 to 2.5 dwelling units per gross acre) portion to **Low Density Residential with 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 **Business and Office** category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.* The “**Business and Office**” designation on the ±8.5-acres will permit the development of the northwestern portion of the subject site with approximately 148,104 sq. ft. of retail uses. As part of the CDMP application (CDMP20240015), the applicants also intend that the remaining approximately ±80.88 acres portion of the subject property be redesignated as **Low Density Residential with 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, 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 applicant to develop the ±80.88-acre portion of the subject site with a maximum total of 1,051 dwelling units as the maximum density allowed under the CDMP Low Density Residential w/ One Density Increase (DI-1) threshold on the LUP map. Under request #1, the applicant seeks a district boundary change to EU-M, for peripheral portions of the property, and a rezoning to RU-3M on the remaining majority portion of the property (request #2). Staff notes that the RU-3M zoning district allows development at a maximum of 12.9 units per net acre, which is similar to and within the maximum density threshold of 13 dwelling units allowed under the aforementioned CDMP Low Density Residential w/ One Density Increase (DI-1) threshold on the LUP map. The letter of intent indicates that the applicant intends to develop the proposed RU-3M, Minimum Apartment House District portion as a townhouse development in accordance with the RU-TH zoning district standards, which allows development at a maximum of 8.5 units per net acre, which would also be within the aforementioned maximum density threshold. Additionally, staff notes that through the Workforce Housing program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. Notwithstanding, the applicant has voluntarily proffered a covenant that, among other things, restricts the residential portion of the subject property to a maximum permitted residential density of six hundred and forty-four (644) residential dwelling units, commits to build in accordance with a conceptual plan depicting a linear park, landscape buffers and sidewalks and incorporates sound urban design principles into the design of the proposed development, and requires that the applicant commits to set aside twenty percent (20%) of dwelling units as for-sale housing to households whose annual income is up to one hundred forty percent (140%) (“WHU”) of the Area Median Income of Miami Dade County. The covenant also includes a condition that adequate landscaping buffers, park space and fencing would be provided to separate the subject site from the neighboring properties. Furthermore, the zoning covenant provides that the owner shall comply with the CDMP covenant accepted in conjunction with the approval of CDMP amendment application no. CDMP20240015, that is being processed concurrently with this zoning hearing application.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2040, 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.* Additionally, the **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff is supportive of the request to rezone the peripheral portion of the subject property (Parcel 'A') to EU-M (request #1), and to rezone the remaining internal portion of the property (Parcel 'B') to the RU-3M District (request #2). The surrounding properties abutting to the east of the subject site include EU-1C zoned single-family detached residences, and AU zoned single-family detached residences with large parcels that vary between ±1 to ±5-acre in lot sizes located to the north, south, and west of the subject site. The conceptual plan and covenant provide for an adequate buffer through the approximately 100-foot wide linear public park, canal, public sidewalks and landscaping buffers along the perimeter of the subject site. Based on the foregoing, staff is supportive of requests for rezoning, including the conceptual plan that provides for additional buffers for the surrounding existing properties in the immediate neighborhood to the proposed development. Therefore, subject to the Board’s approval of the CDMP amendments

and proffered CDMP covenant provisions as mentioned above, to allow the redesignation of the subject parcel on the CDMP LUP map, and subject to the acceptance of the proffered covenant and conceptual plan, staff opines that approval of requests #1, #2 and #3 would be **consistent** with the CDMP Land Use Element interpretative text and the maximum numerical residential density threshold permitted for the Low Density Residential with One Density Increase (DI-1) land use category of the CDMP Land Use Plan (LUP) map. Staff further opines that approval of the application would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element and Policies **LU-4A**, will not create any significant impacts which will disrupt or degrade the safety and tranquility of the neighboring properties.

ZONING ANALYSIS:

The applicants seek approval of district boundary change requests to rezone the periphery of the subject property (Parcel 'A') from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to EU-M, Estates Modified District (request #1), rezone the remaining, central large portion of the property (Parcel 'B') from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to RU-3M, Minimum Apartment House District (request #2), and to rezone the approximately ±8.5-acre northwestern portion of the property (Parcel 'C') from AU, Agricultural District, and EU-1, One Acre Estates District, to BU-1A, Limited Business District (request #3).

Staff notes that although no site plans were submitted for this application, the applicants shall seek approvals for the site plans through a subsequent Administrative Site Plan Review ("ASPR") process. The applicants intend to develop the BU-1A zoned northwestern portion of the site for commercial uses, and the residential zoned periphery of the site are to be developed as EU-M properties (minimum 15,000 sq. ft. single-family detached lots). Additionally, the majority of the remaining internal portion of the property is to be rezoned as RU-3M, Minimum Apartment House District, which allows multi-family residential developments that include townhouses, and as such, the applicant intends to develop that portion of the property as a townhouse development that shall be built in accordance with the RU-TH zoning district standards. In addition to buffering the proposed RU-3M zoned area with estate homes, the applicants have committed to build in accordance with a conceptual plan that includes an approximately 100-foot wide linear public park, canal, 8-foot-wide landscaping buffers, and pedestrian areas to buffer the existing surrounding properties from the proposed development. 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. Accordingly, staff supports a district boundary change to EU-M, Estates Modified District, on Parcel 'A' (request #1), and from AU, Agricultural District, EU-S, Estate Use Suburban District, and EU-1, One Acre Estates District, to RU-3M, Minimum Apartment House District, on the remaining, central large portion of the property (Parcel 'B') (request #2), and to BU-1A, Limited Business District on Parcel 'C' (request #3), and opines that contingent on the approval of the CDMP land use map amendments to redesignate the subject parcel to Low Density Residential with One Density Increase (DI-1) and Business and Office, as well as subject to the Board's acceptance of the proffered zoning covenant and conceptual plan, and for the reasons explained in the Comprehensive Development Master Plan Analysis section, and recommends **approval** of the requests for zone changes on the subject property which would be **consistent** with the aforementioned CDMP designation of the parcel on the CDMP Land Use Plan map and would be **compatible** with the surrounding area.

Staff also note that based on the memoranda submitted by other departments reviewing the application, approval of the request would not have an unfavorable effect on the environment, the natural resources, or the economy of Miami-Dade County, and would not be incompatible with the area concerned. Staff notes that Department of Transportation and Public Works (DTPW) also reviewed the requests and has no objection to the application, as specified in their memorandum. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), in their memorandum states that they have no objections to the request subject to conditions in their memorandum including that the application meets traffic concurrency criteria and that the application will generate approximately 682 PM daily peak hour vehicle trips (where the traffic concurrency is based on the maximum density of the subject property that seeks to permit horizontal mixed-use development that incorporates townhomes, estate homes, and commercial uses). Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum, indicates that the application meets all applicable LOS standards for potable water supply, wastewater disposal, and flood protection. In addition, the memorandum from the Miami-Dade Fire Rescue (MDFR) Department does not indicate that the application will have a negative impact on fire rescue services in the area. The memoranda submitted by the Department of Water and Sewer, and the Park, Recreation and Open Spaces (PROS) Department indicate no objections to the application as well. Further, the Miami-Dade County Public Schools (MDCPS) indicates that all current levels have sufficient capacity available to serve the application. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. As such, staff opines that approval of request #1 for a zone change to EU-M on Parcel 'A', **approval** of request #2 to rezone Parcel 'B' to RU-3M, and approval of request #3 to rezone Parcel 'C' to BU-1A, subject to the proffered zoning covenant and conceptual plan, would be **compatible** with the surrounding neighborhood, when considering the necessity and reasonableness of the rezoning in relation to the present and future development of the area. **Therefore, subject to the Board's acceptance of the proffered covenant and conceptual plan, staff recommends approval of request #1 (for a district boundary change on Parcel 'A' to EU-M, Estates Modified District), approval of request #2 (for a district boundary change on Parcel 'B' to RU-3M, Minimum Apartment House District), and approval of request #3 (for a district boundary change on Parcel 'C' to BU-1A, Limited Business District), under Section 33-311, District Boundary Change. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20240015 and it becoming effective).**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval of requests #1, #2 and #3, subject to the Board's acceptance of the proffered Declaration of Restrictions and Conceptual Plan (Subject to approval of the concurrent CDMP amendment Application No. CDMP202400015 and it becoming effective)

CONDITIONS FOR APPROVAL: None.

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

Bluenest at Krome I, LLC., ET AL
PH: Z24-241

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

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

<p>Low Density Residential (Pg. I-31)</p> <p>With One Density Increase (DI-1) w/ Urban Design (Pg. I-32)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p> <p>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. If the referenced urban design principles are not employed, the allowable density shall be limited to that authorized only by the underlying color code.</p> <p>(*Subject to approval of the concurrent CDMP amendment Application No. CDMP20240015)</p>
<p>Business and Office (Pg. I-40)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both</i></p>

ZONING RECOMMENDATION ADDENDUM

Bluenest at Krome I, LLC., ET AL
PH: Z24-241

	<p><i>adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p>(*Subject to approval of the concurrent CDMP amendment Application No. CDMP20240015)</p>
<p>Objective LU-4A (Pg. I-9)</p>	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
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RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

PASCUAL PEREZ KILIDDJIAN STARR
ARCHITECTS + PLANNERS

LICENSE # AA 26001357
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REVISIONS:

OWNER:
BLUENEST

90 ACRES KROME
BY: **BLUENEST**
MIAMI-DADE COUNTY, FLORIDA

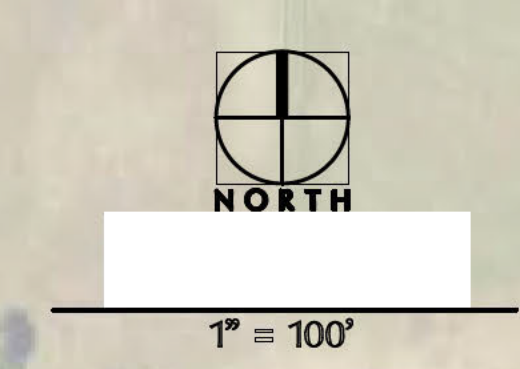
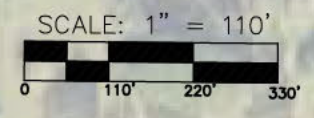
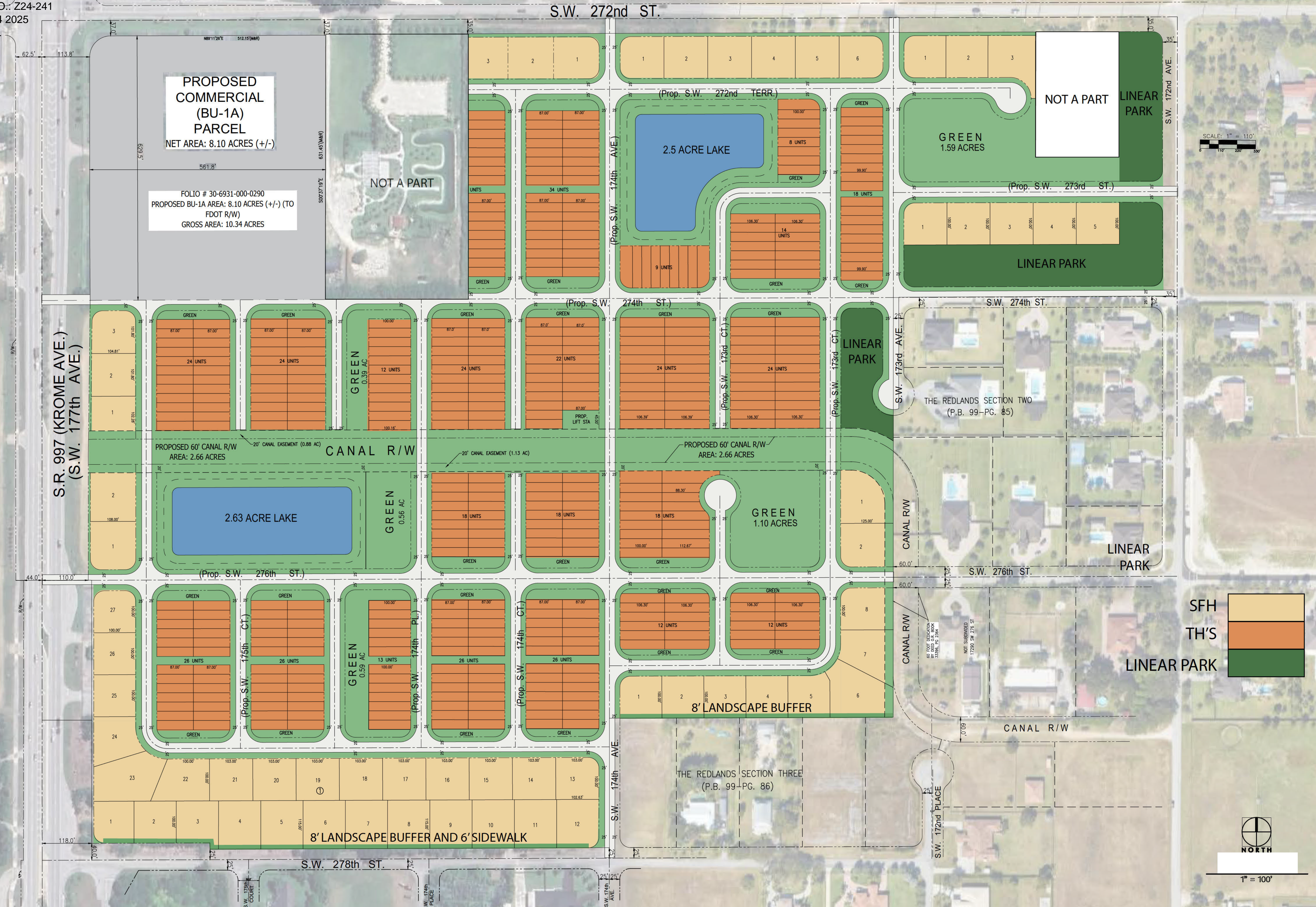
CONCEPTUAL PLAN

SEAL:

DATE: 2025-04-16
SCALE: AS SHOWN
DRAWN BY: AIS
CHECK BY: PPK
JOB NO.:

SHEET NO.:

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-241
DATE: JUL 14 2025
BY: GONGOL

This instrument was prepared by:

Names: **Pedro Gassant, Esq.**
Address: **Holland & Knight LLP**
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Bluenest at Krome I, LLC, a Florida limited liability company; All Points Ventures Unlimited, LLC, a Florida limited liability company; Diamond I Farms, Inc., a Florida corporation; and Peter Wilson and Steven Wilson (hereinafter collectively referred to as the “Owners”), hold the fee simple title to the land in Miami-Dade County, Florida, described in **Exhibit “A”**, attached hereto, and hereinafter referred to as the “Property”, which is supported by the Opinion of Title; and

WHEREAS, the Owners have filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing identified as Application No. Z2024000241 (the “Application”) to rezone the property, pursuant to section 2-116.1 of the Code of Miami-Dade County;

WHEREAS, the Owners have concurrently applied for a standard amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in October 2024 Cycle, which amendment is identified as CDMP Application No. CDMP20240015 (the “CDMP Application”);

WHEREAS, the Application seeks to re-designate the Property from “Estate Density Residential” and “Business and Office” to “Low Density with One Density Increase (DI-1),” “Low Density,” and “Business and Office” on the Miami-Dade County Comprehensive Development Master Plan Adopted Land Use Plan (“LUP”) map category;

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MIAMI-DADE COUNTY

PROCESS NO: Z24-241

DATE: JUL 14 2025

NOW, THEREFORE, in order to assure the Miami-Dade County ("County") that the representations made by the Owners during consideration of the Application will be abided by, the

Owners freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. **Density Limitation.** The Property shall be limited to a maximum of 644 dwelling units ("Density Limitation").
2. **For-Sale Workforce Housing.** Twenty percent (20%) of the townhome units shall be designated as for-sale units to households whose annual income is up to one-hundred forty percent (140%)("WHU") of the Area Median Income ("AMI") of Miami-Dade County. Notwithstanding the Density Limitation provided in Paragraph No. 1, should the Owners participate in the Workforce Housing Program, pursuant to Chapter 33, Article XIIA of the Miami-Dade County Code of Ordinances, the Owners may transfer any applicable density bonus in excess of the Density Limitation to another property permitted to receive such bonus, to the extent permitted by the Code of Miami-Dade County, as may be amended.
3. **Townhome Sales Price Commitment.** The Owners shall price cap all of the Property's townhomes at the Workforce Housing Program sales price. This commitment is in addition to the above commitment to restrict 20% of the townhomes to households whose annual income is up to one-hundred forty percent (140%)("WHU") of the Area Median Income ("AMI") of Miami-Dade County
4. **Landscaping Infrastructure and Buffering From Surrounding Properties.** The Owners shall, where appropriate (as determined by the Owners in consultation with the Division of Environmental Resources Management (DERM)), provide landscaping which utilizes trees that assist in stormwater drainage. The Owners shall provide adequate

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PROCESS NO.: Z24-241

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landscaping and fencing to separate the Property from neighboring property located west of SW 172nd Avenue, east of theoretical SW 172nd Court, and north of SW 274th Street.

In addition, the Owners shall develop the Property with a linear park and 8-foot landscape buffer and 6-foot sidewalk in substantial accordance with the depiction identified on the Conceptual Plan entitled “90 Acres Krome.” The general public will have access to the linear park and associated sidewalks from sunrise to sunset. The location of the roads, lakes, green areas, townhouses and estate homes are subject to change, except that the Estate Homes will continue to be located on the perimeter of the Property. In addition, no multifamily apartments shall be permitted on the Property.

- 5. Connection to Public Water and Sanitary Sewer Service.** The Owners hereby acknowledge and agree that any development of the Property shall connect to the public water and public sanitary sewer system at the Owners’ expense, and such infrastructure shall be designed and installed in accordance with the requirements of Chapter 24 of the Code of Miami Dade County and Water and Sewer Department (“WASD”) rules and regulations. 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.

6. **Public Pump Station.** The Owners acknowledge that if provision of a public pump station is required to connect to public water and public sanitary sewer infrastructure at the time of connection, then the Owners may be required to provide said public pump station.
7. **Flood Protection.** The Owners must submit a signed and sealed “Conceptual Stormwater Master Plan” to the Division of Environmental Resources Management (DERM) for review and approval prior to the approval of the first tentative plat, soil improvement permit, building permit, Environmental Resource Permit (ERP), or paving and drainage plan. It is specifically acknowledged that such Conceptual Master Plan may be different from the stormwater plan adopted for the Property based on data obtained during the permitting process.
8. **Fire Rescue Water Flow.** The Property will ensure the appropriate water flow and accessible connection for Miami-Dade County Fire Rescue in accordance with the CDMP Level of Service (LOS).
9. **Street Lighting.** In order to minimize the impacts of the proposed development, the Owners agree, to the extent neighboring properties are used for agriculture, that the development shall not include external streetlights along the perimeter of the Property adjacent to such agricultural property, except as may be required by the Code of Miami-Dade County. The Owners also agree to provide light shields or other comparable equipment to prevent light spillage onto adjacent properties utilized for agricultural purposes.
10. **Urban Design Guidelines.** The development shall utilize sound urban design principles, set forth in Miami-Dade County’s Design Manual, including the building configuration and typology applicable to the subject site, as determined in consultation with the

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MIAMI-DADE COUNTY

Development Services Division of the Department of Regulatory and Economic Resources, or successor department. These principles will serve as a guideline for the Property's development, and at a minimum, shall incorporate the following:

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

- a. Buildings shall be compatible with surrounding developments or made compatible through the use of: landscaping; buffers such as walls and fences; architectural styles that complement surrounding development and building height transitions.
- b. Buildings shall have abundant windows and doors included at street level and may incorporate a variety of architectural features and treatments on all facades such as, but not limited to: fixed awnings, porticos, or porches; a variety of materials such as stone, metal, stucco, concrete and brick; modulation and articulation of building surfaces.
- c. Uniform street furniture and lighting standards shall be provided throughout the Property.
- d. Pedestrian crosswalks shall be clearly delineated on any proposed private roads or drive aisles within the Property and designed with consideration to the special needs of the physically disabled.

11. Agricultural Notice. The Owners, successors, and assigns shall provide in all contracts granting any interest in any portion of the Property a written notice, acknowledgement, and waiver acknowledging that the Property is abutting AU zoned land. All contracts for sale or lease or otherwise granting any interest in any portion of the Property shall contain the following statement:

LAND INVOLVED IN THIS TRANSACTION LIES ADJACENT TO LAND THAT IS ZONED AU, OR IS DESIGNATED FOR AGRICULTURAL USE BY THE

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MIAMI-DADE COUNTY

PROCESS NO: Z24-241

DATE: JUL 14 2025

BY: GONGOL

MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP), OR IS SUBJECT TO AU REGULATIONS. AGRICULTURAL ACTIVITIES WHICH MAY BE LAWFULLY CONDUCTED WITHIN THIS AREA INCLUDE BUT MAY NOT BE LIMITED TO CULTIVATION AND HARVESTING OF CROPS; PROCESSING AND PACKING OF FRUIT AND VEGETABLES; BREEDING OF LIVESTOCK AND POULTRY; OPERATION OF IRRIGATION PUMPS AND OTHER MACHINERY; GROUND OR AERIAL SEEDING OR SPRAYING; APPLICATION OF CHEMICAL FERTILIZERS, CONDITIONERS, PESTICIDES AND HERBICIDES; GENERATION OF TRACTOR AND TRUCK TRAFFIC AND OF NOISE, ODORS, DUST AND FUMES ASSOCIATED WITH THE CONDUCT OF THE FOREGOING ACTIVITIES; AND THE EMPLOYMENT AND USE OF AGRICULTURAL LABOR. SUCH AGRICULTURAL ACTIVITIES MAY BE PROTECTED FROM NUISANCE SUITS BY THE "FLORIDA RIGHT TO FARM ACT," SECTION 823.14, FLORIDA STATUTES. IN ADDITION, THE GRANTEE(S) HEREBY ACKNOWLEDGES AND AGREES TO PROVIDE THE DISCLOSURE IN THIS PARAGRAPH IN ANY AND ALL FUTURE CONTRACTS FOR SALE OR LEASE IN ANY PORTION OF THE PROPERTY.

MISCELLANEOUS

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

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owners, and their

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

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

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

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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 Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Signature Pages to Follow]

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 20____.

WITNESSES:

BLUENEST AT KROME I, LLC,
a Florida limited liability company

BY: BLUENEST PPR HOMES, LLC,
a Florida limited liability company,
its sole member

BY: BLUENEST HOLDINGS, LLC,
a Florida limited liability company,
its sole manager

Signature

By: _____

Print Name

Print Name: SALIM CHRAIBI

Address: _____

Signature

Print Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by SALIM CHRAIBI as manager of Bluenest Holdings, LLC, a Florida limited liability company, for the purposes stated herein. He is personally known to me or has produced _____ as identification.

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 20____.

WITNESSES:

ALL POINTS VENTURES UNLIMITED, LLC,
a Florida limited liability company

Signature

By: _____

Print Name

Print Name: MARIA ISABEL MARTINEZ

Signature

Address: _____

Print Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by MARIA ISABEL MARTINEZ as manager of All Points Ventures Unlimited, LLC, a Florida limited liability company, for the purposes stated herein. She 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:

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 20____.

WITNESSES:

DIAMOND I FARMS, INC.,
a Florida for profit corporation

Signature

Print Name

Signature

Print Name

By: _____

Print Name: RALPH IORI

Address: _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Ralph Iori as PD of Diamond I Farms, Inc., a Florida for profit corporation for the purposes stated herein. He is personally known to me or has produced _____ as identification.

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day
of _____, 20__.

WITNESSES:

PETER WILSON,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Print Name: PETER WILSON

Address: _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

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

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-241

DATE: JUL 14 2025

BY: GONGOL

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of _____, 20____.

WITNESSES:

STEVEN WILSON,
an individual

Signature

Print Name

Signature

Print Name

By: _____

Print Name: STEVEN WILSON

Address: _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

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

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

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

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BY: GONGOL

EXHIBIT "A"

PROPERTY OWNERS LISTED

FOLIO	OWNER OF RECORD	NATURAL PERSON + % INTEREST
30-6931-000-0310	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0315	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0330	ALL POINTS VENTURES UNLIMITED LLC	Maria L. Martinez, 100%
30-6931-000-0332	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0250	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0300	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0241	DIAMOND I FARMS INC	Ralph Iori, 100%
30-6931-000-0270	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0260	BLUENEST AT KROME I LLC	Salim Chraibi, 100%
30-6931-000-0290	PETER WILSON & STEVEN WILSON	Peter Wilson 50%, Steven Wilson 50% each (tenants in common)

LEGAL DESCRIPTIONS

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0310

PARCEL 1:

THE WEST 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE SW 1/4 LESS THE SOUTH 25 FEET FOR ROAD, IN SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

A PARCEL OF LAND LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF THE SW 1/4 OF SAID SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, BEING A 1/2 INCH DIAMETER IRON PIPE; THENCE S89°11'23"W, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 31, FOR A DISTANCE OF 2,702.97 FEET TO THE NW CORNER OF THE SW 1/4 OF SAID SECTION 31; THENCE S00°38'38"E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 31, FOR A DISTANCE OF 1,666.27 FEET; THENCE N89°21'22"E, AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 42.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 997 (KROME AVENUE / S.W. 177TH AVENUE) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR STATE ROAD NO. 997 (KROME AVENUE), SECTION 87150-2532, RECORDED IN RIGHT-OF-WAY ROAD PLAT BOOK 124, AT PAGE 82, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND:

THENCE N89°09'56"E FOR A DISTANCE OF 76.00 FEET; THENCE S00°38'38"E FOR A DISTANCE OF 293.27 FEET; THENCE N89°09'39"E FOR A DISTANCE OF 281.86 FEET; THENCE S00°50'21"E FOR A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTH

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MIAMI-DADE COUNTY

PROCESS NO: Z24-241

DATE: JUL 14 2025

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RIGHT-OF-WAY LINE OF S.W. 278TH STREET AS PER OFFICIAL RECORDS BOOK 14641 AT PAGE 1885 OF SAID PUBLIC RECORDS; THENCE S 89°09'39"W, ALONG SAID NORTH RIGHT OF WAY LINE OF S.W. 278TH STREET, FOR A DISTANCE OF 354.91 FEET TO A POINT ON SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 997 (KROME AVENUE / S.W. 177TH AVENUE); THENCE N01°12'05"W, ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 997 (KROME AVENUE / S.W. 177TH AVENUE), FOR A DISTANCE OF 308.28 FEET TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0315

PARCEL 2:

THE EAST 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE SW 1/4 IN SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LESS THE SOUTH 25 FEET THEREOF FOR ROAD RIGHT OF WAY, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0330

THE SOUTHEAST 1/4, OF THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4 AND THE NORTH 1/2, OF THE NORTH 1/2, OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, LESS THE WEST 62.50 FEET FOR RIGHT-OF-WAY, SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39, ALL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0250

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0300

THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 3/4 OF THE SOUTHWEST 1/4, LESS AND EXCEPT THE WEST 62.5 FEET FOR RIGHT OF WAY, OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING IN FAVOR OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 30788, PAGE 4661, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF THE SW 1/4 OF SAID SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, BEING A 1/2 INCH DIAMETER IRON PIPE; THENCE

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S89°11'23"W, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 31, FOR A DISTANCE OF 2,702.97 FEET TO THE NW CORNER OF THE SW 1/4 OF SAID SECTION 31; THENCE S00°38'38" E, ALONG THE WEST LINE OF THE SW ¼ OF SAID SECTION 31, FOR A DISTANCE OF 999.65 FEET; THENCE N89°21'22"E, AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 62.50 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 997 (KROME AVENUE / S.W. 177th/ AVENUE) AS DESCRIBED IN THAT CERTAIN WARRANTY DEED, CONVEYED TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 21003, AT PAGE 1475, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND: THENCE N00°38'38"W, ALONG THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 997(KROME AVE. / S.W. 177th/ AVENUE), FOR A DISTANCE OF 333.28 FEET; THENCE N89°10'48"EFOR A DISTANCE OF 52.37 FEET; THENCE S00°06'22"W FOR A DISTANCE OF 333.32 FEET; THENCE S89°10'31"W FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0290

THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0260

WEST 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4 AND EAST 1/2 OF NE 1/4 OF NW 1/4 OF SW 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0270

THE EAST ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, IN SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0241

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST 198 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST.

PARCEL IDENTIFICATION NUMBER: 30-6931-000-0332

THE EAST 1/3 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 3/4 OF THE SOUTHWEST 1/4; AND THE EAST 1/3 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE WEST 3/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; ALSO DESCRIBED AS:

THE SOUTH 1/2 OF THE SW1/4 OF THE NE1/4 OF THE SW1/4 AND THE NORTH 1/2 OF THE NW1/4 OF THE SE1/4 OF THE SW1/4, SECTION 31, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.

Memorandum

Date: July 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: Z2024000242-3rd Review
Bluenest Development LLC
North of SW 268th Street and East of SW 154th Avenue
DBC from AU to RU-3M with RU-TH.
Proposed residential development of townhomes.
(AU) (26.7 acres)
33-56-39

DERM has reviewed the concurrent CDMP application CDMP20240016. The review conducted by DERM on this concurrent zoning application must assume that the CDMP application is approved; 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. This analysis does not revisit the merits of the aforementioned CDMP application.

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.

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

Natural Resources Review

The Application area contains tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by section 24-49.2(II) of the Code. Future site plan development of the application area must be consistent with the requirements to preserve specimen trees except in cases where DERM has determined that a specimen tree cannot be preserved pursuant to section 24-49.2(4)(II)(2) of the Code. Please note, future approval of this application is not an authorization to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code without first obtaining a Miami-Dade County Tree Permit. The decision to approve this request shall not be construed as an approval to remove specimen trees due to a determination of unreasonable loss of usable space pursuant to section 24-49.2(4)(II)(2)(b) of the Code.

The applicant is advised to contact the DERM-Tree and Forest Resources Section at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

A portion of the Property contains rockland hammock, which is globally imperiled habitat found only in Miami-Dade County and Monroe Counties. The applicant is advised that the properties identified by property folio numbers 30-6933-000-0252 and 30-6933-000-0254 contain rockland hammock. On July 12, 2013, and on September 27, 2024, DERM inspected the rockland hammock and found over a dozen state-listed threatened plant species. Furthermore, DERM notes that previous submittals for this zoning application showed the property folios containing rockland habitat would be preserved and maintained. Subsequent submittals for this zoning application removed site plans, and the County has been working with the applicant to understand the extent of the area to be preserved in future proposals. These proposals could be submitted for review under an administrative approval review process. The rockland hammock parcels (folio numbers 30-6933-000-0252 and 30-6933-000-0254) were previously subject to a temporary tax incentive where the property owner entered into an agreement (covenant) with DERM for management of the resources at this site. The covenant expired in 2024, and the property owner did not renew the covenant. While the entire 4.98 acres were placed under an Environmentally Endangered Lands Covenant, it was determined that 4.29 acres contained rockland hammock and that the balance was degraded habitat that would undergo restorative management. DERM reasonably believes that preserving 4.0 acres of rockland hammock will encompass most of the habitat features on this site.

The CDMP includes a policy regarding development within pinelands. All development or redevelopment applications are required to comply with CON-8D of the CDMP, which states:

“Where hammocks or pinelands are contained within prospective development sites, they shall be given priority for designation as landscape and open space areas and left intact. The extent of hammock and pineland area destroyed shall be minimized by the use of native plant buffers, clustering, large lot zoning, and/or reduced roadway widths. Care shall be exercised when developing adjacent land to minimize root damage and filling. Disturbance to the forest canopy and understory shall be minimized and confined to the least viable areas. Preservation areas shall be located and configured to protect rare, threatened and endangered species and to allow for prescribed burning, where applicable. In the protected forest areas, understory vegetation and associated geologic features shall be protected and maintained in perpetuity”.

The application area is adjacent to a property that contains Natural Forest Community (NFC). Any development and use of the subject properties must avoid adverse environmental impacts to the NFC, including, but not limited to, impacts associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, and erosion. To avoid causing damage to plants and substrate, heavy machinery may not be parked inside the NFC property. Therefore, during future development of the referenced property, DERM recommends a barrier be erected between any site improvement work and the NFC property and that the applicant avoid staging equipment or construction materials adjacent to private property or the county designated NFC.

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.

The applicant is advised that 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. The use of native pine rockland plant species for landscaping purposes is recommended to eliminate the potential of non-compatible plants invading and degrading the adjacent rockland hammock. Please refer

to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Please contact Kelly Feeney at Kelly.Feeney@miamidade.gov for additional information or concerns regarding this review.

The following shall be included in the Declaration of Restrictions for Preservation of the Rockland Hammock

The Owner acknowledges that a portion of the Property contains rockland hammock, which is globally imperiled habitat found only in Miami-Dade and Monroe Counties. In order to ensure consistency with the CDMP, including, but not limited to, CDMP policy CON-8D and CON-9A, the Owner shall conserve rare, endangered, threatened, and endemic species and the rockland hammock with unique features, including limestone rock substrate and geologic formations, by establishing a rockland hammock preservation area ("Rockland Hammock Preserve"), which shall have a minimum size of 4.0 contiguous acres, located within the area identified in Exhibit A, and which shall remain in a natural state and which shall be maintained as rockland hammock habitat in perpetuity and protected from development. It is provided however, that the size of the Rockland Hammock Preserve may be reduced if the Owner submits an environmental analysis or study, reasonably employing surveys to determine presence of rockland hammock vegetation or geological formation, demonstrating to the satisfaction of DERM that the current area of rockland hammock is less than 4.0 acres in size. Should DERM reject such analysis or study, the Rockland Hammock Preserve shall be a minimum of 4.0 contiguous acres.

The Owner agrees that prior to the County's tentative plat approval for any portion of the Property, the Owner agrees to establish the Rockland Hammock Preserve as a separate tract or parcel by plat (separate folio number) or other legal instrument, as may be acceptable to Miami-Dade County.

The Owner agrees to perform the removal of exotic vegetation from the Rockland Hammock Preserve and the Owner shall maintain the Rockland Hammock Preserve free of exotic vegetation with the standard maintenance threshold of less than 5% of the entirety of the area to prevent the growth or accumulation of such prohibited species. The Owner agrees to obtain a permit that authorizes the removal of exotic vegetation from DERM to maintain the Rockland Hammock Preserve.

If the Owner wishes to convey the Rockland Hammock Preserve to Miami-Dade County for perpetual preservation and maintenance of these areas, the Owner may make a written offer, by certified mail or other means of verified delivery, to the County to convey the Rockland Hammock Preserve for use as a preservation area. Unless and until the Rockland Hammock Preserve is conveyed to Miami-Dade County, all Owners of the Property, including all Owners of any portion of the Property that is subject to this CDMP application, shall be responsible for complying with all requirements related to this Rockland Hammock Preserve, including, but not limited to, the maintenance and preservation of the rockland hammock habitat

Conditions of approval: none

Endangered Species Review

The applicant is advised that the properties identified by property folio numbers 30-6933-000-0252 and 30-6933-000-0254 contain habitat that is critical for species listed in the county CDMP. The properties have been designated as critical habitat for Bartram's scrub-hairstreak (*Strymon acis bartrami*) and Florida bonneted bat (*Eumops floridanus*) by the United States Fish and Wildlife Service (USFWS). The applicant is advised that consultation with the USFWS may be required prior to any development or redevelopment of the properties.

The Miami-Dade County Comprehensive Development Master Plan has policies and objectives for the protection of habitat critical to federal, state or County designated endangered, threatened, or rare species, such as CDMP policies CON 9B and CON 9D and Objective CON-9. Previous submittals for this zoning application included site plans demonstrating that the entirety of the properties containing critical habitat would be preserved and maintained. Subsequent zoning submittals removed site plans, and the county has been working with the applicant to understand the extent of the area to be preserved in future proposals. These proposals could be submitted administratively for approval. The 4.0 acres or less preservation area must be collocated within the approximately 5.0 consolidated acres of federally designated critical habitat occurring within the development area to demonstrate consistency with CDMP habitat policies and objectives. However, because future development actions may encourage the removal of approximately 1.0 acre of the approximately 5.0 acres of habitat, DERM cannot determine whether approval of the CDMP application would adversely impact designated critical habitat.

Prior to DERM recommendation of approval of future development orders, the applicant shall conduct wildlife surveys/threatened and endangered species surveys of the project area, including but not limited to surveys to determine the usage of the area by the Florida bonneted bat and any other listed species. Said surveys should be conducted utilizing acceptable scientific practices for each listed species that may be present on the site and submitted to DERM for review.

Should future development of the Property be approved, the Owners will be required to address and mitigate any negative impacts to listed species, which may include the implementation of best management practices.

Please be aware that the federal government may require certain actions or protections on the properties which may result in the need to modify development plans for the properties.

It is recommended that the applicant contact the USFWS in the Vero Beach office at (352) 448-9151 and the Natural Resources Division of DERM at Kelly.Feeney@miamidade.gov with any questions regarding threatened and endangered species.

The following shall be included in the Declaration of Restrictions for Endangered Species

The Owner agrees to provide wildlife surveys (including threatened and endangered species) for the entire Property prior to the first DERM or RER approval of any development order for the Property or any portion thereof (with the exception of the concurrent zoning approval with this CDMP application), including, but not limited to, Administrative Site Plan Review or future zoning actions, tentative plat applications, building permits, zoning improvement permits, lake excavation permits, or DERM tree removal permits. If a new or revised site plan is proposed for all or a portion of the Property, and the prior wildlife survey (including threatened and endangered species) is more than 3 years old at the anticipated time of approval of said site plan, then the Owner shall provide an updated wildlife survey (including threatened and endangered species) for the property subject to the new or revised site plan as well as

additional areas on the Property that may be impacted, as determined by DERM. The Owner agrees to conduct such wildlife surveys (including threatened and endangered species) utilizing acceptable scientific practices for each listed species that may be present within the Property, including but not limited to surveys to determine the usage of the area by the Florida bonneted bat and any other wildlife species listed in Appendix B of the Conservation Element of the CDMP. The Owner agrees that the surveys and methodologies shall be subject to review and approval by DERM.

Based on the results of said wildlife surveys or on other information, the Owner acknowledges that additional preservation may be required, pursuant to the CDMP, including, but not limited to CDMP Policy CON-8D, CON-9A, CON-9B, and CON-9C, in addition to the requirements in paragraph – related to a Rockland Hammock Preserve. In addition, the Owner acknowledges that the federal and state government could also require preservation of land or impose other requirements related to habitat conservation and endangered species protection.

Conditions of approval: none

Potable Water Supply and Wastewater Disposal

Pursuant to the Code and based on the site plan submitted in support of the requested district boundary change, the proposed mixed-use development is within feasible distance to connect to public water and public sanitary sewer. Therefore, the proposed development shall connect to public water and sanitary sewers in accordance with Code requirements. 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.

Pursuant to section 24-43.4(2)(b) of the Code, *Feasible distance analysis conducted for each development application*. Feasible distance shall be analyzed for each development order or development permit that is subject to [Section 24-43.1](#) and [24-43.2](#) of the Code, regardless of whether the property or portion thereof was found to not be within feasible distance when a prior development order or development permit was issued.

(i) *Multi-phase developments, lots within a parent tract, or single development plan.*

1. For applications for tentative plat or modifications or extensions thereof, total floor area shall be based on the development of all phases, the entire parent tract, or the entire plan, as applicable, where a property is part of any of the following: a multi-phase development, a larger parent tract, or a single development plan, including, but not limited to a site plan approval (ASPR), hearing plan approved as part of a zoning resolution or proffered in connection with a zoning resolution, development of regional impact, planned area development, or conceptual plan submitted as part of a zoning hearing, or the municipal equivalent of any of the foregoing as determined by the Director.

2. Notwithstanding the foregoing, for an application to modify or extend a tentative plat that was approved prior to October 28, 2022, feasible distance shall be calculated in

accordance with the standards that were in effect at the time the tentative plat was approved.

(ii) Except as provided in this subsection, once a property or portion thereof has been determined to be within feasible distance of public water, public sanitary sewer, or both, all modifications, additions, or expansions to development on the property shall be deemed to be within feasible distance of the applicable infrastructure, regardless of whether any individual phase or subpart of a proposed development would not be within feasible distance if measured independently.

(iii) 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, provided, however, that such connection requirement shall not apply to building permits for repairs, including repairs that are required as part of a building recertification conducted pursuant to [Section 8-11](#), as may be amended.

(iv) At time of subdivision approval, if the application does not contain specific information to calculate total floor area, total floor area shall be calculated based on the maximum lot coverage, height, floors, and floor area ratio permitted within the applicable zoning regulations and subject to the analysis required by this paragraph (2)(b).

Prior to DERM approval of ASPR and tentative plat, 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 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

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 full on-site retention of the stormwater runoff generated by a 25-year, 3-day storm event per section 24.42.8(4)(i) of the Code.

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

Pursuant to section 24-48.1(1)(f) of the Code, the applicant is advised that a DERM Class VI Permit may be required for the construction of the proposed surface water management system for the development. Please contact the DERM Water Control Section (305-372-6681) for additional information.

Conditions of Approval: None

Pollution Remediation Review

Based on the current/past agricultural use of the site, DERM requires that a Phase 1 and Phase 2 Environmental Site Assessment prepared in accordance with ASTM standards be conducted at the site prior to site development and prior to the submittal of site development plans through the building department review process. DERM review and approval of said documents shall be required. Further, all construction plans (inclusive of drainage) and dewatering plans shall require the review and approval from the Environmental Monitoring and Restoration Division of DERM (EMRD) 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 PROS for a park and DTPW for road right-of-way. Please note that the presence of any such contamination, solid waste, or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the county declining to accept the proposed dedication. 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. at Thomas.kux@miamidade.gov if you have any questions.

Conditions of Approval: None

Wetlands Review

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

Conditions of Approval: None

Natural Forest Communities Review

This application, as well as the planning, design, construction, and implementation of associated development or redevelopment projects, must comply with the Code. The subject properties identified in this zoning application do not contain Natural Forest Community (NFC), however, the site is adjacent to a property that contains NFC (folio 30-6933-000-0302).

The development and use of the subject properties must avoid adverse environmental impacts to the NFC, including, but not limited to, impacts associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, and erosion. To avoid causing damage to plants and substrate, heavy machinery may not be parked inside the NFC property. Therefore, during future development of the referenced property, DERM recommends a barrier be erected between any site improvement work and the NFC property and that the applicant avoid staging equipment or construction materials adjacent to private property or the county designated NFC.

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.

Per section 24-49.9 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. The use of native rockland hammock plant species for landscaping purposes is recommended to eliminate the potential of non-compatible plants invading and degrading the adjacent rockland hammock.

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.

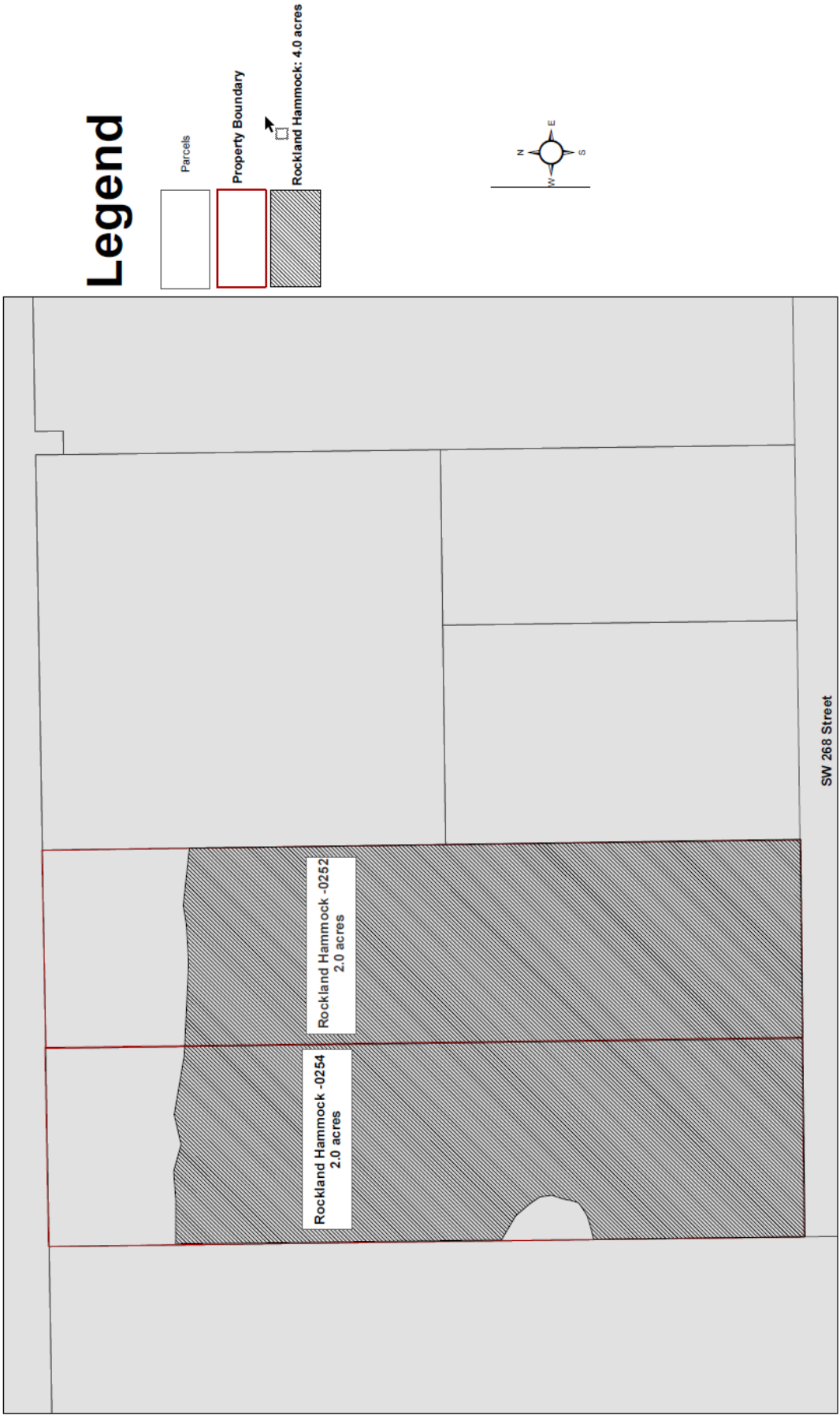
Concurrency Review Summary

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

**Exhibit A - Rockland Hammock Habitat at
Folios: 30-6933-000-0252 & 30-6933-000-0254**



Map prepared by C. Stocking