Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
www.hklaw.com

Michael A. Freire
(305) 789-7792
E-mail: michael.freire@hklaw.com

September 26, 2005

**VIA HAND DELIVERY**

RECEIVED
SEP 2
ZONING HEARING SECTION
MIAMI-DADE PLANNING
BY

Metro-Dade Building and Zoning
Attn: Ms. Casandra Henderson
Zoning Hearing Section
111 N.W. 1st Street, 12th Floor
Miami, Florida 33129

**Re: Public hearing No. 05-144/Lemus-Lau**

Dear Sandy:

Pursuant to our conversation on Friday, September 24th, as to your deficiency letter dated August 30th, 2005, please be advised of the following.

1. As to item No. 2 in said letter, the dimensions shown on the plan are correct. The second floor for the most part will be hollow except for the small office space. The windows shown on the plan for the second floor are for sun lighting purposes only.

2. As to item No. 3 in said letter, the applicant will be installing a ~~fence~~ mesh screen fence around the shade house and as such will require a variance of the code.

3. As to item No. 4 in said letter, the applicant will also need a variance to include parking within 25' of an official right-of-way.

4. As previously stated in my amended letter of intent dated September, 21st, the applicant whishes to amend the application to include an outdoor dining area.

5. Enclosed herewith, please find a survey as requested.

I believe all issues have now been addressed and as such, I respectively request that the application be scheduled as soon as possible for public hearing.

If you have any questions, please contact the undersigned.

Sincerely,

HOLLAND & KNIGHT LLP

Michael A. Freire
Land Use Consultant

# 3252499_v1

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
www.hklaw.com

Amended

Michael A. Freire
(305) 789-7792
michael.freire@hklaw.com

September 21, 2005

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2005-144
SEP 21 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

**VIA HAND DELIVERY**

Metro-Dade Building and Zoning
Attn: Ms. Casandra Henderson
Zoning Hearing Section
111 N.W. 1st Street, 12th Floor
Miami, Florida 33129

**Re: Public hearing No. 05-144/Lemus-Lau**

Dear Sandy:

In connection with the above-referenced application, the applicant wishes to amend same in order to include an outdoor dining area. As such, attached please find revised plans which show the proposed area.

Said area is located to the West of the main structure and to the South of the shade house. The proposed outdoor dining area will consist of 2 picnic tables in a space of approximately 250 square feet.

If you have any questions, please contact the undersigned.

Sincerely,

HOLLAND & KNIGHT LLP

Michael A. Freire
Land Use Consultant

# 2624164_v1

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
www.hklaw.com

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

AMENDED

August 3, 2005

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning and Zoning
111 NW First Street, 11th Floor
Miami, Florida 33131

**Re: Royd Lemus & Raquel Lau (the "Applicants") / Property Located on the Southwest Corner of SW 177th Avenue and SW 208th Street, in Miami-Dade County, Florida / Public Hearing No. 05-144 / First Amended Letter of Intent**

Dear Ms. O'Quinn Williams:

Please accept this as our first amended letter of intent in support of the above referenced application (the "Application") .

As originally filed, the Application sought the following zoning requests:

*a district boundary change from AU (Agricultural District) to BU-1A (Limited Business);*

*non-use variance of zoning regulations requiring a five foot (5') high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property line;*

*non-use variance of parking regulations to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted );*

*non-use variance of zoning subdivision regulations requiring the section line right-of-way of SW 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of SW 177th Avenue (Krome Avenue);*

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***or in the alternative to this request,***

*non-use variance of parking regulations to permit 48 parking spaces (72 spaces required).*

As reflected in the revised plans, the applicants will no longer seek a non-use variance to permit off-street parking on natural terrain. All of the off-site parking will be paved as required by Code. The parking areas will be completely enclosed by a landscape buffer varying in width from 14' along the southern property line, 12' along the western property line, 16' along the northern property line, and 16' along the eastern property line. Moreover, the Applicants propose to plant 14' high Royal Palms along Krome Avenue. In lieu of the required wall, the plan now shows a 6' high hedge within the landscape buffer along the western and southern property lines.

The revised plan depicts a small shade house that will be attached to the farmer's market by a breezeway along the southern wall of the proposed market. Further, black screening material will be used along the western, southern and eastern elevations of the shade house. The Applicants will offer fresh produce for sale from the shade house. The shade house will be located 10' away from the farmer's market.

As such, to permit the proposed placement of the shade house on the south side of the farmer's market, the Applicants will seek the approval of a non-use variance of spacing requirements to permit the shade house ten feet (10') from the farmer's market where a spacing of twenty feet (20') would be required.

Additionally, the Applicants will proffer the attached Declaration of Restrictions to ensure the consistency of the proposal with the property's agricultural land use designation.

As such, as amended by this first amended letter of intent, the Applicants would request your favorable consideration and recommendation of the following:

✓ *a district boundary change from AU (Agricultural District) to BU-1A (Limited Business);*

✓ *a non-use variance of zoning regulations for the section line right-of-way of SW 177th Avenue (Krome Avenue) to permit a dedication of 50' (90' required); and*

? *a non-use variance of zoning regulations to permit the shade house with a spacing of 10' (20' required).*

In 2001, the Board of County Commissioners denied the Applicant's request for a district boundary change to BU-1A and other zoning approvals. Not only is the current application different and less intense than the 2001 proposal, but the surrounding area has experienced such substantial changes as to justify the application's favorable review by the County despite the 2001 denial. For instance, since the 2001 hearing, the area has also experienced a significant increase in the rural residential population. Not only will the proposed farmer's market serve as a

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direct outlet for locally produced fruits and vegetables, it will also help to satisfy some of the basic food needs of the local, rural agricultural community.

We would respectfully request your favorable consideration of the Application, as amended by this first amended letter of intent.

Sincerely,

Juan J. Mayol, Jr.

Enclosures
cc: Mr. Royd Lemus

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Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
www.hklaw.com

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

May 18, 2005

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205-144
MAY 18 2005
ZONING HEARINGS SECTION
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BY AU

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning and Zoning
111 NW First Street, 11th Floor
Miami, Florida 33131

**Re: Royd Lemus & Raquel Lau / Property Located on the Southwest Corner of SW 177th Avenue and SW 208th Street, in Miami-Dade County, Florida / Application for Zoning Public Hearing / Letter of Intent**

Dear Ms. O'Quinn Williams:

This shall constitute our letter of intent in support of the request by Royd Lemus and Raquel Lau (collectively, the "Applicant") for a district boundary change from AU (Agricultural District) to BU-1A (Limited Business) on that certain 2.5± gross acre parcel of land located at the southwest corner of SW 177th Avenue and SW 208th Street, in unincorporated Miami-Dade County, Florida ( the "Property"). The Property is currently improved with a plant nursery.

As depicted in the accompanying plans, entitled "Redland Market," as prepared by Rocco J. Ceo, AIA, (the "Plan"), the Applicant intents to develop the Property with a farmer's market to serve the rural residential community and to provide an outlet for locally grown fruits and vegetables. To ensure that the proposed market will blend with the rural character of the Redland, the Plan relies heavily on the vernacular that was prevalent in Miami-Dade County at the turn of the century.

The market will include a section for the sale of fruits and vegetables, a deli, a meat and seafood section, and a bakery. A shade house, located to the south of the building, will provide an area for plant sales. The Plan indicates two (2) points of access to the site: one from SW 177th Avenue and one from SW 208th Street. Parking spaces are provided along the north, south and east sides of the site with landscape buffers along all of the property lines, with the exception of ingress/egress points and the drainfield area. The commercial rezoning of the Property and the proposed Plan will permit the Applicant to provide a service to the community by developing a farmer's market specializing in fruits and vegetables that will be supportive of and serve the

agricultural community. The goods that will be sold at the market (baked goods, meat, poultry, etc.) are a daily need of the residents of the rural residential community.

The Property is located outside the Urban Development Boundary (UDB), and is designated "Agriculture" on the adopted 2005 and 2015 Land Use Plan Map ("LUP") of the CDMP.

The Land Use Element also provides, in part, as follows:

> The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools. (Land Use Element, page I-47)
>
> No business of industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s). (Land Use Element, page 47)
>
> Krome Avenue (SW 177 Avenue) is identified on the year 2015 Roadway Functional Classification map as a State Principal Arterial. (Traffic Circulation Element, page II-16)

On July 22, 1999, the County's Environmental Quality Control Board entered Order No. 99-35, which approved the proposed development of the Property.

As indicated, Krome Avenue is designated as a "State Principal Arterial" on the CDMP.

By serving as an outlet for the local agricultural production and by providing essential services to the rural residential community, the proposed market will be directly supportive of the local agricultural production and supportive of the rural residential community.

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BY AH

In addition to the district boundary change, the Applicant seeks the following additional approvals:

Non-Use Variance of Zoning Regulations requiring a five foot (5') high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property line.

Non-Use Variance of Parking Regulations to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted ).

Non-Use Variance of Zoning Subdivision Regulations requiring the section line right-of-way of SW 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of SW 177th Avenue (Krome Avenue). Or in the alternative to this request,

Non-Use Variance of Parking Regulations to permit 48 parking spaces (72 spaces required).

The Applicant is providing a landscape buffer along the north and west property line is lieu of the required masonry wall which will be in keeping with the rural design of the market. The required wall, in this instance, would visually impact the area by detracting from the rural character of the site. The request for a 50' right-of-way for the west side of SW 177th Avenue is consistent with other approvals in the area. With the 50' right-of-way, the Applicant will be able to provide the required amount of parking spaces. Parking on natural terrain will allow the Applicant an opportunity to further preserve the rural character.

The proposed BU-1A zoning will be consistent with the CDMP, compatible with the surrounding area, and will not be contrary to the public interest.

In addition to being consistent with the CDMP, compatible with the neighboring agricultural community, and serving a public benefit, it should be noted that this application will not create any unfavorable impacts on Miami-Dade County public services nor on its environmental or natural resources.

Based on the above, we respectfully request your favorable review and recommendation.

Very Truly yours,

Juan J. Mayol, Jr.

Enclosures
cc: Mr. Royd Lemus

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