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BCC
10-6-05

Juan J. Mayol, Jr.
305 789 7787
juan.mayol@hklaw.com

September 7, 2005

BY HAND DELIVERY

Ms. Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning and Zoning
111 N.W. First Street, 11th Floor
Miami, Florida 33128

RECEIVED
SEP 09 2005
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Re: **Dadeland Breezes (P.H. No. 04-366)**

Dear Ms. O'Quinn Williams:

Pursuant to Sec. 33-311(D) of the Miami-Dade County Code, we respectfully advise you that the following expert witnesses may be called to testify on behalf of the Applicant, Dadeland Breezes, before the Board of County Commission, during the Board's consideration of the Application:

Dr. Kathryn Wilbur
Creative Land Development Services, Inc.
2125 Biscayne Boulevard
Suite 210
Miami, Florida 33137
(305) 572-0100

If called to testify, Dr. Wilbur would testify as to the Application's impacts on the public school system as summarized in her analysis previously submitted.

Richard Garcia, M.Sc., P.E.
Richard Garcia & Associates, Inc.
2468 SW 8th Street
Miami, Florida 33135
(305) 595-7505

If called to testify, Mr. Garcia would testify as to the application's traffic impacts on the surrounding public roadways as summarized in the traffic study previously submitted.

September 7, 2005

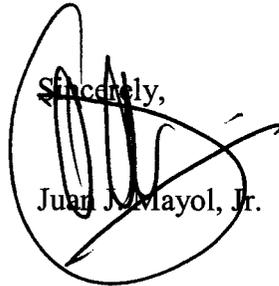
Page 2

Mr. Guillermo Olmedillo
330 Greco Avenue
Suite 107
Coral Gables, Florida 33146

If called to testify, Mr. Olmedillo would testify as to the application's consistency with the Property's land use designation and with the goals, policies and objectives of the Comprehensive Development Master Plan.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Juan J. Mayol, Jr.", is written over the word "Sincerely,". The signature is enclosed within a large, hand-drawn oval.

Juan J. Mayol, Jr.

JJM/ma

cc: Mr. Harvey Hernandez

2732992_v1

Leila M. Jackson Batties
305 789 7626
leila.batties@hklaw.com

August 24, 2005

VIA HAND DELIVERY

Ms. Diane O'Quinn Williams
Miami-Dade County
Department of Planning & Zoning
111 N.W. First Street, 11th Floor
Miami, FL 33128

RECEIVED
AUG 24 2005

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

**Re: Dadeland Breeze Apartments, LLC (P.H. 04-366)
Expert Witness Notification**

Dear Ms. O'Quinn Williams:

We are in receipt of the letter from Attorney Kent Harrison Robbins, dated August 23, 2005, indicating that Ralph Aronberg, P.E., will testify as an expert witness before the Board of County Commissioners (the "Board") on August 25, 2005, in connection with the above-referenced application. We respectfully object to Mr. Aronberg testifying before the Board on the basis that notice of his testimony was not timely filed.

Sec. 33-311(D) of the Miami-Dade County Code (the "Code") requires that written notice of an expert witness and a summary of his/her testimony be filed with your office at least ten (10) days prior to the public hearing on a zoning application. In the case at hand, notice of Mr. Aronberg's testimony was filed on August 23rd, only two (2) days before the Board's meeting on the Dadeland Breeze application. Therefore, the notice is insufficient under the provisions of the Code. For your convenience, a copy of Sec. 33-311(D) of the Code is attached.

In light of the foregoing, we ask that Mr. Aronberg not be permitted to testify before the Board on August 25th in connection with the Dadeland Breeze application. Thank you for your considerate attention to this matter. As always, please do not hesitate to contact Juan Mayol or me if you have any additional questions or concerns.

Sincerely,


Leila M. Jackson Batties

Attachment

Cc: Kent Harrison Robbins, Esq. (via fax / 305-531-0150)
Juan J. Mayol, Jr., Esq.

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deems necessary or desirable, in order to maintain the plan of the area and compatibility therewith. The Community Zoning Appeals Boards may revoke, modify or change any resolution heretofore or hereafter adopted granting a special permit or a special exception, new uses, unusual use or variance, if upon, application filed at any time by the Director and after public hearing, the Community Zoning Appeals Board finds that there has been a violation of any imposed conditions, restrictions or limitations in any such resolution; provided, such public hearing shall not be held until published notice provided by Section 33-310 hereof has first been given; provided further, if the Director, upon written request of any aggrieved party, refuses or fails to make such an application, such aggrieved party may request the Board of County Commissioners, through the County Manager, to instruct the Director to do so.

- (2) Any person who shall violate or fail to comply with any conditions, restrictions or limitations contained in any resolution or decision heretofore or hereafter adopted, granting a special permit or special exception, new uses, unusual use or variance or with any of the requirements of such a resolution, shall upon conviction thereof in the appropriate court be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment. Each day of violation or noncompliance shall constitute a separate offense.

(C) Reserved.

(D) No document prepared or relied upon by an expert shall be admitted into evidence at a public hearing unless such document shall have been filed with the Director at least ten (10) days prior to the public hearing. No expert opinion testimony shall be admitted into evidence at a public hearing unless a written summary of the testimony setting out the substance and basis of

such testimony shall have been filed with the Director at least ten (10) days prior to the public hearing.

(E) Takings and vested rights.

- (1) No argument shall be made or evidence presented to a Community Zoning Appeals Board or the Board of County Commissioners to the effect that a decision may result in a temporary or permanent taking of private property or abrogation of vested rights unless the person making such argument: (1) files a sworn statement and supporting documents pursuant to Section 2-114.1 with the coordinator of the Development Impact Committee not less than forty-five (45) calendar days prior to the first hearing on the application, and (2) exhausts the remedy afforded by Section 2-114.1. Pursuant to Section 33-314(C)(2), the Board of County Commissioners has direct jurisdiction over the application to which such taking or vested rights argument pertains. Any individual or entity having an interest in property which is the subject of a zoning application filed by a County official shall be entitled to file an application for a taking or vested rights determination pursuant to Section 2-114.1 of the Code.

- (2) Any individual or entity having an interest in property which is the subject of a zoning application filed by a County official shall be entitled to file an application for a taking or vested rights determination pursuant to Section 2-114.1 of the Code without payment of a fee. Whenever an application for zoning action is filed by a County official, the County Applicant shall provide notice by certified mail, return receipt requested, to the owners of record of any and all property to which the application pertains. Said notice shall include a copy of Section 33-311 and Section 2-114.1 of the Code. Any claimant having an interest in property subject to a County zoning application who contends that action thereon will constitute a taking or abrogation of vested rights shall file a notice of invoking administrative rem-

Fort Lauderdale
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305 374 5600 tel 305 374 5095 fax

August 20, 2004

Michael A. Freire
305 755 5810
mfreire@akerman.com

VIA HAND DELIVERY

Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning & Zoning
111 NW First Street, 11th Floor
Miami, FL 33128

RECEIVED
201-736
SEP 22 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

Re: First Amended Letter of Intent Regarding Application No. 04-329/Dadeland Breezes Apartments, LLC / Property Located North of SW 88th Street (North Kendall Drive) and West of SR 826 (the "Palmetto Expressway"), in Unincorporated Miami-Dade County, Florida

Dear Ms. O'Quinn Williams:

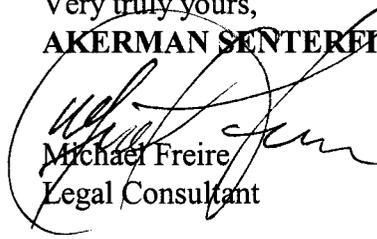
Please accept this letter as our first amended of intent on behalf of Dadeland Breezes Apartments, LLC (the "Applicant"), in support of their request for a zoning public hearing concerning that 11.11± acre parcel of land located north of SW 88th Street (North Kendall Drive) on the west side of State Road 826 (the Palmetto Expressway) Avenue, in unincorporated Miami-Dade County (the "Property").

In addition to the request for a district boundary change, we respectfully request a release of that certain Declaration of Restrictions recorded in Official Records Book 13739, Page 733 of the Public Records of Miami-Dade County, Florida. Said Declaration imposes a limitation on Ingress and Egress to and from the property on SW 86th Street. As you will see our proposed site plan shows a driveway into and out of the property on said street. -736

Thank you for your kind attention to this matter. As always, should you have any questions

or require additional information, please feel free to contact me directly at (305) 755-5810.

Very truly yours,
AKERMAN SENTERFITT



Michael Freire
Legal Consultant

Fort Lauderdale
Jacksonville
Miami
Orlando
Tallahassee
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305 374 5600 tel 305 374 5095 fax

August 18, 2004

Stephen M. James
305 755 5857
sjames@akerman.com

VIA HAND DELIVERY

Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning & Zoning
111 NW First Street, 11th Floor
Miami, FL 33128

RECEIVED
204-329
AUG 18 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

Re: Dadeland Breezes Apartments, LLC / Property Located North of SW 88th Street (North Kendall Drive) and West of SR 826 (the "Palmetto Expressway"), in Unincorporated Miami-Dade County, Florida / Letter of Intent and Request for PAD Pre-Application Conference

Dear Ms. O'Quinn Williams:

Please accept this letter of intent on behalf of Dadeland Breezes Apartments, LLC (the "Applicant"), in support of their request for a zoning public hearing concerning that 11.11± acre parcel of land located north of SW 88th Street (North Kendall Drive) on the west side of State Road 826 (the Palmetto Expressway) Avenue, in unincorporated Miami-Dade County (the "Property").

The Property is currently zoned RU-4M (Modified Apartment House) on the Miami-Dade County Zoning Map, and has been developed with six (6) condominium buildings for many years. The Applicant is seeking the approval of a Planned Area Development ("PAD") that contemplates a mixture of residential housing types within a well-designed community. The approval of the application which would help address the shortage of residential capacity in this area of the County, by promoting the redevelopment of an underdeveloped site, all in accordance with the County's Urban Design Guidelines.

The Comprehensive Development Master Plan (CDMP) designates the Property for Medium to High Density Residential development, which would authorize residential development ranging from 25 to 60 dwelling units per gross acre. The proposed plans depict a development with six (6)

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multi-family buildings with separate townhouse buildings framing SW 86th Street to the north, and including ample parking, green space and resident amenities. According to the CDMP text, the attainment of densities approaching the maximum depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide off-street parking, and compatibility with surrounding areas. This Property comports with these criteria, being located at the intersection of two principal arterial roadways, Kendall Drive and the Palmetto Expressway, with existing infrastructure and ample parking, and situated directly adjacent to compatible uses in all directions. There is significant multi-family development to the north, south and west of the Property, with a hotel and large scale commercial and office development to the south and east.

Sound planning principles also lend support to increased residential density on the subject Property. The Property lies within the County's South Central Planning Analysis Tier ("South Central Tier"), and more specifically within Minor Statistical Area 5.5 ("MSA"). According to the research published in the 2003 CDMP Evaluation and Appraisal Report (EAR), "the capacity to sustain projected residential demand ... is an issue for [this] planning tier. The redevelopment of this Property is both appropriate and timely as the Department recognizes the need for additional residential capacity but recommends against any UDB expansion. Furthermore, the redevelopment will allow the incorporation of contemporary urban design principles on an underutilized property where the existing buildings are several decades old.

For your review, I have enclosed eight (8) sets of the proposed site plan, as prepared by Cohen Freedman Encinosa & Associates Architects, P.A., and dated August 18, 2004, which plans already incorporate the comments received during the pre-application conference. We look forward to meeting with you and other interested department representatives to present what we believe to be a creatively planned living environment that is responsive to the needs of its residents, and the community as a whole.

Thank you for your kind attention to this matter. As always, should you have any questions or require additional information, please feel free to contact Juan Mayol or me directly at (305) 755-5857.

Very truly yours,
AKERMAN SENTERFITT



Stephen M. James

Enclosures

cc: Mr. Harvey Hernandez
Juan J. Mayol, Jr., Esq.

RECEIVED
204-329
AUG 18 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY 