

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

PH: Z17-002

October 19, 2017

Item No. C

Appeal Application Summary	
Commission District	8
Applicant	12499 Holdings LLC.
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-3M.
Location	Lying south of theoretical SW 232 Street, approximately 337.56' west of SW 124 Avenue, Miami-Dade County, Florida.
Property Size	2.9 acres
Existing Zoning	AU, Agricultural District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Low-Medium Density Residential, 6 to 13, dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)

CZAB Action

CZAB 15 May 10, 2017	Denied with prejudice
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Staff Recommendation

Recommendation of the appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC members present)
Previous Recommendation of the CZAB	<u>Approval</u> (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On May 10, 2017, the Community Zoning Appeals Board (CZAB) #15, denied with prejudice the subject application.
2. On May 24, 2017, the appellants, 12499 Holdings LLC., appealed the CZAB 15 decision to the Board of County Commissioners (BCC).
3. This item was deferred from the July 20, 2017 meeting of Board of County Commissioners (BCC), in order for the applicant to submit a covenant for the subject parcel.
4. This item was deferred from the September 14, 2017 meeting of Board of County Commissioners (BCC), due to Hurricane Irma.

12499 Holdings, LLC.

Z17-002

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Analysis

For the reasons outlined in the Comprehensive Development Master Plan and zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB 14 decision should be **approved.**

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 15**

PH: Z17-002

May 10, 2017

Item No. 2

Recommendation Summary	
Commission District	8
Applicant	12499 Holdings LLC.
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-3M.
Location	Lying south of theoretical SW 232 Street, approximately 337.56' west of SW 124 Avenue, Miami-Dade County, Florida.
Property Size	2.9 acres
Existing Zoning	AU, Agricultural District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Low-Medium Density Residential, 6 to 13, dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval

REQUEST:

DISTRICT BOUNDARY CHANGE from AU to RU-3M

PROJECT DESCRIPTION:

The applicant seeks to rezone the 2.9-acre parcel from AU, Agricultural District to RU-3M, Minimum Apartment House District.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant	Low-Medium Density Residential (6 to 13, dua)
North	AU; single-family residence	Low-Density Residential (2.5 to 6, dua)
South	RU-3M; vacant	Low-Density Residential (2.5 to 6, dua)
East	RU-1; single-family residence	Low-Density Residential (2.5 to 6, dua)
West	RU-3M; vacant land, canal	Low-Medium Density Residential (6 to 13, dua)

NEIGHBORHOOD COMPATIBILITY:

The area is characterized by vacant parcels and an existing canal to the south and west, and single-family residences to the north and east of the subject property.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional residential uses to the community. However, although the proposed rezoning could have an impact on traffic on the abutting roadways, the increase does not exceed the Levels of Service for the surrounding roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property was a part of a larger tract of land that was approved for redesignation on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map from Low Density Residential to Low-Medium Density Residential in the May 2016 cycle. Additionally, the subject property is located within the Urban Development Boundary (UDB) and is designated as **Low-Medium Density Residential** on the Comprehensive Development Master Plan, Land Use Plan map. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. *The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.* This would allow the applicant to develop the 2.9 gross-acre parcel with a minimum of 17 and a maximum 37 residential units. The applicant is seeking a district boundary change from AU to RU-3M. The RU-3M zoning district allows development at a maximum of 12.9 units per net acre, which would allow the development of the parcel with a maximum of 37 residential units. As such staff opines that approval of the applicant's request to rezone the property to RU-3M is **consistent** with the density threshold on the low-medium density designation of the parcel of land on the CDMP Land Use Plan (LUP) map and the CDMP Land Use element Interpretative text, Objective LU-4.

ZONING ANALYSIS:

When the applicant's request to rezone the 2.9-acre parcel to RU-3M, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County.

Staff notes that the approval of the applicant's request to rezone the property will be consistent with the Low-Medium Density Residential designation of the parcel on the CDMP Land Use Plan map. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application meets the traffic concurrency criteria for an Initial Development Order and will generate 38 PM daily peak hour trips, which is below the acceptable Levels of Service for the surrounding roadways. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Additionally, staff notes that the

memorandum from the Division of Environmental and Regulatory Management (DERM) of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Staff notes that the subject property abuts a property to the west that was rezoned to RU-3M pursuant to Resolution #CZAB15-13-08. Further, staff notes that the subject property lies less than a mile from a busway corridor. Staff is supportive of the proposed increase in residential densities within close proximity to transit corridors and main roads such as being proposed herein. Furthermore, staff is of the opinion that the proposed district boundary change to RU-3M is transitional to the less intensive RU-1 property to the east and **compatible** with the residential trend as evidenced by the existing zoning in the surrounding area. **Therefore, staff recommends approval of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval

CONDITIONS FOR APPROVAL: None.

NK:MW:NN:CH:CDH



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

ZONING RECOMMENDATION ADDENDUM

12499 Holdings, LLC.
Z17-002

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

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

Low Medium Density Residential (Pg. I-29)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i>
Objective LU-4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

12499 Holdings, LLC.
Z17-002

	<p>(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></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
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ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-
dadeclerk.com

DATE: September 14, 2017

#Z-

ITEM: C

APPLICANT: 12499 Holdings, LLC.

MOTION: Defer to October 19, 2017 due to Hurricane Irma.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Levine Cava				
Diaz				
Heyman				
Jordan				
Martinez				
Monestime				
Moss				
Sosa				
Souto				
Suarez				
Vice Chairwoman Edmonson				
Chairman Bovo				
TOTAL				

6-2

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts

Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: July 20, 2017

#Z-

ITEM: 2

APPLICANT: 12499 Holdings, LLC.

MOTION: To defer the Application to September 14, 2017

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Levine Cava	M	X		
Diaz				X
Heyman				X
Jordan		X		
Martinez		X		
Monestime	S	X		
Moss		X		
Sosa		X		
Souto		X		
Suarez				X
Vice Chairwoman Edmonson				X
Chairman Bovo		X		
TOTAL		9		4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 15
MOTION SLIP
HEARING DATE: MAY 10, 2017

2

APPLICANT'S NAME: 12499 HOLDINGS, LLC.

REPRESENTATIVE: Gilberto Pastoriza

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000002	17-002	CZAB15 17

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____

☐ DEFER: ☐ INDEFINITELY ☐ TO: _____ ☐ W/LEAVE TO AMEND

☒ DENY: ☒ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS ☐ AS MODIFIED _____

☐ OTHER: _____

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	<i>M</i>	John FARIAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN	<i>S</i>	Larry E. JACKSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN		Paul J. MORROW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL WOMAN		Marjorie MURILLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL WOMAN		Marva WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE CHAIR		Enid Washington DEMPS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHAIR		Marvin D. WILSON, SR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AIR FORCE BASE REP		Larry VENTURA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE: 3 2 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: EDDIE KIRLEY

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

CHECKED BY RL AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 5/10/17

BY CZAB # 15



DATE RECEIVED STAMP

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

RE: Hearing No. Z2017000002

Filed in the name of (Applicant) 12499 Holdings, LLC

Name of Appellant, if other than applicant N/A

Address/Location of APPELLANT'S property: 12499 SW 232 Street, Miami-Dade County, Florida

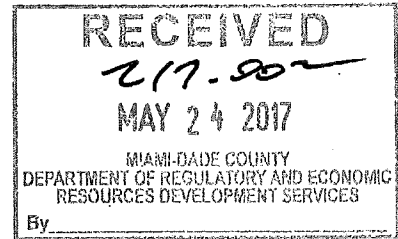
Application, or part of Application being Appealed (Explanation): Denial of the request for District Boundary Change from AU to RU-3M.

Appellant (name): 12499 Holdings, LLC

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

The Board's denial was arbitrary and capricious, inconsistent with the County's Comprehensive Development Master Plan and not supported by substantial competent evidence. Please see the attached letter for additional information.

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



STATE OF Florida

COUNTY OF Miami-Dade

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

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

Signature

Lia Ocano

Print Name

Alday

Signature

Geisy Hernandez

Print Name

Appellant's signature

Jose F. Daccarett

Print Name

Sworn to and subscribed before me on the 22 day of May, year 2017.

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

Notary

(Stamp/Seal)

Commission Expires: 12-1-17

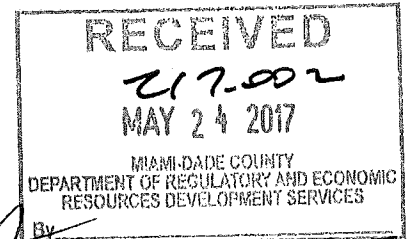


Valeria Negrin

Commission # FF 073685

Expires: Dec. 01, 2017

WWW.AARONNOTARY.COM



APPELLANT MUST SIGN THIS PAGE

Date: _____ day of May _____, year: 2017

Signed _____

Jose F. Daccarett

Print Name

844 SW 1st Street, Miami, Florida 33130

Mailing Address

305 785 0453

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the _____ day of _____, year _____

Notary Public

(stamp/seal)

Commission expires:

Memorandum



Date: May 31, 2017

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

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

Subject: #Z2017000002-1st Revision
12499 Holdings LLC
12499 SW 232nd Street
DBC from A to RU-3M
(2.9 Acres)
24-56-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

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

Potable Water Service and Wastewater Disposal

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

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

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

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

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

Stormwater Management

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 for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

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

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

Tree Preservation

An aerial review of the subject property does not indicate the presence of tree resources. Should tree resources be present please note that Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code including compliance with the specimen tree preservation requirements of the Code and CON 8A of CDMP.

In accordance with Section 24-49.9 of the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

The applicant is advised to contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

The subject property has one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

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

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: February 16, 2017

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

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

Subject: Z2017000002
Name: 12499 Holding, Inc.
Location: 12499 SW 232 Street
Section 24 Township 56 South Range 39 East

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

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **38 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9103	SW 232 St E/O US 1	C	C
9790	SW 127 Ave S/O SW 216 St	C	C
9914	SW 248 St E/O SW 127 Ave	B	B
F 8	US 1/SR 5 S/O SW 232 St	C	C
F 346	US 1/SR 5 N/O SW 112 Ave	C	C

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

Standard Conditions:

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

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: June 8, 2017

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

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

Subject: Zoning Application Comments - 12499 Holdings LLC
Application No. Z2017000002 - Revision # 1

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: 12499 Holdings LLC

Location: The proposed project is located on approximately 2.9 acres at 12499 SW 232nd Street with Folio No. 30-6924-000-0670, in unincorporated Miami-Dade County.

Proposed Development: Request for approval of District Boundary change from AU to RU-3M.

The estimated total water demand for the proposed project cannot be determined at this time as the total proposed development was not provided with the zoning application.

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

There is a proposed 16-inch water main associated with Agreement No. 20598 in *theoretical/proposed* SW 232nd Street, west of SW 125th Avenue, to where the developer may connect, if built and conveyed by the time this project is ready for construction, and extend the same 16-inch water main easterly in *theoretical/proposed* SW 232nd Street to SW 124th Court and connect to an existing 16-inch water main at that location. Alternatively, if the aforementioned proposed 16-inch water main under Agreement No. 20598 is not built and conveyed, then the developer may connect to an existing 16-inch water main in SW 232nd Street and SW 124th Court, and extend a 16-inch water main heading westerly in SW 232nd Street to the center line of a *theoretical/proposed* public right-of-way west of the western boundary of the developer's property. Final points of connections and capacity approval to connect to the water system will be provided at the time of the applicant requests connection to the water infrastructure.

Any public water main extension within the property shall be 8-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with (2) points of connections.

A Water Supply Certification (WSC) letter will be required for all future development to ensure that adequate water supply is available. The WSC will be issued at the time the applicant request connection to the water system. The WSC required is consistent with Policy CIE-5D and WS-2C in the County's

CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the WSC Program, please go to
<http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 8A-381, and 18-A and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP, respectively. Also, please note that Section 8A-381 (c) of the Miami-Dade County Code estates that, effective January 1, 2009; all permit applications for new multifamily residential developments shall be required to include a sub-meter for each individual dwelling unit.

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

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

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

There is a proposed 8-inch gravity sewer associated with Agreement No. 20598 in SW 232nd Street west of SW 125th Avenue, to where the developer may connect, if built and conveyed by the time this project is ready for construction, and extend an 8-inch gravity sewer heading easterly in *theoretical/proposed* SW 232nd Street as required to provide sewer service to the proposed development. Alternatively, if the aforementioned proposed 8-inch gravity sewer under Agreement No. 20598 is not built and conveyed, then the developer may connect to an existing 8-inch gravity sewer in SW 125th Avenue southeast of S. Dixie Hwy, and extend an 8-inch gravity sewer southeasterly/southerly in SW 125th Ave to SW 232nd St., then, extend an 8-inch gravity sewer westerly in SW 232nd Street and in *theoretical/proposed* SW 232nd Street to the center line of a *theoretical/proposed* public right-of-way west of the western boundary of the developer's property and easterly in SW 232nd Street to a point as required to provide service to the proposed development. Final points of connections and capacity approval to connect to the sewer system will be provided at the time of the applicant requests connection to the sewer infrastructure.

If unity of title does not apply, then any gravity sewer within the property shall be public and 8-inch minimum diameter.

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) 1113, then, to P.S. 522. Said pump stations are currently under OK Moratorium Code status, and the current NAPOT is provided below. The proposed NAPOT cannot be calculated at this time, as the total proposed development was not provided with the zoning application.

P.S. 1113: 1.97 hrs.
P.S. 0522: 3.33 hrs.

WASD will be the utility providing sewer services subject to the following conditions:

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

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

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

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

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

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

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

Should you have any questions, please call me at (786) 552-8198 or Alfredo Sanchez at (786) 552-8237.

Memorandum



Date: February 14, 2017

To: Nathan M. Kogon, AICP
Development Services Division
Assistant Director, Regulatory and Economic Resources Department

From: Alejandro Zizold, PROS Master Plan Manager *AZ*
Planning and Design Excellence Division
Parks, Recreation and Open Spaces Department

Subject: Z20170002: 12499 Holdings, LLC

Application Name: 12499 Holdings, LLC

Project Location: The 2.9 acre site is located at the southwest corner of the intersection of SW 232nd (Silver Palm Drive) and SW 124 Court, east of US-1 and the South Dade Busway in unincorporated Miami-Dade County. The property is bounded by the C-102 Canal to the south and SW 232 Street to the north. It has to US-1 through SW 125 Avenue northwest of the application site.

Proposed Development: The request is for approval of a district boundary change from AU to RU-3M of the approximately 2.9 acre parcel of land. The property is designated as low-medium density residential on the CDMP Future Land Use Map. The letter of intent states that the proposed development will be in accordance with the density requirements of the CDMP and will be in conformance with the land development regulations. The applicant has not submitted a site plan at this time in support of the application.

Impact and demand: Based on the Land Use Map designation and allowable gross density for development in the RU-3M Zoning District, the site would be developable with a maximum of 33 residential units. Considering the average household size the estimated range in population generates an impact to local park level of service of 0.33 acres of local park space, based on 2.75 acres per 1,000 population.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 3 which has a surplus capacity of 160 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA

All County-owned local parks that are within three miles of the subject application are described in the attached Table A which lists the name, type and acreage for each park.

Recommendation: Based on our findings described herein, **PROS has no objection to this application.**

If you need additional information or clarification on this matter, please contact Zafar Ahmed at (305) 755-7997.

AZ:za

Attachment: Table A

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

Park Facility	Classification	Type	Acreage
Caribbean Park	NEIGHBORHOOD PARK	Local	5.17
Charles Burr Park	NEIGHBORHOOD PARK	Local	3.80
Cutler Ridge Skate Park	SINGLE PURPOSE PARK	Local	3.60
Debbie Curtin Park	NEIGHBORHOOD PARK	Local	9.78
Goulds Park	COMMUNITY PARK	Local	31.10
Goulds Wayside Park	NEIGHBORHOOD PARK	Local	2.68
Kevin Broils Park	NEIGHBORHOOD PARK	Local	5.19
Lincoln City Park #1	MINI-PARK	Local	0.50
Lincoln Estates Park	MINI-PARK	Local	0.82
Losner Park	MINI-PARK	Local	0.55
MedSouth Park	NEIGHBORHOOD PARK	Local	4.48
Naranja Park	COMMUNITY PARK	Local	12.70
Pine Island Lake Park	NEIGHBORHOOD PARK	Local	17.44
Princetonian Park	NEIGHBORHOOD PARK	Local	6.54
Roberta Hunter Park	NEIGHBORHOOD PARK	Local	16.05
Sharman Park	NEIGHBORHOOD PARK	Local	6.71
Silver Palms Park_1	NEIGHBORHOOD PARK	Local	1.06
Silver Palms Park_2	NEIGHBORHOOD PARK	Local	2.38
Silver Palms Park_3	NEIGHBORHOOD PARK	Local	0.82
Silver Palms Park_4	NEIGHBORHOOD PARK	Local	1.06
Silver Palms Park_5	NEIGHBORHOOD PARK	Local	0.83
Silver Palms Park_6	NEIGHBIORHOOD PARK	Local	1.93
Silver Palms Park_7	NEIGHBORHOOD PARK	Local	6.21
South Miami Heights Park	NEIGHBORHOOD PARK	Local	5.97
William Randolph Community Park	NEIGHBORHOOD PARK	Local	10.57

Memorandum



Date: May 26, 2017

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

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

Subject: Z2017000002

Fire Engineering & Water Supply Bureau has **no objection** for the above reference zoning application. The project hasn't been modified from the last FD memo dated on 01/05/17..

For additional information, please contact at acuello@miamidade.gov or call 786-331-4545

RESOLUTION NO. CZAB 15-3-17

WHEREAS, 12499 HOLDINGS, LLC. applied for the following:

DISTRICT BOUNDARY CHANGE from AU to RU-3M.

SUBJECT PROPERTY: Parcel 1: The NW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet and the West 25 feet thereof, lying and being in Miami-Dade County, Florida. Parcel 2: That portion of the N 1/2 of the SW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4 lying Northeasterly of Canal 102N-1, Canal right of way lying within Section 24, Township 56 South, Range 39 East, less the West 25 feet thereof, lying and being in Miami-Dade County, Florida. Parcel 3: The West 25 feet of the NW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet thereof, lying and being in Miami-Dade County, Florida. Parcel 4: The West 25 feet of that portion of the N 1/2 of the SW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4, lying Northeasterly of Canal 102N-1, Canal right-of-way lying within Section 24, Township 56 South, Range 39 East, lying and being in Miami-Dade County, Florida. Parcel 5: The East 25 feet of the NE 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet thereof.

LOCATION: Lying south of theoretical SW 232 Street, approximately 337.56' west of SW 124 Avenue, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested:

DISTRICT BOUNDARY CHANGE to RU-3M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Johnny G. Farias, seconded by Larry Jackson, and upon a poll of the members present, the vote was as follows:

Enid Washington Demps	nay	Paul J. Morrow	absent
Johnny G. Farias	aye	Marjorie Murillo	aye
Larry Jackson	aye	Marva Williams	absent

Marvin D. Wilson, Sr. nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requested DISTRICT BOUNDARY CHANGE to RU-3M be and the same is hereby denied with prejudice.

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

PASSED AND ADOPTED this 10th day of May, 2017.

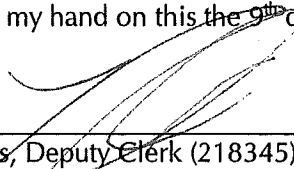
rd

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

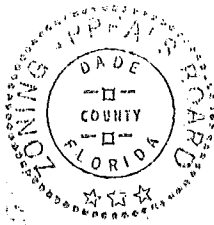
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB 15-3-17 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of May, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 9th day of June, 2017.



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

SEAL





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

June 9, 2017

12499 Holdings, LLC
c/o Gilberto Pastoriza
2525 Ponce de Leon Blvd, S700
Coral Gables, FL 33134

Re: Hearing No. Z17-002
Location: Lying south of theoretical SW 232 Street, approximately 337.56' west of SW 124 Avenue,
MIAMI-DADE COUNTY, FLORIDA

Dear Applicant:

Enclosed herewith is Resolution No. CZAB 15-3-17, adopted by the Miami-Dade County Community Zoning Appeals Board 15, which denied your application with prejudice.

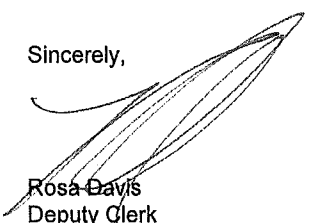
Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is May 15, 2017. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Copies of any court filings concerning this matter should be served upon both my office and:

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

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

Sincerely,



Rosa Davis
Deputy Clerk

Enclosure

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

12499 HOLDINGS LLC

LYING SOUTH OF THEORETICAL SW 232 STREET,
APPROXIMATELY 337.56' WEST OF SW 124
AVENUE,
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

JULY 20, 2017

Z2017000002

DATE

HEARING NUMBER

FOLIO: 30-6924-000-0670

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

July 18, 2017

NEIGHBORHOOD REGULATIONS:

There are no current Open or Closed Cases

BUILDING SUPPORT REGULATIONS:

There are no current Open or Closed cases

VIOLATOR:

12499 Holdings LLC

OUTSTANDING LIENS AND FINES:

As of July 18, 2017, There are no Outstanding Liens, Fines, or Fees

PHOTOGRAPHS –submit photos showing entire site and all structures

FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



Additional photos may be submitted

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: 12499 Holdings, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
See attached Exhibit "A"	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> RECEIVED 2/19-2002 JAN 04 2017 MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES </div>

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

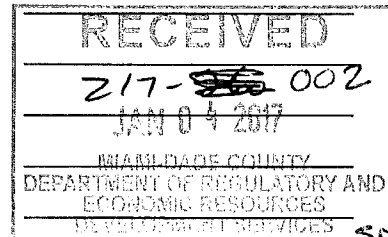
<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest



Date of contract: _____

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

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

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

Signature _____

(Applicant)

JOSE DACCARRETT

(Print Applicant name)

Sworn to and subscribed before me this 3 day of December 2016. Affiant is personally known to me or has produced _____ as identification.

Marilyn Somodevilla
(Notary Public)



MARILYN SOMODEVILLA
MY COMMISSION # FF 912347
EXPIRES: September 13, 2019
Bonded Thru Budget Notary Service

My commission expires: _____

Seal

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

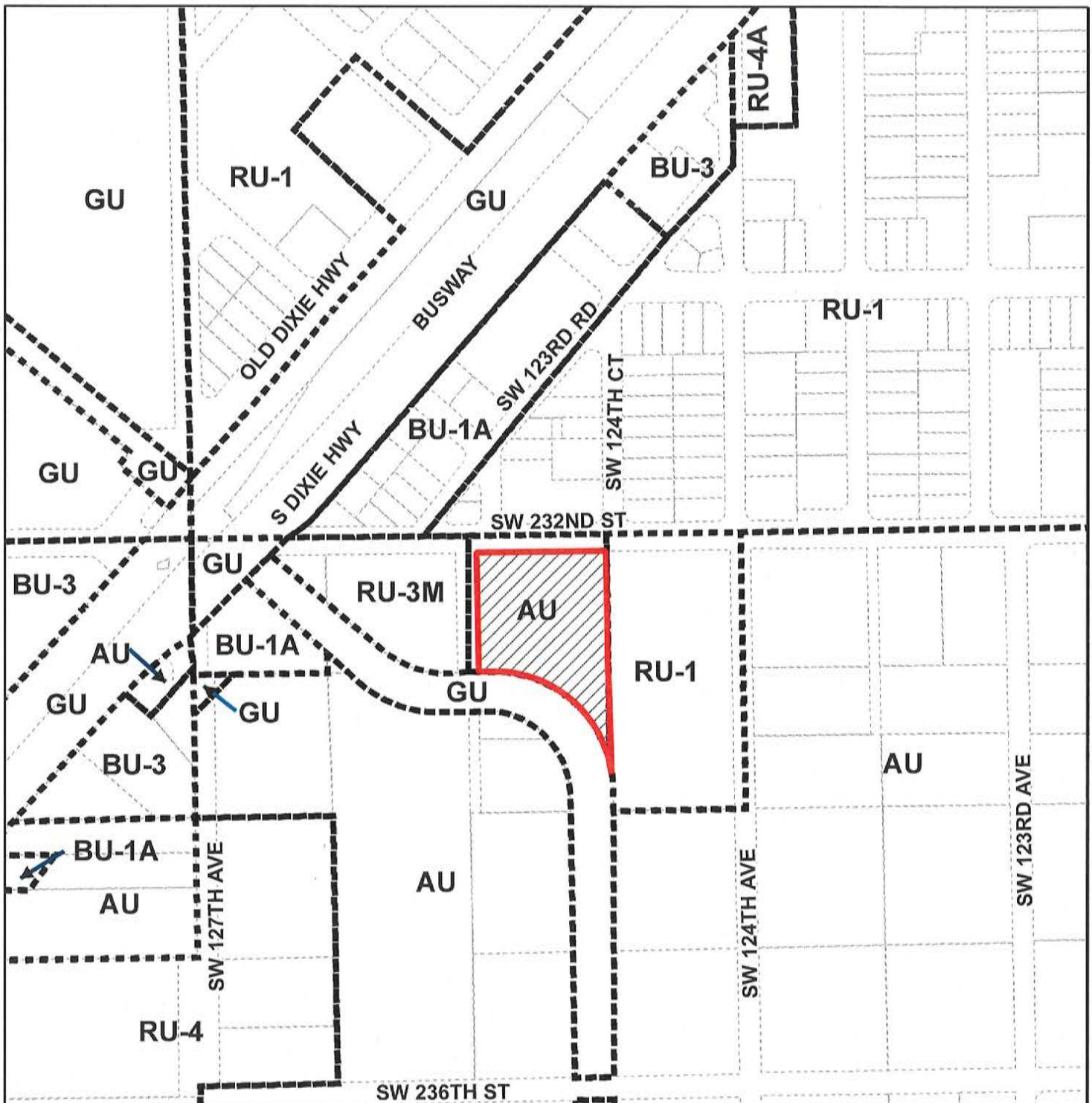


EXHIBIT "A"

12499 Holdings, LLC is fully owned by Lion Development, LLC ("Lion"). Lion is fully owned by Coinco Investment Company, Inc. ("Coinco"). Coinco is owned by:

<u>TRUST</u>	<u>% OF OWNERSHIP</u>	<u>BENEFICIARY</u>
LCC ESBT GST TRUST	32.74%	Jose F. Daccarett
ECC ESBT GST TRUST	32.73%	Alexandra Lynn Davila
RCC ESBT GST TRUST	32.73%	Jaqueline Marcos
Alberto Davila Char Trust	0.30%	Alberto Davila
Giancarlo Davila Trust	0.30%	Giancarlo Davila
Loren Char Marcos Trust	0.30%	Loren Char Marcos
Roberto Char Marcos Trust	0.30%	Roberto Char Marcos
Pauline Daccarett Trust	0.30%	Paulina Daccarett
Sofia Daccarett Trust	0.30%	Sofia Daccarett

c/o Gilberto Pastoriza, Esq.
2525 Ponce de Leon Blvd.
Suite 700
Coral Gables, FL 33134



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2017000002

Section: 24 Township: 56 Range: 39
Applicant: 12499 Holdings, LLC
Zoning Board: C15
Commission District: 8
Drafter ID: E.Cespedes
Scale: NTS

Legend

- Subject Property Case
- Zoning



SKETCH CREATED ON: Friday, January 6, 2017

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2017000002

Legend
 Subject Property

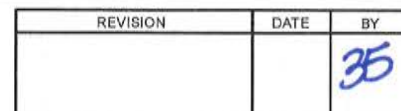


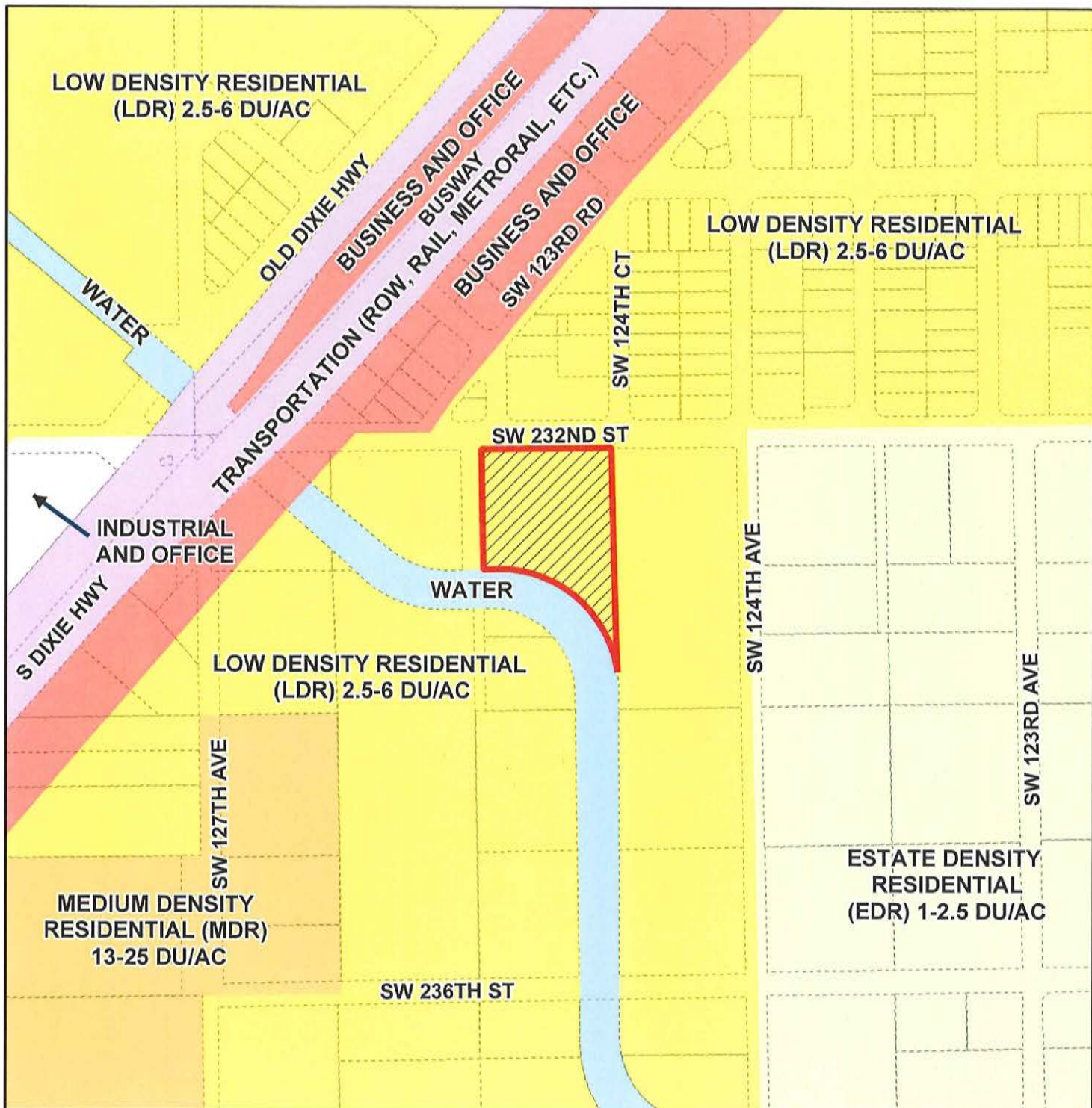
Section: 24 Township: 56 Range: 39
Applicant: 12499 Holdings, LLC
Zoning Board: C15
Commission District: 8
Drafter ID: E.Cespedes
Scale: NTS



SKETCH CREATED ON: Friday, January 6, 2017

REVISION	DATE	BY
		34





MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2017000002

Legend



Subject Property Case



Section: 24 Township: 56 Range: 39
Applicant: 12499 Holdings, LLC
Zoning Board: C15
Commission District: 8
Drafter ID: E.Cespedes
Scale: NTS



SKETCH CREATED ON: Friday, January 6, 2017

REVISION	DATE	BY

12499 Holdings LLC
BCC 9/14/17
Z 17-002

This instrument was prepared by:
Name: Gilberto Pastoriza, Esq.
Weiss Serota Helfman Cole & Bierman, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, FL 33134

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, 12499 Holdings, LLC, a Florida Limited Liability Company, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the Owner during consideration of the Appeal Public Hearing No. Z17-002 will be abided by, the Owner freely, voluntarily, and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) There shall be pedestrian access from the Property to the South Dade Busway Corridor and US Highway #1, as may be permissible by the Department of Transportation and Public Works.
- (2) The Property shall be developed with two-story townhouses all in accordance with the Property's Low-Medium Density Comprehensive Plan designation and RU-3M zoning classification.

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.

Section-Township-Range: 24-56-39
Folio number 30-6924-000-0670

OK

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

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

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

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

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

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

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

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

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

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

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


[Execution Pages Follow]

Signed, witnessed, executed and acknowledged on this 17 day of August, 2017.

IN WITNESS WHEREOF, 12499 Holdings, LLC has caused these presents to be signed in its name by its proper officials.

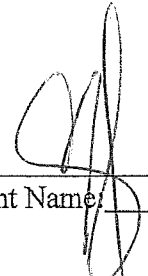
Witnesses:

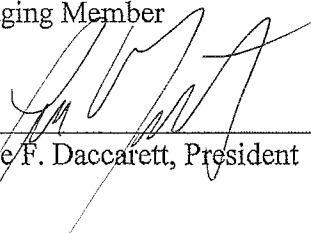
12499 Holdings, LLC,
a Florida Limited Liability Company
Address: 844 SW 1 Street
Miami, Florida 33130


Print Name: Geisy Hdez

By: Lion Development, LLC,
a Florida Limited Liability Company
Its: Managing Member

By: Coinco Investment Company, Inc.,
a Florida corporation
Its: Managing Member


Print Name: Devin Pena

By: 
Jose F. Daccarett, President

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by Jose F. Daccarett as President of Coinco Investment Company, Inc., managing member of Lion Development, LLC, managing member of 12499 Holdings, LLC, on behalf of the LLC. He is personally known to me or has produced _____ as identification.



Valeria Negrin
Commission # FF073685
Expires: Dec. 01, 2017
WWW.AARONNOTARY.com

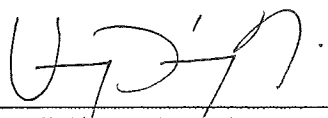

NOTARY, STATE OF FLORIDA
Print Name: Valeria Negrin
Commission No. FF073685
Commission Expires: 12-1-2017

EXHIBIT "A"

Legal Description

Parcel 1:

The NW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet and the West 25 feet thereof, lying and being in Miami-Dade County, Florida.

Parcel 2:

That portion of the N 1/2 of the SW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4, lying Northeasterly of Canal 102N-1, Canal right of way lying within Section 24, Township 56 South, Range 39 East, less the West 25 feet thereof, lying and being in Miami-Dade County, Florida.

Parcel 3:

The West 25 feet of the NW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet thereof, lying and being in Miami-Dade County, Florida.

Parcel 4:

The West 25 feet of that portion of the N 1/2 of the SW 1/4 of the NE 1/4 of the NW 1/4 of the NW 1/4, lying Northeasterly of Canal 102N-1, Canal right of way lying within Section 24, Township 56 South, Range 39 East, lying and being in Miami-Dade County, Florida.

Parcel 5:

The East 25 feet of the NE 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 24, Township 56 South, Range 39 East, less the North 35 feet thereof, lying and being in Miami-Dade County, Florida.

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF WEDNESDAY, MAY 10, 2017

SOUTH DADE GOVERNMENT CENTER-1ST FLOOR ROOM #104

10710 S.W. 211 STREET, MIAMI, FLORIDA

12499 HOLDINGS, LLC

(17-002)

Members of the Board

Present

Marvin Wilson, Chair
Enid W. Demps, Vice-Chair
Larry E. Jackson
Marjorie Murillo
Johnny G. Farias

STAFF

Carl Harrison, Clerk
Eddie Kirtley, County Attorney
Leo Rodriguez, Public Works & Trafficking

I N D E X
SPEAKERS & PAGE NUMBERS
COUNCIL MEMBERS

Chairman Wilson: 3-6, 8, 12, 14, 17, 19, 21-23, 25-27,
31-32, 35-36
Councilman Farias: 4, 12, 14, 31-32, 35
Councilman Jackson: 4, 9, 25, 32-35
Councilwoman Murillo: 3-4, 36
Councilwoman Demps: 4, 10-11, 36

STAFF

Mr. Harrison: 4-8, 14, 26, 31-36
Mr. Kirtley: 3, 28

SUPPORTERS:

Mr. Pastoriza: 8-12, 27-31, 36

OBJECTORS:

Mr. Lopez: 12-14
Mr. Flynn: 14-16
Mr. Cuadrado: 17-19
Mr. Throckmorton: 19-21
Ms. Etter: 22-23
Mr. Mohammad: 23-25
Ms. Pla: 25-26
Mr. Araya: 27

1 (Thereupon, the following proceedings were had:)

2 CHAIRMAN WILSON: Good afternoon, ladies and
3 gentlemen. The Community Zoning Appeals Board for
4 Area 15 meeting on Wednesday, May 10th, 2017 has
5 come to order.

6 Please forgive me, y'all. Are the court
7 reporter and the county attorney present?

8 THE COURT REPORTER: Yes.

9 COUNTY ATTORNEY: Yes.

10 CHAIRMAN WILSON: Ladies and gentlemen, this
11 meeting of the Community Council 15 has come to
12 order on, again, this day, Wednesday, May 15th,
13 2017.

14 COUNCILWOMAN MURILLO: Ten, ten, ten.

15 CHAIRMAN WILSON: I'm sorry. May 10th. I'm
16 sorry. That's our next meeting.

17 Staff, can you please call roll.

18 COUNCILWOMAN MURILLO: Pledge of Allegiance.

19 CHAIRMAN WILSON: I'm sorry. I'm sorry.

20 Please stand for the Pledge of
21 Allegiance.

22 (Thereupon, the Pledge of Allegiance was had,
23 after which the following transpired.)

24 CHAIRMAN WILSON: Thank you. Please be
25 seated.

1 Staff, can you please call roll.

2 MR. HARRISON: Councilman Farias?

3 COUNCILMAN FARIAS: Here.

4 MR. HARRISON: Councilman Jackson?

5 COUNCILMAN JACKSON: Here.

6 MR. HARRISON: Please note Councilman Morrow
7 has an excused absence.

8 Councilwoman Murillo?

9 COUNCILWOMAN MURILLO: Here.

10 MR. HARRISON: Councilwoman Williams? Please
11 don't -- Councilwoman Williams is also an excused
12 absence.

13 Vice-Chair Demps?

14 VICE-CHAIR DEMPS: Present.

15 MR. HARRISON: Chair Wilson?

16 CHAIRMAN WILSON: Present.

17 MR. HARRISON: We have a quorum.

18 CHAIRMAN WILSON: Okay. Court reporter, could
19 you swear the witnesses in, please.

20 MR. HARRISON: Through the Chair. Mr. Chair,
21 just before you do the swearing in I just wanted to
22 announce -- make a brief announcement for one of
23 your Council Members.

24 CHAIRMAN WILSON: Okay.

25 MR. HARRISON: He has actually -- Mr. Morrow,

1 I think he's in D.C.. He's actually accepting an
2 award for the Small Businessman of the Year. So
3 that's the reason for his absence tonight. So we
4 wanted to just put it out there for the record for
5 everybody so everybody is aware of that now, of his
6 achievement.

7 CHAIRMAN WILSON: Okay. You want me to do it?

8 MR. HARRISON: No. That's it.

9 CHAIRMAN WILSON: You can send our regards
10 from the Board that we commend him on his
11 accomplishments and we are honored of his
12 achievements.

13 With that being said, court reporter, could
14 you please swear the witnesses in.

15 Those of you who are present who wish today to
16 speak must stand and let the court reporter swear
17 you in.

18 Again, all persons wishing to speak or testify
19 today, the court reporter will swear you in.

20 (Thereupon, all interested individuals seeking
21 to give testimony in the case were duly sworn to
22 tell the truth, the whole truth, and nothing but
23 the truth, after which the following transpired.)

24 CHAIRMAN WILSON: Anyone present who wishes to
25 defer or withdraw an application, please come

1 forward at this time and state your name and
2 address for the record.

3 Staff, will you please call the first
4 record -- the first Item.

5 MR. HARRISON: Through the Chair. I'll just
6 go ahead and read the announcement --

7 CHAIRMAN WILSON: Okay.

8 MR. HARRISON: -- just before that. I'm
9 sorry.

10 In accordance with the Code of Miami-Dade
11 County, all items to be heard this evening have
12 been legally advertised in the Newspaper, notices
13 have been mailed, and the properties have been
14 posted. Additional copies of the agenda are
15 available here at the meeting. Items will be
16 called upon to be heard by agenda number and name
17 of applicant. The record of the hearing on each
18 application will include the records of the
19 Department of Regulatory and Economic Resources.

20 All these items are physically present this
21 evening, available to all interested parties, and
22 available to the members of the Board who examines
23 items from the record during the hearing.

24 Parties have the right of cross-examination.

25 This statement, along with the fact that all

1 witnesses have been sworn, should be included in
2 any transcript of all or any part of these
3 proceedings.

4 In addition, the following departments have
5 representatives present here at the meeting to
6 address any questions: Zoning Evaluation and
7 Platting and Traffic Review Sections of the
8 Department of Regulatory and Economic Resources,
9 and the County Attorney's Office.

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

14 Any person making impertinent or slanderous
15 remarks or who becomes boisterous while addressing
16 the Community Zoning Appeals Board, shall be barred
17 from further audience before the Community Zoning
18 Appeals Board by the presiding officer, unless
19 permission to continue or again address the Board
20 be granted by the majority vote of the Board Members
21 present.

22 The number of filed protests and waivers on
23 each application will be read into the record at
24 the time of hearing as each application is read.

25 Those items not heard prior to the ending time

1 of this meeting will be deferred to the next
2 available zoning hearing meeting date for this
3 Board.

4 CHAIRMAN WILSON: Anyone with a cell phones,
5 please turn them off.

6 When I call your item, please step up to the
7 podium and state your name and address clearly for
8 the record.

9 I will then proceed to call those of you in
10 support of the application and then I will call for
11 objectors.

12 Those of you here who wish to speak will state
13 your name and address. For those of you speaking,
14 I would ask that you make your presentation short
15 and non-repetitive, as we are limited on time.

16 (Thereupon, a matter not related to this case
17 was had, after which the following transpired.)

18 *****

19 CHAIRMAN WILSON: Staff.

20 MR. HARRISON: Next item on the agenda, Item
21 Number 2, Z2017000002, 12499 Holdings, LLC, with
22 zero protests and zero waivers on record.

23 MR. PASTORIZA: Good evening, Mr. Chairman,
24 Members of this Board. My name is Gilberto
25 Pastoriza with offices at 2525 Ponce De Leon, and

1 I'm here representing 12499 Holdings, LLC who is
2 the applicant on this application.

3 The applicant owns about 2.55 acres of vacant
4 land on about 232nd Street and just east of U.S.
5 Highway 1 and within walking distance of the bus
6 route, okay.

7 The property is currently designated
8 low/medium density residential. The property is
9 zoned agriculture. That zoning does not -- is not
10 compatible with the land use designation.

11 What the applicant is requesting is a rezoning
12 of this property to RU-3M consistent and compatible
13 with the land use designation.

14 The legal standards for a rezoning is, number
15 one, that there is procedural due process, which
16 obviously we're having, and I'm assuming there're a
17 lot of people here that are going to speak against
18 this application.

19 Number 2, number 2, is that the rezoning is
20 consistent, okay, with the goals, policies and
21 objectives of your Comprehensive Plan.

22 So, you may recall, and I don't know
23 whether -- I think some of you were members of this
24 Community Council back in October of 2017.

25 COUNCILMAN JACKSON: '16.

1 MR. PASTORIZA: I'm sorry, '16. Sorry about
2 that. But 2016 when we presented to you a
3 Comprehensive Plan Amendment to take this property
4 to the low density residential which now is on this
5 property. At that time this board unanimously
6 approved that item. Then we went to the Planning
7 Advisory Board. The Planning Advisory Board
8 recommended this item also. And then the City
9 Commissioners or the County Commissioners also
10 approved it.

11 And, by the way, so that you know, when I went
12 before the County Commissioners some of the
13 Commissioners were saying, and how come we have so
14 low density next to the bus route, okay.

15 I believe your professional staff gives
16 evidence and credence to this that this application
17 is for the right place at the right time, okay.

18 And I would like just to show you a sketch of
19 the actual plans of this property, okay. This
20 property --

21 VICE-CHAIR DEMPS: Can you take the
22 plastic off.

23 MR. PASTORIZA: Sorry.

24 VICE-CHAIR DEMPS: Can you take the plastic
25 off.

1 MR. PASTORIZA: Oh. This is what we submitted
2 back on the Comprehensive Amendment.

3 VICE-CHAIR DEMPS: Can you take the plastic
4 off.

5 MR. PASTORIZA: Oh, the plastic off. Okay.
6 Sorry. It's like my bald head, the glare. I'm
7 sorry about that.

8 But here is the same exhibit that the County
9 had once we came in for your Comprehensive
10 Amendment. As you can see the properties around
11 it. The property immediately, immediately next to
12 us is already zoned RU-3M, okay. So all we're
13 doing is a continuation of that zoning into this
14 property.

15 There has been extensive review by your
16 professional staff and all the departments. All
17 the departments are recommending approval of this
18 application subject to zero conditions, okay. So,
19 all I'm asking is for you to follow your
20 professional staff in the recommendations.

21 And, really, you need to make sure that you
22 put density where density is needed which is next
23 to the transportation corridors. And this is
24 within walking distance of the transportation
25 corridors.

1 And I will tell you that when we -- when I
2 came before the County Commission on this matter,
3 there were some commissioners who told me that why
4 we were only doing this density? Why weren't us
5 putting more density next to the bus route?

6 The bus route is there for a purpose. And
7 your north-south corridor you need to build up so
8 that that corridor becomes really an integral part
9 and you don't have to extend west, okay.

10 So, all I'm saying is all your staff, all your
11 professional staff is recommending approval of
12 this. Planning and Zoning Department is here
13 recommending approval without conditions.

14 And what I would like to do is reserve most of
15 my time for rebuttal, okay. And I thank you.

16 CHAIRMAN WILSON: Are there any persons here
17 present in support of this item?

18 Are there any persons present in opposition to
19 this item?

20 Would you like to speak at this time?

21 CHAIRMAN FARIAS: Only the person who was
22 sworn in can speak.

23 CHAIRMAN WILSON: Come forward. State your
24 name and address for the record.

25 MR. LOPEZ: Hello. My name is Juan Lopez. My

1 address is 23401 Southwest 124th Avenue. I live
2 across from the property that this sir is trying
3 to, I guess, change the zoning for. And in my
4 opinion changing that zoning to, I guess, that
5 minimal apartment housing district would lower
6 pretty much the property values of all the small
7 community that, you know, we have the support.
8 They're going to lower the property values of our
9 community.

10 In our community we're trying to maintain that
11 farm, you know, large land lot and small houses,
12 you know, to raise other families.

13 And, so, bringing this high density, you know,
14 housing district is just, you know, just an
15 expansion of all these large companies trying to
16 pretty much make a property off of these cheap
17 lands that they can, you know, buy from these
18 owners.

19 My opinion, the example the sir gave for the
20 -- increasing the busing and all that stuff, it
21 doesn't make any sense to me. Adding additional
22 burden to the bus route doesn't help anybody. It's
23 just an excuse or a benefit or a false benefit, I
24 believe, the sir is trying to give to, you know,
25 get his zoning approved.

1 And with that I won't say anything else. And
2 thank you for your time and I guess I'll leave it
3 to any questions or anything.

4 CHAIRMAN WILSON: Members you have any
5 questions of this gentleman?

6 CHAIRMAN FARIAS: Yes, I do.

7 Through the Chair. How long have you lived at
8 your place?

9 MR. LOPEZ: I've lived there for a year and a
10 half, and the main purpose I purchased that house
11 was for that style of living, you know, that farm
12 style of living. And if they change that that
13 pretty much ruins my goal of living there for --
14 until I get old and retired.

15 CHAIRMAN FARIAS: That was the only question.
16 Thank you.

17 CHAIRMAN WILSON: Any other Members have any
18 questions?

19 Anyone else? Want to come forward, please.

20 MR. FLYNN: Good evening, everybody. My name
21 is Jerron Flynn.

22 MR. HARRISON: Through the Chair. Were you
23 sworn in?

24 MR. FLYNN: Yes, I was.

25 MR. HARRISON: You were here?

1 MR. FLYNN: Yes.

2 My name is Jerron Flynn. I live a 23605
3 Southwest 123rd Avenue. I'm going to piggyback a
4 little bit about what he's saying.

5 We're trying to keep this community rural.
6 We're trying to keep this where we can actually go,
7 you know, outside of your home and be able to walk
8 or do things around our neighborhood.

9 One of the things that were mentioned that --
10 I'm going to go back to the bus thing. That's all
11 speculation. This type of housing is going to
12 create a lot of traffic.

13 I have put a Watch Order with the police
14 department and I was with Major Bronson just the
15 other night in the Neighborhood Watch. I put a
16 Watch Order once a month for the last two years for
17 232 Avenue between 124 Ave and 117 Ave because it's
18 a speedway. This is going to create more traffic.
19 This is going to create unsafe situations. Our
20 neighbor lost another dog, her second dog, just the
21 other night to a speeding car early in the morning.
22 Those are just some of the small pieces.

23 The other part is, again, keeping this area
24 rural. We have, most of us, either 1.2, 1.5 up to
25 two acres, some even bigger. We've tried to keep

1 it that way. I'm on a dead end. Every time I try
2 to cross out to 232 I'm taking a chance.

3 One of the other things that comes into play
4 is that there is a lot of he element that's going
5 to be moving into these locations. And that
6 element doesn't belong in this neighborhood. We've
7 already gotten thousands of houses by Lennar pretty
8 much locking us in.

9 If you go into this area and you look at it
10 from the sky, you will see a single family home
11 with a large lot, couple of groves, that sort of
12 thing. We've kept it that way for many, many
13 years.

14 Myself, I've been living there for six years
15 now. I lived there prior back in the '90s. My
16 current fiancée and future wife has been there
17 since she was eight years old. My in-laws have
18 been there for 30-plus years and they've kept it
19 this way. I don't think this is a positive thing
20 for our community at all, okay.

21 The biggest part is whatever they're trying to
22 make, whatever money is trying to be made here, go
23 do it somewhere else. That's what we're asking.
24 We want to keep our area how it is right now.
25 Thank you for your time.

1 CHAIRMAN WILSON: Anyone else want to speak on
2 this matter? Please come forward.

3 Thank you, sir.

4 MR. FLYNN: Thank you.

5 MR. CUADRADO: My name is Jorge Cuadrado. I
6 live at 23451 Southwest 123 Avenue. My question to
7 you is do we want to make Miami-Dade County a
8 county of concrete where there is no land, no
9 beauty, no tress?

10 I remember -- I've been in Miami -- I came
11 here when I was three and a half years old in 1950,
12 okay. I remember when all this land here was, you
13 know, tress, nature. I remember when Miami-Dade
14 County had the largest agriculture district
15 throughout the nation.

16 Look at all those abandoned warehouses down
17 US-1 that used to be constantly used because of our
18 agriculture business.

19 I remember when I was a kid I used to go down
20 Sunset Drive towards 122nd Avenue and southwest
21 where my mother used to take my brothers and me out
22 to take equestrian lessons. All that was
23 agriculture. It's now, you know, like a box. It's
24 only a few blocks of agriculture and everything
25 else around it is nothing but concrete. That's

1 what I feel is happening here to me and to all
2 these people who live here, you know.

3 I did over 30 years in the United States Navy
4 and then I went also to retire from the Department
5 of Homeland Security. I've lived where I'm at now
6 for over twenty years.

7 I purposely moved there, first of all, because
8 I had horses. Secondly, because of the peace and
9 quiet. I live in a dead-end street. To both sides
10 of me and behind me and also across the street from
11 me in front of me is a grove. So I have neighbors.
12 I have friends in the area that I live at but we
13 also have a little bit of distance, what I worked
14 so hard for. And now these people want to take
15 that kind of stuff away from me and everybody else
16 that lives in the area, you know.

17 When is enough enough? When are these people
18 going to start thinking about, you know, yes, we
19 need to build, we need to make progress and all
20 that, but think about maintaining some sense of
21 balance instead of just putting money in their
22 pocket because that's all this is about. It's
23 about building to where they can sell more to put
24 more money in their pocket.

25 When they bought that land they knew what the

1 zoning was. If they didn't want -- if they wanted
2 to do more then they should have bought somewhere
3 else where it was permitted instead of making
4 things rough for us, the ones that want to have a
5 decent life and have property, excuse me, property
6 around us. Thank you.

7 CHAIRMAN WILSON: Are there any others in
8 opposition to this item? Please come forward.

9 MR. THROCKMORTON: Good evening. My name is
10 Brian Throckmorton. I live at 12299 Southwest
11 232nd Street. I've lived at that residence for
12 more than 30 years. You know, I used to be a
13 surveyor. I've seen a lot of development going --
14 coming and going.

15 Just down the street, I've lived on 232 there
16 for, like I said, 30 years, at one end of the
17 street we got a charter school and Publix and now
18 where there's no traffic now I got a high density
19 traffic during school hours.

20 Now, the gentleman, like he said, he wants to
21 put apartments there which is going to lower the
22 value of the neighborhood, and more than likely
23 they'll probably open up US-1 to 232nd just for the
24 apartment complex.

25 We don't want it tied into US-1 because it'll

1 create more traffic because they got traffic right
2 now at 248th which is high. They're going to make
3 four lanes now. They are going to even bring more
4 traffic with these apartments.

5 Now, I see the bus lane but nobody rides the
6 bus lane. What they do they go to US-1 and they
7 ride the bus there. Just cause people live in
8 apartments there doesn't mean that they're always
9 going to ride the buses. They're going to make
10 more traffic on the road there.

11 I'm here to speak for people that didn't show
12 up. Just because they didn't show up doesn't mean
13 that they don't disapprove of this, which, you
14 know, I know all the neighbors I've talked are in
15 disapproval to what's going on.

16 And just like Jorge spoke that they knew what
17 they bought just cause it's zoned agriculture.

18 Every agriculture area that you look at now is
19 going to be eventually zoned into -- turned into
20 subdivision where, you know, the people that lived
21 there for years all of sudden just brings more
22 traffic through there. It's a nice area. We'd
23 like to keep it nice. You know, I'm not saying
24 that there's going to be riffraff, but, you know,
25 we don't want to bring, you know, trouble into the

1 neighborhood.

2 Just the other day there was a gentleman that
3 lives -- has a business right there, a car lot, the
4 security guard was shot or stabbed and killed just
5 in that area there within blocks of where he wants
6 to put the apartments, you know.

7 We had police officers just the other day
8 doing a trial fire right next to my lot. I got a
9 vacant lot next to where I live. They pulled a
10 trailer out there and they're shooting .38s into
11 this target thing there. You know, I don't know
12 what the purpose of that was to us, but they closed
13 off the street. They do a test fire right there in
14 our neighborhood. You know, I don't know what that
15 was all about. But, you know, they said that
16 there's like gunfire going on there in the
17 neighborhood there and they put the sensors there.
18 So whoever shoots the gun that they know that
19 there's trouble and where to find the trouble is,
20 you know.

21 So, like I said, I hope that you vote in favor
22 of the residents that live there and we appreciate
23 it. Thank you.

24 CHAIRMAN WILSON: Are there any others in
25 opposition to this item? Please come forward.

1 Come forward, please.

2 MS. ETTER: I have not been sworn in.

3 MR. FARIAS: Anyone else that's going to speak
4 that has not been sworn in swear in now.

5 (Thereupon, an interested individual seeking
6 to give testimony in the case was duly sworn to
7 tell the truth, and nothing but the truth, after
8 which the following transpired.)

9 CHAIRMAN WILSON: Ma'am, please be short and
10 non-repetitive, please, if you will.

11 MS. ETTER: Short and non-repetitive, I'll do
12 my best.

13 Good evening. My name is Stephanie Etter,
14 E-t-t-e-r. I live at 23061 Southwest 124th Court.
15 Purchased the house about seven years ago. I moved
16 away from a highly-developed people on top of each
17 other community so that my children who are now
18 eight and nine could have a residential area to
19 play in. Since the homes from Lennar have been
20 developed, they were not there seven years ago, we
21 can't play in the street anymore, we can't ride our
22 bikes, we can't ride our skateboards. We don't
23 need anymore traffic. I understand that's
24 repetitive.

25 When I purchased the house the abandoned

1 building down the street was not a gentlemen's
2 club. Now it is.

3 So the neighborhood is already experiencing
4 some things, some shootings, some robberies that
5 are not good. I don't need anymore traffic. I
6 don't need anymore people.

7 We moved there specifically for that
8 individual single family residence feel so that I
9 could raise a family. I did not move from a rental
10 community into a single-family residence community
11 just to have it turned into a rental community. I
12 implore you to please vote no. Thank you.

13 CHAIRMAN WILSON: Any others who would like to
14 speak against this item? Please come forward.

15 Please state your name for the record.

16 MR. MOHAMMAD: My name is Mohammad, 23820
17 Southwest 120th Avenue. I'll try not to be
18 redundant again, but I'm pretty sure you can see
19 the trend, what my fellow neighbors have said. It
20 is a lifestyle, okay.

21 I'm coming from a family, very hard working
22 man. My dad is a cab driver. We looked for a
23 house for six years over here and after six years
24 we finally decided to move to a place away from the
25 city like everyone else is saying.

1 And finally we found a house peaceful. We
2 have some pets in there, chickens, farming.
3 Everything goes on which is a rural thing to do.

4 And like Jerron said too and the other fellow
5 said great points over here.

6 Now he's retiring, my dad. He's a cab driver.
7 And I just graduated. I'm a clinician. And what
8 can I give my dad in return? Happy lifestyle as he
9 always wanted. Because he never wanted to settle
10 in -- in a closed, tight community house. Like a
11 rural simple area.

12 So, it's hard for not being repetitive or
13 redundancy, but we all see the pattern. It's a
14 lifestyle. We can't put someone and cage them in
15 some different thing when you don't want to. And
16 allowing this would definitely go in that
17 direction, and we can't do that.

18 As a clinician, I can only give you some
19 medical aspects of it. There is a new park that is
20 built around our house and it has some equipment
21 like gym equipment which is -- I was so pleased to
22 see it. Instead of the weights it has like the
23 pressure gauge sensors and pressure gauges. That's
24 a healthy lifestyle. I see people running,
25 jogging. They're stilling building up the park.

1 And it is really true, all my fellows that
2 said, my neighbors, that increasing this will cause
3 increase in traffic. There are kids running
4 around. I see little signs over there like please
5 drive safely as if your kids were playing.

6 And I'm comparatively young. I'm not calling
7 anyone old. But if this is what we want to give
8 our future generation or our next children growing
9 up in the community it will be just more like urban
10 city everywhere. We can't do that.

11 So, I'm definitely against it and we should
12 definitely not allow it because it's a lifestyle.
13 It's not a business. It's the way you live and
14 that's what matters at the end of the day because
15 it's a community. Thank you.

16 CHAIRMAN WILSON: Anyone else wish to speak
17 against this item?

18 MS. PLA: I do.

19 CHAIRMAN WILSON: Please come forward.

20 MS. PLA: Good evening, ladies and gentlemen.
21 I don't know if it's going to make a difference.

22 COUNCILMAN JACKSON: Your name and address.

23 MS. PLA: Excuse me.

24 CHAIRMAN WILSON: Please state your name and
25 address for the record.

1 MS. PLA: Carmen Pla.

2 MR. HARRISON: And the address?

3 MS. PLA: 23700 Southwest 120th Avenue. I'm
4 here speaking on behalf of my sister-in-law who
5 lives on 122nd Avenue as well.

6 I don't know what -- if what I'm going to say
7 here is going to make a difference. Maybe the
8 decisions have already been made to construct this
9 and we're just all playing puppets here.

10 But I've been living in that neighborhood for
11 30 years. I believe I have some right to express
12 how disappointed we are knowing that we have what
13 you call is the "New Kendall", okay. I can't get
14 out on 248 Street. Maybe it takes me 15 minutes,
15 what used to take me two minutes.

16 And, basically, that's all I can say. We're
17 really disappointed that we have this beautiful
18 area that's going to be invaded pretty much by the
19 traffic and we're being stripped away from the land
20 that, you know, that we rightfully purchased before
21 all these decisions were made. And no one asked
22 us, you know.

23 So, we're pretty much here begging which we
24 shouldn't be begging for our privacy. Thank you.

25 CHAIRMAN WILSON: Are there any others?

1 Please come forward.

2 Please state your name and address for the
3 record.

4 MR. ARAYA: My name is Alexis Araya. Address
5 is 23505 Southwest 122nd Avenue.

6 The infrastructure for the roads here does not
7 support what we have existing. For you to add
8 anymore would be crazy.

9 Going back to what everybody said, we would
10 like to keep our lifestyle. We would like to keep
11 what we have.

12 What this organization is trying to do -- they
13 knew exactly what they were doing. They're playing
14 you guys. If they won -- they won conversion one
15 time. Now they want to go to the next level. If
16 they wanted to do that from the beginning they
17 should have done that straight from the beginning.
18 And that's all I got to say. Thank you.

19 CHAIRMAN WILSON: Thank you.

20 Are there any others?

21 Okay. Will you come forward for rebuttal.

22 MR. PASTORIZA: I would like to have equal
23 time.

24 CHAIRMAN WILSON: We can afford you two
25 minutes.

1 MR. PASTORIZA: No, no. Please, no. They
2 went on for a long period of time. Ask your
3 attorney.

4 COUNTY ATTORNEY: Mr. Chair, it is typically
5 equal time for equal sides. So, collectively
6 however much time the objectors had he should
7 totally have.

8 MR. PASTORIZA: Listen, I appreciate all the
9 neighbors who are here and I appreciate their
10 concerns, okay.

11 This is not the first time that this matter
12 comes before this Board and before this
13 neighborhood. We came here on October and we
14 changed this to the Comprehensive Plan Amendment
15 that we are now seeking to rezone.

16 It doesn't really mean that we are going to
17 build apartments here. That is totally unreal,
18 okay. It's totally unreal.

19 As a matter of fact, we own the property next
20 door that is already RU-3M as is and it's in the
21 process of being permitted. And what we're doing
22 in that property, in that property, are townhouses,
23 okay. Two-story townhouses.

24 This is our property. This is our property
25 right here. Listen, this property cannot be used

1 for agriculture purposes, okay. It's not big
2 enough. It's not suitable for agriculture
3 purposes.

4 And as matter of fact, you already have -- you
5 already have west of us a residential community
6 existing there and some of the neighbors live in
7 that community, okay.

8 Now, all we're doing, all what we want to do
9 is to build a townhouse on this particular piece of
10 property.

11 Now, you can -- a lot of the neighbors came
12 here and they talked about traffic and we're going
13 to impact traffic. The matter is that your
14 professional staff reviewed that. They reviewed it
15 for traffic purposes and they all said that there's
16 no traffic issues.

17 SECURITY OFFICER: Ladies and gentlemen,
18 you're going to be asked to leave.

19 MR. PASTORIZA: Fire and police have reviewed
20 this application. They have no objections to this
21 application, okay.

22 Now, you need to understand. You need to
23 understand that the bus route is there for a
24 purpose, okay. It's a high traffic -- how can I
25 say? It's like a Metrorail but using the bus. At

1 some point in time that is going to be converted to
2 a live rail, that portion of that bus way.

3 So, really, you need to put your density where
4 that is. And this is right in front of that bus
5 route. It's within walking distance of that.

6 Listen, I don't think that the rezoning of
7 this property is going to really destroy, destroy
8 the ambience of most of the people that are here
9 today. We are way towards US-1. We're not
10 infringing upon that area. There's a canal also in
11 there that -- we're on the other side of the canal.

12 And, so, you know, listen, I appreciate their
13 concerns. But we're not going into an area where
14 there is single-family homes in an agriculture area
15 and destroying that. We're not doing that, okay.

16 We're taking a piece of property that is
17 already compliant for this. And if you leave this
18 agriculture you are doing something that is
19 inconsistent with your Comprehensive Plan, okay.

20 So, all I'm trying to say is, look, we're not
21 here to build apartment houses. We are here to
22 build a very nice product, townhouses. There is
23 already single-family residential products west of
24 us, okay.

25 So, and as far as the traffic, as far as

1 police, as far as fire, all of those departments,
2 your departments, have reviewed this application
3 and they have know objections to it, okay.

4 So, I'm asking you to follow your professional
5 staff's recommendations and approve this
6 application. And I thank you for your time. And
7 I'm here to answer questions.

8 CHAIRMAN WILSON: Okay. We're now going to
9 close the floor.

10 Board, do you have any questions?

11 COUNCILMAN FARIAS: Yes. I have a question
12 for staff. I have here that in October it was
13 rezoned for low density residential. Now they want
14 low density medium residential; is that correct?

15 MR. HARRISON: Through the Chair. Just to try
16 to explain that. What happened in October was they
17 did a Master Plan amendment, a small scale
18 amendment.

19 Now, I can try to be as brief as possible and
20 explain it. What happens, the county's Master Plan
21 is really the law as far as the development is
22 concerned in Dade County. So the Master Plan gives
23 us an overlay of what type of development you
24 should allow in specific areas.

25 What they did in October was they asked for a

1 small scale amendment. I think at that time it was
2 low density, low density residential, which allowed
3 2.5 to 6 units per acres, and then they asked them
4 to change that to allow 6 to 13 units per acres
5 which is why they got that approved.

6 Now that they have the Master Plan amendment
7 they have to come back to your Board to ask to zone
8 it or to rezone it to a zoning district that is
9 within that density requirement that the Master
10 Plan allows.

11 So, that's the purpose of this application.
12 They got the small scale Master Plan amendment and
13 now they're here before you for the rezoning to get
14 a zoning district, a residential zoning district
15 that is within that. They cannot go outside of
16 that. They have to be within this. They have to
17 be below 13 unit per acres.

18 COUNCILMAN FARIAS: Understood.

19 CHAIRMAN WILSON: Anymore questions?

20 COUNCILMAN JACKSON: I can't think of what I
21 was going to say. I'm okay now. I can't think.
22 You threw my off track when you said that -- oh, I
23 know what it was going to be. It went from low
24 density to low/medium density?

25 MR. HARRISON: That's correct.

1 COUNCILMAN JACKSON: Okay. Now, the area
2 itself, it was already designated low density or
3 agriculture?

4 MR. HARRISON: It was designated low density.

5 COUNCILMAN JACKSON: Okay. And then the one
6 that we approved back in October that was also low
7 density?

8 MR. HARRISON: No. That was the Master Plan
9 amendment.

10 COUNCILMAN JACKSON: Okay.

11 MR. HARRISON: What I'm saying, just to give
12 you an idea, what you get in your kit, you get a
13 copy of the Master Plan map which is on page -- I
14 think it's the last page of your kit. That's the
15 county's Master Plan, right. And then on the -- I
16 think that's Page 21, handwritten 21, that sheet
17 shows you what the county zoning is within that
18 area that is designated low/medium density.

19 This property, the property with the hash
20 marks, that's the one that's before you and it's
21 currently zoned AU for agriculture district and
22 they're requesting a zone change to RU-3M.

23 And through the Chair. The county's attorney
24 has asked me to. The Master Plan is the county's
25 -- it's forward looking and it's looking at what

1 the county projects for development within -- in
2 this case the Master Plan, the current Master Plan
3 we have is between 2020 and 2030. So the county
4 looks forward to that time period of what type of
5 development they would like to see in that area.

6 COUNCILMAN JACKSON: Staff. So, even if we
7 deny something like this it's still going to come
8 back? It still will come back?

9 MR. HARRISON: Through the Chair. If you deny
10 -- either way, if you deny it or approve it, either
11 parties, either the people for or against it, also
12 have the right to appeal it.

13 COUNCILMAN JACKSON: Right.

14 MR. HARRISON: Okay. And they could appeal it
15 and the next step for them will be they will have
16 to go to the county commissioner. And then the
17 next step for whoever it is that appeal and did not
18 get what they wanted they would have to go to court
19 to overturn that decision.

20 But for now the county -- I don't know if I
21 should go that far. Based on our recommendation,
22 we have looked at what's around it, and based on
23 the county's Master Plan, the fact that the
24 property to the east of it is zoned RU-1, which is
25 for residential, it seems like it's a farm, on the

1 aerial photographs it's a farm property right now,
2 but at any point in time somebody could come in and
3 develop that property under the RU-1 standards.
4 That's the property to the east. Not the subject
5 property. So that's the foundation. That gives
6 you the foundation of how our recommendation is
7 structured.

8 CHAIRMAN WILSON: Okay. Are there any further
9 questions on the Board?

10 COUNCILMAN JACKSON: No.

11 CHAIRMAN WILSON: Will you make a motion.

12 COUNCILMAN FARIAS: I want to make a motion.
13 I want to make a motion to deny this item with
14 prejudice.

15 COUNCILMAN JACKSON: I want to second the
16 motion.

17 MR. HARRISON: There's a motion on the floor
18 to deny this item with prejudice. This motion is
19 moved by Councilman Farias and seconded by
20 Councilman Jackson.

21 Councilman Farias?

22 COUNCILMAN FARIAS: Yes.

23 MR. HARRISON: Councilman Jackson?

24 COUNCILMAN JACKSON: Yes.

25 MR. HARRISON: Councilwoman Murillo?

1 COUNCILWOMAN MURILLO: Yes.

2 MR. HARRISON: Vice-Chair Demps?

3 VICE-CHAIR DEMPS: No.

4 MR. HARRISON: Chair Wilson?

5 CHAIRMAN WILSON: I'm going to say no.

6 MR. HARRISON: Motion to deny the item with
7 prejudice passes on a three to two vote.

8 MR. PASTORIZA: Thank you.

9 (Thereupon, the proceedings were concluded.)

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CERTIFICATE OF OATH

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

I, Doris Newbold, Court Reporter and Notary
Public in the State of Florida, certify that all
witnesses personally appeared before me on the 29th Day
of June, 2017, and were duly sworn

Doris Newbold
DORIS NEWBOLD,
Court Reporter
Notary Public, State of Florida
My Commission # FF 944616
My Commission Expires 12-16-2019

CERTIFICATE OF REPORTER

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

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 15 on May 10, 2017; and that the item of 12499 HOLDINGS, LLC, was heard, and that the foregoing pages, Numbered 1 through 38, inclusive, constitutes a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 29th day of April 2017.

Doris Newbold

DORIS NEWBOLD,
COURT REPORTER