

A. EMILY DEVELOPMENT, LLC
(Applicant)

06-4-CZ14-4 (05-317)
BCC/District 8
Hearing Date: 10/12/06

Property Owner (if different from applicant) **Same.**

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Oscar & Nubia Villegas	Zone change from AU to EU-M.	CC	Approved
2003	Ricardo & Maria Carbonell	Zone change from EU-M to RU-1.	CZAB-14	Denied without prejudice
2004	Emily Development, LLC	Zone change from EU-M to RU-1.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

DATE: 9/14/2006

#Z-

APPLICANT: 3. EMILY DEVELOPMENT, LLC

MOTION: DEFERRED TO OCTOBER 12, 2006, PENDING FURTHER DISCUSSIONS WITH THE SURROUNDING NEIGHBORS, AS REQUESTED BY THE APPLICANT. NO FURTHER NOTICE TO BE PROVIDED.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan		X		
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa	S	X		
Souto		X		
Vice Chairman Moss		X		
Chairman Martinez		X		
TOTAL		10	0	3

DATE: 9/14/2006

Z#- 34-06

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP



APPLICANT'S NAME: EMILY DEVELOPMENT, LLC

REPRESENTATIVE: **BEN FERNANDEZ (Attorney)**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
06-4-CZ14-4 (05-317)	MAY 10, 2006	CZAB14	17	06

REQ: EU-M to RU-1M(a)

REC: APPROVE RU-1 IN LIEU OF; SUBJECT TO ACCEPTANCE OF PROFFERED COVENANT

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
 APPLICANT PROFFERED A COVENANT

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			X
MR.		Wilbur B. BELL	X		
MS.	M	Dawn Lee BLAKESLEE	X		
MS.		Rose L. EVANS-COLEMAN		X	
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			X
MADAME CHAIRPERSON	S	DR. Pat WADE	X		
VOTE:			3	1	

EXHIBITS: YES NO

COUNTY ATTORNEY: LEIGH MACDONALD

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

4

APPLICANT'S NAME: EMILY DEVELOPMENT, LLC

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-4-CZ14-4 (05-317)	APRIL 12, 2006	CZAB14	06

REQ: EU-M to RU-1M(a)

REC: DWOP

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

NOT HEARD – OUT OF TIME – CARRIED FORWARD TO MAY 10, 2006

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			
MR.		Wilbur B. BELL			
MS.		Dawn Lee BLAKESLEE			
MS.		Rose L. EVANS-COLEMAN			
MR.		Don JONES			
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			
MADAME CHAIRPERSON		DR. Pat WADE			

VOTE:

EXHIBITS: YES NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Emily Development, LLC

PH: Z05-317 (06-4-CZ14-4)

SECTION: 14-57-38

DATE: October 12, 2006

COMMISSION DISTRICT: 8

ITEM NO.: A

A. INTRODUCTION

o **REQUEST:**

Emily Development, LLC is appealing the decision of Community Zoning Appeals Board #14, which denied the following:

EU-M to RU-1M(a)

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District.

o **LOCATION:**

The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida.

o **SIZE:** 10.18 acres

o **IMPACT:**

The approval of the requested district boundary change to RU-1M(a) would allow the applicant to provide seventy (70) additional housing units for the community. The rezoning of this 10.18-acre site will have an impact on the schools, water and sewer services, and traffic in the area.

B. ZONING HEARINGS HISTORY:

On April 13, 1976, the Board of County Commissioners approved, pursuant to Resolution No. Z-124-76, a zone change from AU, Agricultural District, to EU-M, Estate Modified District for the subject property. In 2003, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution No. Z-03-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary (UDB).
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. Severable Use Rights (SURs) may be transferred to parcels within the Urban Development Boundary. When Severable Use Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs, would exceed the Plan density limit.
4. The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to 16:52 density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy 8C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; vacant property

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH:	AU; single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; single-family residences under construction	Low Density Residential, 2.5 to 6 dua
EAST:	AU; single-family residences	Low Density Residential, 2.5 to 6 dua
WEST:	AU; tree nursery	Estate Density Residential, 1 to 2.5 dua

The subject property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The area to the south is developed with single-family residences and to the north, east and west are single-family residences on 2 – 4 acre parcels. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the UDB.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	N/A
Compatibility:	Acceptable*
Landscape Treatment:	N/A
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

*For RU-1 zone change and subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade

County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	Objects**
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	17 students

*Subject to conditions indicated in their memoranda.

**Only regarding connectivity from SW 317 Terrace to SW 190 Avenue.

H. ANALYSIS:

This item was deferred from the September 14, 2006 meeting at the applicant's request to work with neighbors. Emily Development, LLC is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on May 10, 2006, denied with prejudice their application for a district boundary change. Pursuant to Resolution No. CZAB14-17-06, the CZAB-14 denied the request for a zone change on the subject property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District. The appellant states that the request for the district boundary change is compatible with the surrounding residential area. They also indicate that the Community Zoning Appeals Board failed to take into account substantial competent evidence and that their proposal is both consistent with the property's land use designation and compatible with the existing and foreseeable development surrounding the property. Staff notes that the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a density range from 2.5 to 6 units per acre. The

applicant's original request was for a zone change from EU-M to RU-1M(a). The applicant's latest revised letter of intent amends the zone change request to RU-1, Single-Family Residential District. The RU-1 zoning district permits a density range of 4.64 units per acre. As such, the requested RU-1 zone change is consistent with the CDMP.

The subject vacant property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The applicant originally sought to rezone the property from EU-M, Modified Estate Residential District, to RU-1M(a), Modified Single-Family Residential District. On April 21, 2006 the applicant submitted a revised letter of intent amending the zone change request to RU-1, Single-Family Residential District, in lieu of the requested RU-1M(a). The properties to the north, east and west are zoned AU, Agricultural District, and developed with single-family residences on parcels of 2 to 4 acres in size, while the properties to the south are zoned RU-1 and are under construction for single-family residences. This property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary line. The applicant has proffered a covenant restricting the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Their memorandum indicates that the site plan must be redesigned to remove the t-turnaround and extend SW 317 Terrace to the east and connect with SW 190 Avenue to provide connectivity. The applicant has complied with the Public Works Department's objection regarding connectivity from SW 317 Terrace to SW 190 Avenue by proffering a covenant indicating that the connectivity will be done at time of plat. The Public Works memorandum also indicates that although this application will generate **47** additional **PM** daily peak hour vehicle trips, the traffic distribution of these trips will not exceed the acceptable level of service (LOS) "B" of the streets serving the surrounding community. This land requires platting and road dedications and improvements will be accomplished through the recording of a plat. Miami-Dade County Public Schools (**MDCPS**) has indicated that the proposed zoning will bring an **additional 17 students** into the area's public schools. They indicate that West Homestead Elementary School, Homestead Middle School and South Dade Senior School are the schools that will be impacted by this development, which are currently operating at 98%, 120% and 131% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum further indicates that the applicant has voluntarily proffered a covenant to the School Board providing a monetary donation, over and above impact fees. Such proffer is subject to approval by the School Board.

Previously, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property in 2003, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-3-04. The applicant indicates in the revised letter of intent that recent zoning approvals from AU to RU-1 for properties of comparable size in the immediate and nearby area warrant a reconsideration of the request for a zone change to RU-1. The plans considered in 2003 in connection with the

original request for RU-1, indicated the development of the subject property with 37 single-family residences. The average size of the lots was 9,993 sq. ft. with a minimum size of 7,500 sq. ft. The plans submitted with this application indicate the development of the site with 40 units; however, the layout of the lots and blocks has been designed for a logical transition from the RU-1 zoned lots on the south to the AU zoned lots to the north. The northern lots on the site are a minimum of 10,003 sq. ft. in size; the lots at the middle of the site are between 7,009 sq. ft. and 8,028 sq. ft. in size; and the lots to the south are an average size of 6,200 sq. ft. which is similar to the sizes of lots of the development to the south. Also, the plans show a lift-station site at the southeast corner of the site.

In July 2005, a 10-acre parcel located at the northwest corner of SW 320 Street and SW 188 Avenue was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the development of the site with fifty (50) lots, pursuant to Resolution No. CZAB-14-18-05. The plans submitted at time of platting for the 50 lots indicated the utilization of Severable Use Rights (SURs), for a minimum lot area of 6,000 sq. ft. and 60' of lot frontage. In October 2005, a second 10-acre parcel, located on the northeast corner of SW 320 Street and SW 190 Avenue immediately to the southeast of the subject property, was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the subdivision of the property into 50 lots. The Community Zoning Appeals Board 14 granted the zone change with a proffered Declaration of Restrictions, which restricted the development of the site to the plans submitted for 50 lots and the utilization of SURs, pursuant to Resolution No. CZAB-14-41-05. With the utilization of SURs, the site will be subdivided with lots having a minimum lot area of 6,000 sq. ft. and 60' of frontage, as did the previously mentioned parcel. In November of 2005, a third parcel, 5 acres in size and located on the west side of SW 187 Avenue (Redland Road) and approximately 330' south of SW 312 Street, was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, pursuant to Resolution No. CZAB14-47-05. Approval of the zone change was subject to a proffered Declaration of Restrictions, which limited the development of the site to the submitted plans for a maximum of 14 units. The lots in this development have frontages of 75' and areas between 10,545 sq. ft. and 14,723 sq. ft., which exceed the minimum 7,500 sq. ft. required under the RU-1 zoning district.

In addition to the aforementioned recent rezoning approvals in the area, which have occurred subsequent to the denial of the rezoning request on this site in 2004, the current site plan submitted in conjunction with this application indicates a lift station site which was not previously proposed. Said lift station will not only support the subject property but will support future developments to the east of the property. Based on the aforementioned, staff is of the opinion that circumstances have changed substantially in the surrounding area since 2003 when the previous RU-1 zone change request was denied, which now warrants the reconsideration of the request. Therefore in staff's opinion, the Doctrine of Administrative Res Judicata would not apply in this instance.

Approval of this application would allow the applicant to provide forty (40) additional housing units for the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of 25 to a maximum of 61 units on the subject property. The applicant's proposal of 40 units is within the density

allowed under the LUP map's density designation. The RU-1 zoning district would permit 46 units at a density of 4.64 units per acre. The applicant has proffered a covenant, which among other things, restricts the development of the site to the plans submitted, except that connectivity from SW 317 Terrace to the east will be provided to SW 190 Avenue, and to the maximum of 40 units. As such, the proposed **RU-1** zone change is **consistent** with the LUP map's Low Density Residential Designation.

The subject property is located in a section of land that has two land use designations in the area as indicated on the LUP map: the Low Density Residential use designation lies on the east side of SW 192 Avenue and Estate Density Residential use designation is on the west side of SW 192 Avenue. The subject property is bounded by Estate Density Residential to the west and Low Density Residential to the south, north and east. The applicant has submitted plans indicating lots along the northern boundary of the subject property which are proposed to be between 10,003 sq. ft. and 10,255 sq. ft., and will provide a transitional element between the AU zoned parcels to the north and the lots in the middle of the property, which will be between 7,009 sq. ft. and 8,028 sq. ft., and the lots on the southern portion of the subject property which will be 6,200 sq. ft. Said lot sizes are in keeping with the similar lot sizes located to the south. The CDMP indicates that Severable Use Rights (SURs) may be transferred to parcels within the Urban Development Boundary on residentially designated parcels so that development is allowed to exceed the maximum limits designated for the site or affected portions of it. The Zoning Code allows the residential use of SURs to reduce lot areas in the RU-1 zoning district from 7,500 sq. ft. to 6,000 sq. ft. and lot frontages from 75' to 60'. As research indicates, the east half of this section of land in which the subject property lies has undergone substantial changes indicative of the development trend of the area to RU-1. In staff's opinion, the submitted plans are sensitive to the surrounding zones, specifically to the AU zoned properties to the north and to the parcels to the west, which are zoned AU and RU-1 and are located in the Estate Density Residential designation of the LUP map. Further, the applicant is providing a lift station that will not only support the subject property but may support future developments to the east of the property. Staff is of the opinion that the request for a zone change to **RU-1** is **compatible** with the existing RU-1 zoning to the south and the development trend of the area to RU-1 as evidenced above. In addition, the proffered covenant includes that the owner will purchase Severable Use Rights (SURs) prior to final plat approval in order to develop in accordance with the plans.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to RU-1, staff is of the opinion that this application does conform to the Comprehensive Development Master Plan provisions as indicated. As

previously mentioned, the subject property is located in a section of land that has undergone substantial changes in the development trend of the area and has shifted to RU-1, Single-Family Residential District, which is consistent with the LUP map. Staff is of the opinion that the proposed development of the site will not burden the surrounding area. According to the Public Works Department, this application will generate **47 PM** daily vehicle **trips**. However, the distribution of these trips will not exceed the Levels of Service for SW 320 Street, SW 177 Avenue and SW 312 Street, which are major roadways and, as such, will not burden local roadways. Additionally, the applicant has proffered a covenant indicating that connectivity from SW 317 Terrace to the east to SW 190 Avenue will be provided at time of platting. Further, DERM has indicated in their memorandum that this site is located within a feasible distance for connection to public sanitary sewers (130 feet) and a public water main (660 feet), which meet the Levels of Service for public services set forth in the CDMP. The subject property contains tree resources, however, a tree permit can be obtained to properly remove and relocate affected trees. Further, DERM indicates that this property is not located within nor does it contain a jurisdictional wetland. The applicant has proffered a monetary donation to MDCPS over and above the required impact fees in order to address the impact of the students generated by this application on local schools. Noting all of the aforementioned, staff opines that this application will not have an unfavorable effect on the environment, natural resources, or economy of Miami-Dade County and the area, and as such, staff recommends approval of the zone change to RU-1, subject to the Board's acceptance of the proffered covenant.

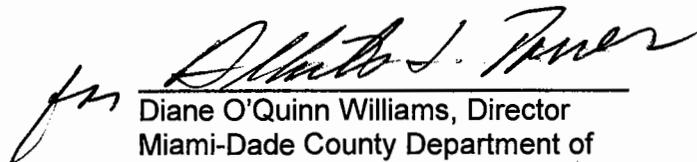
Based on all of the aforementioned, staff recommends approval of the appeal and approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

I. RECOMMENDATION:

Approval of the appeal and approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 01/09/06
DATE TYPED: 01/18/06
DATE REVISED: 01/20/06; 02/17/06; 03/02/06; 03/03/06; 03/09/06; 03/12/06; 04/25/06
05/01/06; 05/03/06; 05/04/06; 06/19/06; 07/18/06; 07/28/06; 08/07/06
08/10/06; 08/24/06; 09/19/06; 09/22/06; 10/02/06
DATE FINALIZED: 10/02/06
DO:QW:AJT:MTF:LVT:JV:CSE


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



Memorandum

Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
DEC 08 2005
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2005000317
Emily Development, LLC
SE corner of SW 192nd Avenue and SW 316th Street
District Boundary Change from EU-M to RU-1M(a)
(EU-M) (10.18 Ac.)
14-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

The closest public water main is located approximately 600 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water 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.

Wastewater Disposal:

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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, 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 alternative means of sewage disposal. Use of an alternative 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 Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EMILY DEVELOPMENT, LLC

This Department objects to this application.

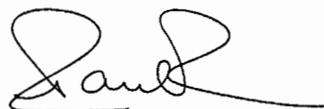
Redesign site plan to remove t-turnaround and extend SW 317 Terr. to the east and connect with SW 190 Ave. to provide connectivity.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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 47 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9948	SW 312 St. w/o US-1	B	B
9950	SW 320 St. e/o US-1	B	B
F-518	SW 177 Ave. n/o US-1	B	B

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.



Raul A Pino, P.L.S.

03-APR-06

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

CHECKED BY AR AMOUNT OF FEE \$1488.52

RECEIPT # I200619734

DATE HEARD May 10, 2006

BY CZAB # 14

RECEIVED
MAY 22 2006

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

BY _____
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. 05-317

Filed in the name of (Applicant) Emily Development, LLC

Name of Appellant, if other than applicant same

Address/location of APPELLANT'S property: attached as Exhibit A

Application, or part of Application being Appealed (Explanation): Entire appealable application.

Appellant (name): Emily Development, 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 Community Zoning Appeals Board 14 decision was not based on substantial competent evidence. The Applicant presented substantial competent evidence in support of the application and the Department of Planning and Zoning recommended approval of the application.

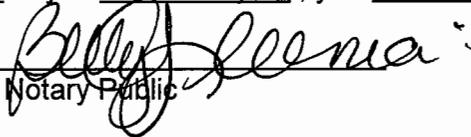
APPELLANT MUST SIGN THIS PAGE

Date 19 day of May, year: 2006

Signed _____

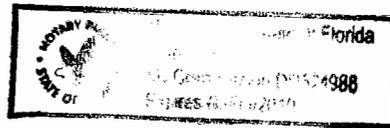

Mr. Juan Carlos Uribarri
Emily Development, LLC
5333 Collins Avenue, Suite 1408
Miami Beach, FL 33140
786-356-3651 Phone
305-819-5416 Fax

Subscribed and Sworn to before me on the 19 day of May, year 2006


Notary Public

(stamp/seal)

Commission Expires:



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 Juan Carlos Uribarri
(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 I
and that under penalties of perjury I Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

[Signature]
Signature

ANA Hernandez
Print Name

[Signature]
Signature

Yaret Godoy
Print Name

[Signature]
Appellant's Signature

Juan Carlos Uribarri
Print Name

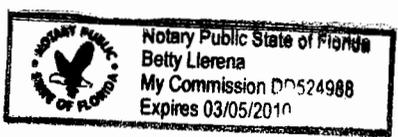
Sworn to and subscribed before me on the 19 day of May year 2006.

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

[Signature]
Notary Public

(stamp/seal)

Commission Expires:



RESOLUTION NO. CZAB14-17-06

WHEREAS, EMILY DEVELOPMENT L. L. C. applied for the following:

EU-M to RU-1M(a)

SUBJECT PROPERTY: The NW ¼ of the SW ¼ of the NE ¼, all in Section 14, Township 57 South, Range 38 East, less the north 25' and the west 35'

LOCATION: The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, 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-1M(a) 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 Dawn Lee Blakeslee, seconded by Dr. Pat Wade, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	absent	Rose L. Evans-Coleman	nay
Wilbur B. Bell	aye	Curtis Lawrence	absent
Dawn Lee Blakeslee	aye		
	Dr. Pat Wade	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change 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 Planning and Zoning.

PASSED AND ADOPTED this 10th day of May, 2006.

Hearing No. 06-4-CZ14-4
Is

STATE OF FLORIDA

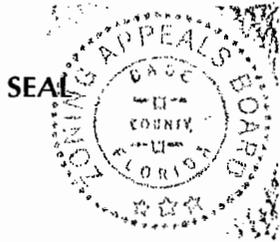
COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-17-06 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of May 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 23rd day of May, 2006.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning





Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

December 15, 2005

Miami-Dade County School Board

Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Frank J. Bolaños
Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: Emily Development, LLC - Application No. 05-317 (CC14)
Southeast Corner of SW 192 Avenue and SW 316 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of South Dade Senior High School to 132% (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo
December 15, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

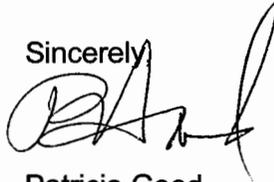
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 26-unit development is estimated to generate approximately \$62,400 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:am
L-0691
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Ben Fernandez

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-317, Emily Development, LLC (CC14)

REQUEST: Zone change from EU-M to RU-1M(a)

ACRES: 10 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 192 Avenue and SW 316 Street

NUMBER OF UNITS: 26 additional single-family units (29 units currently permitted under existing zoning classification, for a total of 55 units)

ESTIMATED STUDENT POPULATION: 17 students*

ELEMENTARY: 8

MIDDLE: 4

SENIOR: 5

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: West Homestead Elementary – 1550 SW 6 St.

MIDDLE: Homestead Middle – 650 NW 2 Ave.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
West Homestead Elem.	828/ 836*	806	103%/ 104%*	36	98%/ 99%*	847
Homestead Middle	1206/ 1210*	848	142%/ 143%*	158	120%/ 120%*	1239
South Dade Sr.	2759/ 2764*	1721	160%/ 161%*	380	131%/ 132%*	2974

* increased student population as a result of the proposed development.

** Estimated number of students (cumulative) based on zoning/land use log (2001- present) and students are figured in current population assuming all approved developments are built; also assumes none of the prior cumulative.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1604 student stations)	Design	June 2007
State School "CCC1" (Partial Replacement of South Dade Sr. High School) (1522 additional student stations)	Design	March 2008

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	806
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	2452
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$111,333.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	8	x	\$ 13,933	=	\$111,464
MIDDLE	4	x	\$ 15,974	=	\$ 63,896
SENIOR	5	x	\$ 21,139	=	\$105,695
Total Potential Capital Cost					\$281,055

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (8-10-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	16,141	27,514	30,139	32,690

Board-Approved Contracts for Schools to Open in Future Years

School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years

Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050
GRAND TOTALS		
Number of Schools		Maximum Enrollment Capacity
80		57,620

29

NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy Main Campus: 8325 NE 2 Ave., Miami, FL 33138 South Campus: 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleoc@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACE! Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 Lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifeskillscenters.com	10-12
6028	Renaissance Middle Charter School <i>Temporary location for 05-06:</i> 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8



Memorandum

Date: 16-MAR-06
To: Diane O'Quinn Williams, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000317

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans date stamped February 16 2006. Any changes to this plan must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000317 located at THE SOUTHEAST CORNER OF S.W. 192 AVENUE & S.W. 316 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2611 is proposed as the following:

<u>40</u> residential	dwelling units	<u> </u> industrial	square feet
<u> </u> Office	dwelling units	<u> </u> institutional	square feet
<u> </u> Retail	square feet	<u> </u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be: Station 16 325 N.W. 2 Street - Homestead & Fla. City Rescue, ALS Engine, 50' Squrt

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 16 2006. Substantial changes to the site plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

EMILY DEVELOPMENT, LLC

THE SOUTHEAST CORNER OF S.W.
192 AVENUE & S.W. 316 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000317

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

7-31-06 No violations.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Emily Development LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Angel Menes, 47 SW 105 Place, Miami, FL 33174</u>	<u>33 %</u>
<u>Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016</u>	<u>33.5 %</u>
<u>Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, FL 33140</u>	<u>33.5 %</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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:

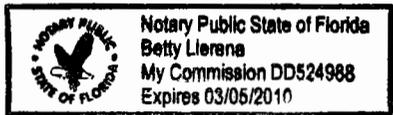
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 19 day of May, 2006. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires _____

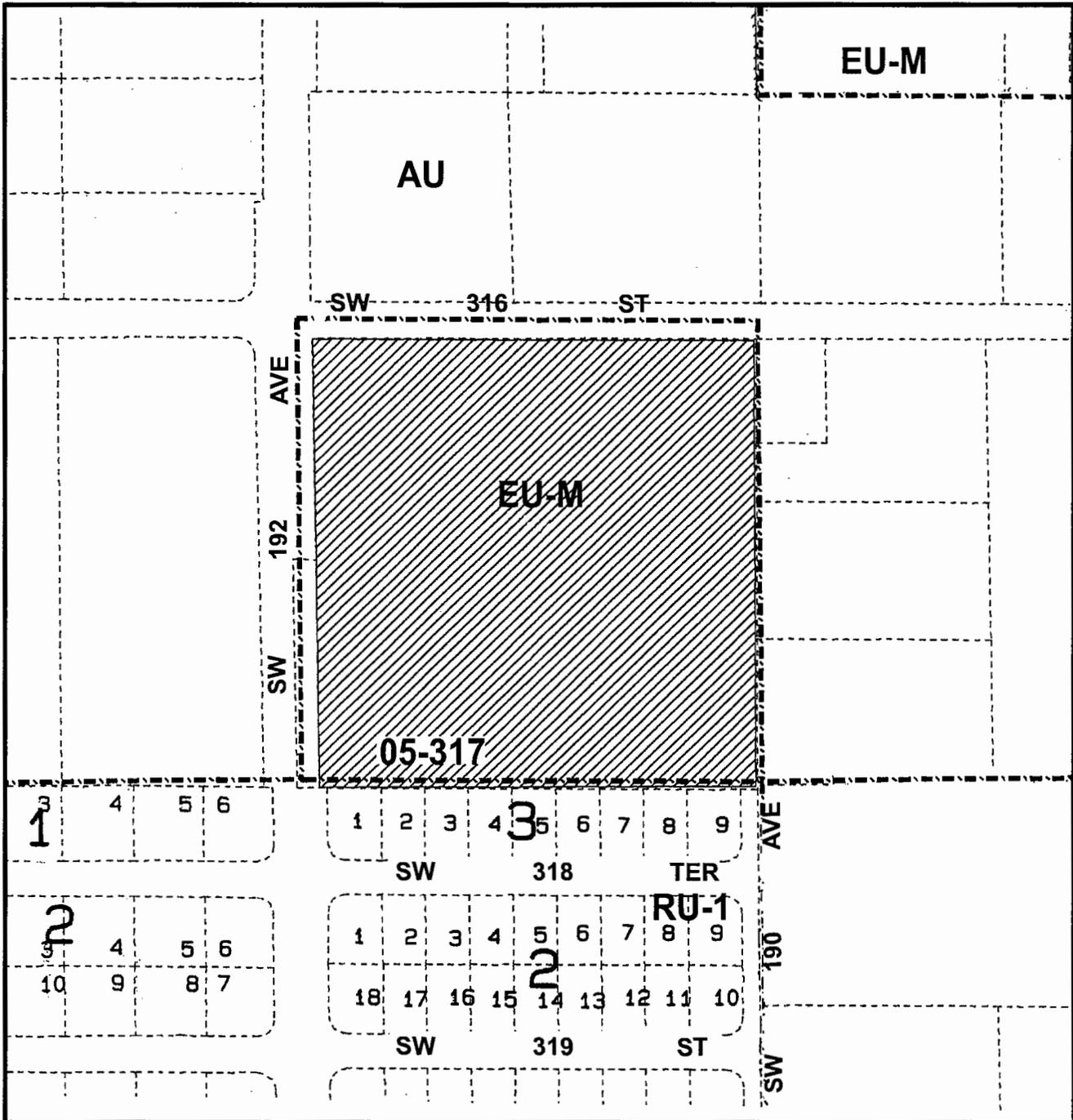
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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 percent (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"

Legal Description

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 57 South, Range 38 East,
Less the North 25 feet thereof, and Less the West 35 feet of the North $\frac{1}{2}$ thereof, lying and
being in Miami-Dade County, Florida.

Tax Folio #: 30 7814 000 0270



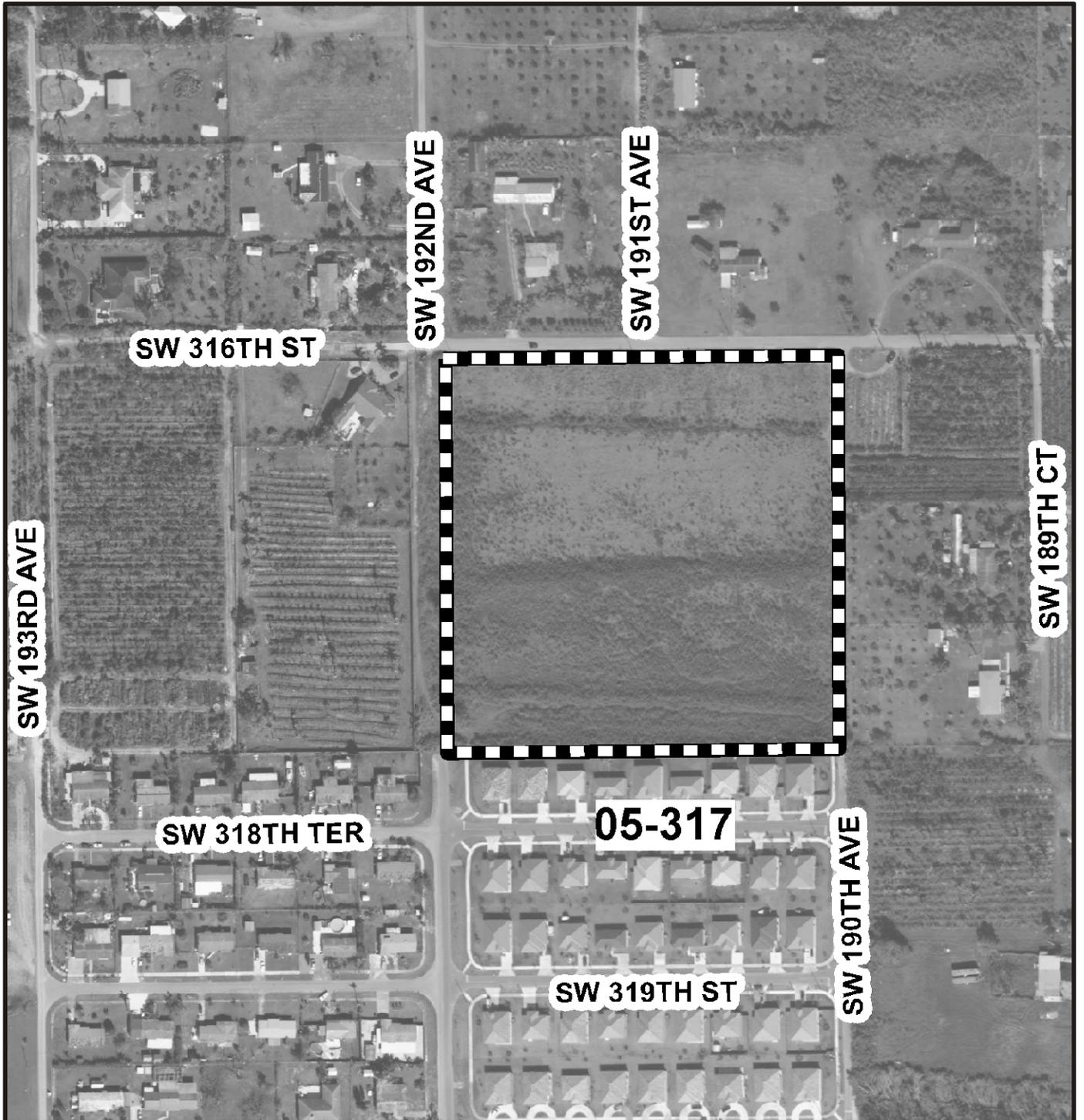
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 57 Range: 38
 Process Number: 05-317
 Applicant: EMILY DEVELOPMENT, LLC
 Zoning Board: C14
 District Number: 08
 Drafter ID: JEFFER
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 57 Range: 38
Process Number: 05-317
Applicant: EMILY DEVELOPMENT, LLC
Zoning Board: C14
District Number: 08
Drafter ID: JEFFER
Scale: NTS



This instrument was prepared by:
Name: Ben Fernandez, Esq.
Address: 200 South Biscayne Boulevard
Suite 850
Miami, FL 33131
305-377-6235 phone
305-377-3222 fax

Emily Development, L.L.C

05-317

10-12-2006

Received by
Zoning Agenda Coordinator
OCT 02 2006

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 05-317 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes Architects and Planners entitled, "Countryside Estates", dated stamped received the 16th day of February, 2006, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) That the site plan shall provide that SW 317th Terrace shall be extended to the east to connect with SW 190th Avenue.
- (3) The Owner shall purchase Severable Use Rights (SURs) prior to final plat approval in order to develop the Property pursuant to the foregoing plans.

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the

Declaration of Restrictions

Page 2

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 of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers 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, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

Declaration of Restrictions

Page 3

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 Planning and Zoning 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]

ACKNOWLEDGMENT
CORPORATION

Signed, witnessed, executed and acknowledged on this 14 day of March, 2006.

IN WITNESS WHEREOF, Emily Development, LLC
(Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

[Signature]

Signature

Diana Ramos

Print Name

[Signature]

Signature

Ana Hernandez

Print Name

Emily Development, LLC

5333 Collins Avenue, Suite 1408

Miami Beach, FL 33140

[Signature]

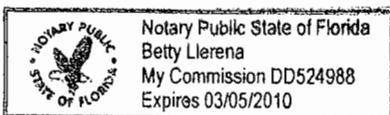
By: Juan Carlos Uribarri

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by Juan Carlos Uribarri the Managers of Emily Development, LLC, on behalf of the corporation. He is personally known to me or has produced n/a, as identification.

Witness my signature and official seal this 14 day of March, 2006, in the County and State aforesaid.



[Signature]
Notary Public State of Florida

Betty Llerena
Print Name

My Commission Expires:

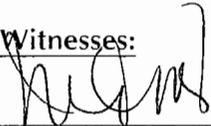
(Public Hearing)

(Space reserved for Clerk)

JOINDER BY MORTGAGEE CORPORATION

The undersigned Regions Bank, an Alabama banking corporation and Mortgagee under that certain Florida Real Estate Mortgage Assignment of Leases and rents and Security Agreement given by Emily Development, LLC dated the 20th day of January, 2006, and recorded in Official Records Book 24180, Page 2326, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 11th day of April, 2006.

Witnesses:


Signature

Maria T. Rosado

Print Name



Signature

Carmen O. Guardamagna

Print Name

Regions Bank, an Alabama banking corporation
2800 Ponce de Leon Boulevard
Coral Gables, FL 33134

By 
Manuel Vidal-Cerra, Vice-President

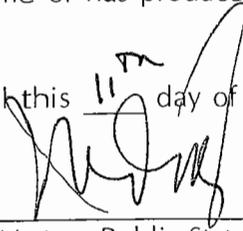
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

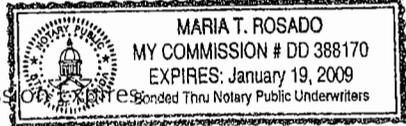
The foregoing instrument was acknowledged before me by MANUEL VIDAL CERRA, as a Vice-President of Regions Bank, an Alabama banking corporation, on behalf of the corporation. He is personally known to me or has produced a Florida driver's license as identification.

Witness my signature and official seal this 11th day of April, 2006, in the County and State aforesaid.



Notary Public-State of Florida

Print Name



My Commission Expires

EXHIBIT "A"

Legal Description

The NW ¼ of the SW ¼ of the NE ¼ of Section 14, Township 57 South, Range 38 East, Less the North 25 feet thereof, and Less the West 35 feet of the North ½ thereof, lying and being in Miami-Dade County, Florida.

Tax Folio #: 30 7814 000 0270

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COMMUNITY ZONING APPEALS BOARD - AREA 14

SOUTH DADE GOVERNMENT CENTER - ROOM 203

10710 SW 211 STREET

MIAMI, FLORIDA

WEDNESDAY, MAY 10, 2006

6:00 P.M.

ITEM:

EMILY DEVELOPMENT, LLC.

05-317

BOARD MEMBERS PRESENT:

WILBUR B. BELL
DAWN LEE BLAKESLEE
ROSE L. EVANS-COLEMAN
DR. PATRICIA WADE, CHAIRWOMAN

STAFF PRESENT:

CHRISTINA EGUISQUIZA
JOSE HERNANDEZ
LOU SALVAT

MS. LEIGH MACDONALD, ASSISTANT COUNTY ATTORNEY

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I N D E X

BOARD MEMBERS	PAGE NO.
CHAIRWOMAN WADE:	4, 12, 13, 15, 16, 17, 18, 19, 23, 25, 26, 29, 31, 32, 33, 34, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51
BOARD MEMBER BELL:	42, 43, 50, 51
BOARD MEMBER BLAKESLEE:	50, 51
BOARD MEMBER EVANS-COLEMAN:	15, 51

STAFF

MS. EGUISQUIZA:	18, 34
MR. SALVAT:	50, 51
MR. HERNANDEZ:	3, 4

APPLICANT

MR. FERNANDEZ:	4-12, 13-16, 34-42, 43, 45, 46, 47, 48, 49, 50, 51
----------------	--

OPPOSSERS

MR. DIAZ:	16-20
MS. GRAY:	20-25
MR. DAWSON:	25-29
MS. DAWSON:	30-31
MS. PHILCOX:	31-33, 43
MS. ESTE:	33-34

1 * * * * *

2 MR. HERNANDEZ: In accordance with the
3 Code of Miami-Dade County, all items to be
4 heard today have been legally advertised in the
5 newspaper, notices have been mailed and the
6 properties have been posted. Additional copies
7 of the agenda are available here at the
8 meeting. Items will be called up to be heard
9 by name of applicant. The records of the
10 hearing on each application will include the
11 records of the Department of Planning and
12 Zoning. All these items are physically present
13 today available to all interested parties and
14 available to the members of the Board who
15 examine items from the record during the
16 hearing.

17 Parties have the right of Cross
18 Examination.

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

23 In addition, the following departments
24 have representatives present here at the
25 meeting to address any questions; the

1 Department of Public Works, the Department of
2 Planning and Zoning, the County Attorney's
3 Office.

4 * * * * *

5 CHAIRWOMAN WADE: Would you call the first
6 item.

7 MR. HERNANDEZ: Item letter A,
8 06-4-CZ14-4. Emily Development, LLC, 05-317.
9 Zero protests, zero waivers.

10 CHAIRWOMAN WADE: Wait a minute, the room
11 is not arranged correctly. The podium goes
12 over there to the side, along with the
13 microphone. My mistake, I should have picked
14 up on that.

15 Please put your display so that they can
16 be seen by the audience.

17 Thank you.

18 Can you see those, Ms. Coleman?

19 Proceed.

20 MR. FERNANDEZ: Thank you.

21 Thank you, Madam Chair, my name is Ben
22 Fernandez, I'm with the law firm of Berkow &
23 Radell, 200 South Biscayne Boulevard, here on
24 behalf of the applicant, Emily Development.

25 This property is located on the east side

1 of 192nd Avenue at approximately Southwest
2 316th Street. You can see it identified here
3 in -- surrounded in green. It is in an area
4 that is currently designated for low density
5 residential development. It's approximately
6 10 acres in size and it is also --
7 interestingly I'm going to point it out, I
8 think that might make it easier for the
9 audience, as well as for the Members of the
10 Board. It's located here. This is 192nd
11 Avenue. This is 316 Street. And this area is
12 the low density residential area in the
13 Comprehensive Development Master Plan which
14 allows a range of densities up to six dwelling
15 units per acre.

16 Everything to the west of this yellow line
17 is the area that is designated estate density
18 residential in the Comprehensive Plan that
19 allows a lower density of 2.5 dwelling units to
20 the acre.

21 And what has happened in recent years is
22 that applications have come to this Board and
23 to the County Commission seeking rezonings to
24 bring the properties more in-line with the low
25 density designation that has been identified by

1 the Planning Department as the appropriate
2 designation for this area.

3 So, you have an interesting situation in
4 this area is that you have a mixture of low
5 density AU properties that predate the adoption
6 of the Comprehensive Plan. And then you have
7 applications that have been recently approved
8 and properties that have been recently
9 developed that provide densities of up to five
10 dwelling units to the acre, which are located
11 here just below the property.

12 And those properties are here. This was
13 the Avila application that was approved back in
14 '78 for 50 dwelling units.

15 This is the Banks application that, I
16 believe, this Board considered late last year.
17 That approved 50 dwelling units and a rezoning
18 to RU-1.

19 Over here you have the Peletier
20 application, which also was approved for RU-1
21 zoning, with 50 lots, in July of 2005.

22 And then there is the Burcran application
23 that was approved back in '93, that also
24 approved RU-1.

25 And then you have an older development

1 that was approved for RU-1 zoning up on 316th
2 Street, and it approved 40 dwelling units.

3 We believe that our application is
4 consistent with what is a logical buffering,
5 might I say, into the lower densities that are
6 further in from Homestead. Of course,
7 everything below Mowry Drive is in the City of
8 Homestead. You have even higher density
9 development down here. You have some town home
10 and zero lot line development that exceeds five
11 units to the acre.

12 Then, of course, between 320th and 316th
13 Street you have a line of essentially five
14 dwelling units to the acre, or 50 lots per 10
15 acres.

16 Now, in this section you have an RU-1
17 zoned property that is here off of 316th Street
18 which provides 40 lots, and that is what we are
19 requesting that the Board approve this evening,
20 is 40 lots.

21 Now I'm going to put this up because this
22 is our proposed lot layout plan. This is 316th
23 Street. This is 318th Street. The lots that
24 you see here are part of the Christy Estate
25 Subdivision that is referred to here as Avila,

1 because that was the applicant at the time,
2 it's called Christy Estates.

3 As you can see, our lots and it's part of
4 your kit, towards the end, our lots have been
5 pretty much designed to line-up with their
6 lots. And they are lots that are below the
7 7,500 square foot requirement in RU-1 because
8 we are utilizing SUR's for this development.
9 But we are doing so in order to put the
10 density, the highest density, right up against
11 areas that are already designated for that type
12 of density.

13 Then as you proceed north to 317th
14 Terrace, the lots increase in size, and they go
15 to 6,800 square feet, up to 7,000 square feet,
16 7,152 square feet, et cetera.

17 As you go further north into 316 Terrace,
18 and by the way these streets don't exist, we
19 still need to plat the property, we are
20 providing these streets. When you get up north
21 up to 316th Street, you have 10,000 square foot
22 oversized lots where RU-1 requires 7,500 square
23 feet. And that is done purposely in order to
24 provide a transition into the remaining area
25 that is zoned AU, which is really -- it's

1 zoning not depicted, it's something that the
2 Comprehensive Plan allows, but it's simply a
3 recognition of the fact that some of these
4 homes predate the adoption of the plan. They
5 are situated on lots that are between two to
6 four acres in size. As your staff
7 recommendation indicates. But the size of many
8 of the homes are actually in the vicinity of
9 2,000 to 3,000 square feet. It just isn't --
10 the properties are actually closer to two to
11 four acres because they have never been
12 subdivided.

13 So, the trend that you see in this area is
14 a trend from 50 to 40 lots. And then we
15 believe that in this area to the north you have
16 a combination of EU-M, and some RU-1 up here.
17 But the transition that we are trying to
18 provide is a transition to lower density as you
19 go north. And we think that we are -- we are
20 doing that nicely, and so does Staff, by the
21 way, who is recommending approval of our
22 application.

23 If you look at the Staff analysis, it
24 indicates that there are no objections with
25 respect to the scale of the project, with

1 respect to the compatibility of the project,
2 open space is acceptable, buffering is
3 acceptable, access is acceptable, the parking
4 layout and circulation is acceptable, the urban
5 design is acceptable. I'm not sure if that
6 applies because we are not here with homes at
7 this point.

8 But I think that the point is that the
9 density layout is something that is acceptable
10 and consistent with the Comprehensive Plan.

11 DERM, similarly, is not objecting to our
12 application. We are providing water to the
13 property from the City of Homestead, and we are
14 also providing a lift station here that will
15 provide service to the area.

16 With respect to schools, we are mitigating
17 our impacts. We are generating an impact of 17
18 students, lower zoning. And we have met with
19 the School Board, and we are committed to
20 mitigate for the additional students.

21 And we have no objection from the police
22 department, from fire rescue, from MDTA there
23 is no objection. Parks Department has no
24 objection. Public Works had an objection to
25 the T-turnaround that we are providing -- that

1 we were providing on 317 Terrace. However, we
2 have addressed that concern through the
3 covenant. And, by the way, I should pass out
4 that covenant to you. I'll do that now if I
5 may, Madam Chair.

6 The covenant that we provided to Staff
7 originally essentially tied us to the
8 development in accordance with this lot layout
9 plan that you have here. And it still does
10 that.

11 However, we have added paragraph No. 2
12 which provides that we will provide a
13 connection from 317 Terrace to 190 Avenue over
14 here, so that the project connects. The Public
15 Works Department wanted us to provide a better
16 flow of traffic through the project, and we are
17 happy to accommodate that.

18 So with that change to the covenant, we
19 have no objections from any department. I
20 believe that we are consistent with the
21 Comprehensive Plan, compatible with the area.
22 We are aware of no objections to the
23 application that we have submitted to the
24 Department. We are aware of one gentleman that
25 was here, I believe Mr. Dawson, that owns a

1 property just to the north of this site, just
2 up here above Southwest 316th Street. And, of
3 course, he has a beautiful home on what I would
4 assume to be perhaps a two acre lot, or maybe
5 more. And he indicated that he was concerned
6 about the development. We told him that we
7 were doing what we could to provide a
8 transition, and that we have met with Staff and
9 we would try to, the best that we could, to
10 provide a nice segway into over 316 Street into
11 his property. And we have attempted to do
12 that.

13 I know that Mr. Dawson is here, I'm sure
14 he wants to address the Board, and I don't want
15 to speak for him tonight.

16 And really with that, I would ask that you
17 follow your Staff's recommendation. And we are
18 here to answer any questions that you have.
19 And I would like to reserve some time for
20 rebuttal, if I may, if it's necessary. Thank
21 you.

22 CHAIRWOMAN WADE: Let me just -- could you
23 move the first map there -- the property that
24 is immediately to the south, I forget the name
25 of it, the Aguila property, looking at our

1 aerial, that's vacant. Is that -- has that
2 been built?

3 MR. FERNANDEZ: Absolutely. I think we
4 have photographs of that.

5 CHAIRWOMAN WADE: Okay.

6 Because what we have, it looks very
7 vacant.

8 That's okay, I just wondered if it had
9 been -- and the other properties, the Banks,
10 the Peletier --

11 MR. FERNANDEZ: The Banks and Peletier
12 have not been. They were recently approved, as
13 you can see, in October of 2005. Perhaps the
14 one that was approved, the Peletier, may be
15 under construction at this point.

16 CHAIRWOMAN WADE: And then the --

17 MR. FERNANDEZ: -- Burcran is developed.

18 CHAIRWOMAN WADE: It is developed?

19 MR. FERNANDEZ: Yes.

20 And then I might add that Kloninger is
21 another application that was approved in
22 November of 2005 that, I believe, is under
23 development now.

24 And the reason that I've pointed these out
25 is that you might know from your Staff's

1 recommendation, this property came to this
2 Board back in 2003 with a similar request and
3 was denied at that time.

4 And originally when we refiled this
5 application last year, these approvals had not
6 come to the Board. So in an overabundance of
7 caution, we filed an application to rezone the
8 property to RU-1MA. The reason that we did
9 that is because there is a Doctrine called
10 Administrative Res Judicata that prohibits an
11 applicant requesting a change in rezoning that
12 already has been denied unless, of course,
13 there has been a significant change in
14 circumstances in the area.

15 And in this case, because during the
16 dependency of our application, there were three
17 different applications approved for exactly the
18 same thing that this property was previously
19 denied, staff agreed with our position that the
20 circumstances in the area changed significantly
21 and that there's a trend in this area towards
22 RU-1 development. Every single application --
23 this is a quarter section of lands. Every
24 single application with a quarter section of
25 land that has come before this Board has been

1 approved for RU-1 zoning. One, two, three,
2 four, five and a half, just about everything
3 has been requested RU-1, so that is clearly the
4 trend of development.

5 And so that is why the Department is
6 recommending approval at this time.

7 BOARD MEMBER EVANS-COLEMAN: Madam Chair,
8 I have a question.

9 CHAIRWOMAN WADE: Okay.

10 BOARD MEMBER EVANS-COLEMAN: Have you met
11 or discussed this change with any of the
12 neighbors around you?

13 MR. FERNANDEZ: Only with Mr. Dawson
14 briefly at the last meeting while we were
15 waiting to be heard.

16 BOARD MEMBER EVANS-COLEMAN: Okay, but no
17 one else?

18 MR. FERNANDEZ: We weren't aware of
19 anybody else that had any objections. There
20 weren't any filed objections in your
21 application.

22 I might add that there is another property
23 here that is zoned AU. The house faces to the
24 east, and the portion up against the property
25 here is big, I believe, actively farmed or

1 something there that is planted. We believe it
2 provides a nice buffer from the project to that
3 home, because there is no home directly up
4 against the eastern edge of the property.

5 CHAIRWOMAN WADE: Well, there is -- but
6 there is a residence on it. Those properties
7 to the east, I think there is like three of
8 them.

9 MR. FERNANDEZ: Yes, that's correct.

10 But, as I said, their backyards face this
11 property. They face east. There is no
12 right-of-way that provides them access to the
13 west.

14 CHAIRWOMAN WADE: Does that conclude your
15 presentation?

16 MR. FERNANDEZ: Yes.

17 CHAIRWOMAN WADE: Okay, thank you.

18 Is there anyone here to speak in support
19 of this application? Please come forward,
20 state your name and address.

21 MR. DIAZ: Agustin Diaz, my address is
22 12898 --

23 CHAIRWOMAN WADE: You need to come up to
24 the microphone and state whether you've
25 received any compensation for your testimony,

1 or you have a financial interest.

2 MR. DIAZ: No, I have it in my mind.

3 CHAIRWOMAN WADE: Okay.

4 Your name and address.

5 MR. DIAZ: Agustin Diaz, address 21800
6 southwest 187 Avenue. I buy my house about six
7 years ago. The reason that I'm here is
8 because, one, we have well water.

9 Second, I have a septic tank. The
10 Redlands have been destroyed by the
11 construction of houses. I buy a one acre
12 house. In the front of my house they construct
13 about seven or ten houses already. Across the
14 street, 216th, they are doing the same.

15 CHAIRWOMAN WADE: Sir, are you speaking
16 for or against this application?

17 MR. DIAZ: No, I'm not concerned about the
18 construction for this church.

19 CHAIRWOMAN WADE: You live up on 218th
20 Street?

21 MR. DIAZ: Yes.

22 CHAIRWOMAN WADE: You're pretty far away.

23 MR. DIAZ: Yes, but I live on 187th
24 Avenue. The traffic in there is very good
25 enough. People fly in there, fly; 80 miles an

1 hour, 100 miles an hour. We don't want no more
2 crowded where we live, that is number one.

3 Number two, if their construction is a big
4 huge property, why is it going to be used for
5 laundry, for water, or anything. We can use
6 for water? Why are we going to use that for?
7 There are construction of churches like crazy
8 right there, right now. They are selling
9 20 acres behind in my house and they want to
10 construct houses in each acre. We are trying
11 to stop doing that in the Redlands. What are
12 we going to be? They are destroying all the
13 plants, they are destroying all the agriculture
14 we have in the Redlands. What are we going to
15 do? What are we going to do? That is number
16 one.

17 Number two, we pay a lot of taxes in
18 there. I'm not against a church because I'm a
19 catholic. I'm not against it with them. They
20 don't pay taxes. We do pay taxes.

21 CHAIRWOMAN WADE: This is a different
22 application.

23 MS. EGUISQUIZA: Yes, I believe you are
24 speaking of the church -- of the church?

25 MR. DIAZ: Of the church and the

1 development that they want to build in there.

2 CHAIRWOMAN WADE: Oho, okay, different
3 application.

4 MR. DIAZ: I want you to know that I'm not
5 concerned about them making that construction
6 in there.

7 CHAIRWOMAN WADE: Are you speaking in
8 favor of this one?

9 MR. DIAZ: Yes, I'm speaking in favor of
10 this one.

11 CHAIRWOMAN WADE: You are? Well, this one
12 is not on 187th Avenue, this one is on --

13 MR. DIAZ: 182.

14 CHAIRWOMAN WADE: 192.

15 MR. DIAZ: 192.

16 CHAIRWOMAN WADE: Right, okay.

17 MR. DIAZ: They are already going to be by
18 my house. That is 187 Avenue.

19 CHAIRWOMAN WADE: Well, probably 187.

20 MR. DIAZ: I'm on a two-way street.

21 CHAIRWOMAN WADE: 187 will get some
22 traffic, I'm sure.

23 MR. DIAZ: It's only two-way. There's
24 been killed a lot of animals in my street right
25 there. I open my gate, my animal goes one

1 second outside and they kill it. They killed
2 my three dogs, they killed my chickens, they
3 are killing my animals. People, they don't
4 respect.

5 CHAIRWOMAN WADE: I live on 187 Avenue
6 too, so I know what you're talking about.

7 MR. DIAZ: You know what I'm talking
8 about. That's my concern.

9 CHAIRWOMAN WADE: All right, sir. Thank
10 you very much.

11 MR. DIAZ: You're welcome.

12 CHAIRWOMAN WADE: Is there anyone else in
13 support of this application?

14 Is there anyone in opposition to this
15 application?

16 MS. GRAY: Good evening, my name is Pamela
17 Gray, I live at 19100 Southwest 304 Street. I
18 also own property one block east of Southwest
19 187 Avenue and Southwest 320th.

20 Okay, I have come every year to fight
21 Emily Development or the prior owner on this
22 application. And this Council has upheld our
23 community, and I'll explain why.

24 At Southwest 314 Street is estate density.
25 Those are two to four acre homes. There was an

1 application here two months ago which was held
2 to an EU-1 application, and that was near --
3 it's the Ferguson property, and then they
4 changed the name of it. But that was at 192
5 Avenue.

6 For the years that I have been coming to
7 the Council what I recall is, anything on the
8 other -- west of 190th was always transitional.

9 In other words, at 197 in this area would
10 be EU-1, transcending to EU-s, and then to
11 EU-M. And that is exactly what this property
12 is.

13 Now, the properties on 320 Street happen
14 to abut the City of Homestead directly. So
15 when the applications came before this Council
16 in October, they actually were compatible
17 because that corner on the other side of 192nd
18 is the City of Homestead, and it's apartment
19 buildings and mixed use, and it's very
20 cluttered in there. So those applications
21 abutting 320th in the City of Homestead were
22 appropriate.

23 But heading further north, this RU-1 is
24 not appropriate. There are homes -- this is
25 going to trend properties that have come before

1 you before to say, "Hey, look, you just gave
2 that guy RU-1."

3 Now, also the corner property at 187th and
4 320th, that's actually the City of Homestead.
5 That is not Unincorporated Dade. So I think it
6 was the City of Homestead that approved that
7 and not this application.

8 With regard to the Kloninger application,
9 we were here with our homeowners group because
10 we wanted an EU-1 application. And Mr. Laserte
11 said that it was 400 feet from a main
12 transportation hub and it had to go RU-1, which
13 was the highest density allowed under the
14 future land use. So that is how the Kloninger
15 application became RU-1. But those are also
16 10,000 to 14,000 square foot lots. There is
17 additional RU-1 zoning scattered throughout
18 that area, but those homes are built on two to
19 four acres, but I don't see them tearing their
20 homes down to build RU-1. Those were platted
21 in the 70's.

22 The Public Works figures are wrong, by the
23 way. The Public Works, I have to address a
24 couple of issues, because it's glaring. They
25 have one section, Station F-518. It says

1 Southwest 177 Avenue, which is Krome Avenue,
2 north of U.S. 1 is a B road. U.S. 1 and Krome
3 Avenue are parallel, so I don't know what they
4 are talking about.

5 CHAIRWOMAN WADE: They are talking about
6 Florida City.

7 MS. GRAY: Florida City?

8 CHAIRWOMAN WADE: Yeah, where Krome and
9 U.S. 1 meet.

10 MS. GRAY: Okay.

11 Southwest 20th Street east of U.S. 1 is a
12 B. I want to know where that was taken, when
13 that was taken, and what time.

14 Southwest 312th west of U.S. 1. I drive
15 it every day. It takes me three traffic lights
16 to get through that intersection at Krome. And
17 I'm wondering why there was no count at Krome
18 and Southwest 312th. People are going to exit
19 off the Turnpike.

20 School count. There are going to be more
21 than 17 kids.

22 Peak trips. There are going to be more
23 than 47 trips.

24 The RU-1 housing is very cluttered. There
25 is an RU-1 parcel at Redland Road and 304

1 Street. These people have two to three cars.
2 There are several families living there. They
3 have three to four kids in the school system.
4 And I watch them get on and off those busses
5 every day. The school count -- and I argue
6 this all the time -- 17 kids out of 40 homes.
7 You know, that is ridiculous.

8 My concern is, this is not compatible with
9 what is in the area right now. That is
10 surrounded by agricultural land and estate
11 development. They have the one little cluster
12 down at 320th, and that is the City of
13 Homestead.

14 So the logic would be, as you head into
15 those one acre estates, would be to head north
16 to do an EU-M, EU-S, EU-1, and everything west
17 -- and I don't even recall this Council north
18 of that area ever approving an RU-1 on the
19 other side of 190th.

20 So I don't know, I was trying to remember
21 why I wasn't here in October, but then I looked
22 at the application because that Aguila parcel
23 abutted Homestead, it really was a compatible
24 parcel. This is kind of like angling out. And
25 what it's going to do is the people on the west

1 and the people on the east and the people on
2 the north is going to say, "Oh, look, there is
3 more RU-1." And then they are trying to fill
4 in where the Kloninger is to create more RU-1.
5 And that RU-1 should have been EU-M. And those
6 lots are the bigger lots.

7 So I would actually respect that you hold
8 up your decisions that you've made on this
9 parcel in the past. There is no great change
10 except for more congestion, more traffic, more
11 pollution, more kids being packed into the
12 school, and I'm going to respectfully request
13 that you not only deny the application, but
14 deny it with prejudice, because quite frankly,
15 I don't want to keep coming back here every
16 year for this. Thank you.

17 CHAIRWOMAN WADE: Is there anyone else in
18 opposition to this application?

19 MR. DAWSON: Forgive me for staggering
20 around a little bit but I've got a bad back.

21 CHAIRWOMAN WADE: That's okay, we all
22 stagger around a little bit.

23 MR. DAWSON: I'll make mine real short.
24 Not sweet, but short.

25 CHAIRWOMAN WADE: Give your name and

1 address, sir.

2 MR. DAWSON: My name is Sam Dawson, my
3 address is 19001 Southwest 316th Street.

4 My property is two and a half to three
5 acres. I say two and a half, the County says
6 three. I pay taxes on three.

7 CHAIRWOMAN WADE: And you are to the north
8 of this property?

9 MR. DAWSON: Pardon?

10 CHAIRWOMAN WADE: You are to the north of
11 this property?

12 MR. DAWSON: I'm directly across the
13 street from it.

14 CHAIRWOMAN WADE: To the north, okay.

15 MR. DAWSON: You made me lose my train of
16 thought.

17 CHAIRWOMAN WADE: I'm sorry.

18 MR. DAWSON: Our forefathers must have
19 thought a lot about this property because they
20 zoned it in 1972 for one house per 15,000
21 square feet.

22 And if I'm not mistaken, 15,000 square
23 feet, is a little more than a quarter of an
24 acre, a third of an acre. All the homes that
25 is on the north, the west side of me, are all

1 homes that are sitting on one and a half, one
2 and a third acres, quarter acres of land.
3 There are even some with five acres of land out
4 there.

5 This property was brought before this
6 Board in 2003. The hearing was held showing
7 applicants as Oscar and Maria Villegas. And
8 they were requesting change from single family
9 modified estate district to single family
10 residential district. This hearing was
11 deferred and rescheduled for 10/29/03 showing
12 the applicant at that time as Emily
13 Development, formerly known as Oscar and Maria
14 Villegas.

15 We attended this hearing when the
16 requested change was denied. Current zoning
17 application allowed approximately 29 homes.
18 Applicants were willing to go from one home for
19 15,000 square feet to one per 7,500 square
20 feet, and that is doubling the density.

21 The schools are already over 100 percent
22 capacity, et cetera. The attorney for the
23 applicant once again requested another
24 deferment stating that it was not because they
25 were not prepared, but because there was a new

1 owner. The request was denied and the zoning
2 change was denied by this Council, with
3 prejudice.

4 The applicant appealed and went before the
5 Board, County Board.

6 January 22 '04, decision was upheld,
7 request denied. And once again the applicant,
8 Emily Development, is requesting a zoning
9 change for single family modified estate
10 district, single residential district.

11 At first we thought they were requesting
12 the same change as in 2003, and then realized
13 they showed RU-1MA, which did not appear on the
14 2003 notice.

15 So my wife called Dade County Zoning to
16 find out what this estate district and single
17 family zoning modified residential as they
18 requested in zoning change in 2003 they are
19 building on. 7,500 square feet in a single
20 family modified residential district, RU-1MA
21 meant building on 5,000 square feet. In
22 essence, this means triple what is currently
23 zoned for.

24 We were against the change of 7,500 square
25 feet, the doubling, so needless to say, we

1 certainly are against zoning the 5,000 square
2 feet, which is triple area.

3 This area has a severe density problem.
4 Our schools are still overcapacity. 316th
5 Street is a single land road, single two-lane
6 road, narrow, real narrow. 191st Avenue is a
7 dirt road, it dead-ends into one of the fields.
8 192nd Avenue is a single running asphalt road.

9 And also I want to submit the petition
10 against it. I have 78 signatures. And this
11 property is also up for sale. There is a for
12 sale sign up on it, so we are talking about
13 flipping.

14 Do you want the pictures too?

15 CHAIRWOMAN WADE: You can enter
16 everything. You won't get it back, it becomes
17 part of the record.

18 MR. DAWSON: I don't need it, I've got
19 another one. I keep two of everything.

20 That's about all I've got to say. I hope
21 you deny this claim again. I hate to have
22 5,000 square feet homes across the street from
23 two and a half, three acres of land, especially
24 since I'm having to pay for it.

25 CHAIRWOMAN WADE: Thank you, Mr. Dawson.

1 MS. DAWSON: My name is Mrs. Dawson, and
2 I'm 19001 Southwest 316th Street.

3 I don't have too much to add to what my
4 husband already did, but the density there, and
5 I'm sure you all know it, if you don't live in
6 that area, I'm sure you've been down to that
7 area, especially where the new hospital is
8 going in, which is on the east side. There is
9 housing development. We have housing
10 development for the Christy Estate that they
11 were referring to, which is backing up on
12 Mowry. There are homes for sale there that are
13 still for sale. People have even signed there
14 stating that they don't want this. The density
15 is just ridiculous. We went through Hurricane
16 Andrew and we all know what happened with our
17 insurance. Our insurance companies pulled out
18 or they raised us and they are still raising
19 us.

20 Now, if we continue with this high
21 density, if anyone thinks that is going to
22 bring our insurance rates down, I think they'd
23 better rethink it because that is -- if the
24 insurance companies still remain, if more of
25 them don't pull out, they are standing to lose

1 a lot more should we have another Hurricane
2 Andrew.

3 Now, as we all know, our streets are
4 overloaded, our schools are overloaded, and I
5 just don't see where this is needed. We don't
6 need that at this time. It was denied before.
7 And I respectfully request that you deny it
8 again. Thank you.

9 CHAIRWOMAN WADE: Thank you.

10 Anyone else? Yes, ma'am.

11 Please turn off your cell phones. Put it
12 on vibrate. Thank you.

13 MS. PHILCOX: My name is Joan Philcox and
14 I live at 19220 Southwest 318 Terrace, which is
15 right here, adjacent to here.

16 Since the other front development has
17 been -- it's less than a year, since it's
18 been -- eight houses are ready to move in, the
19 police presence over there has been absolutely
20 tremendous, more than in the 18 years I have
21 been in my development, for the same -- I mean,
22 it is all the time, it was yesterday again two
23 police cars over there.

24 We have people wandering our neighborhoods
25 and coming right into our yards at 11:30 at

1 night, right into our front yards that do not
2 belong. I just don't want more of this and no
3 one in my neighborhood does either.

4 We have cars peeling up and down our
5 street. It's been really a nightmare, for
6 those of us that live there.

7 The kids over in that development have
8 torn down the stop sign. Four times it's had
9 to have been replaced. I went and took away a
10 baseball bat from a kid the other day. And I
11 do not want another whole section of this there
12 that we have to deal with, these cars coming
13 through. They have to go in from 320th, that
14 is already coming down 192 by us. They'll be
15 coming in from Florida City that way. And we
16 already have more than enough traffic. The
17 kids all hang out right there on those corners.
18 And it scares me to death that one of those
19 kids are going to get hurt.

20 CHAIRWOMAN WADE: Where you live is also
21 zoned RU-1. What is the size of those lots?

22 MS. PHILCOX: Most of them are 100 feet by
23 100 feet.

24 CHAIRWOMAN WADE: So 10,000?

25 MS. PHILCOX: Right.

1 And the ones that abut up against -- this
2 area here are 100 by 108.

3 CHAIRWOMAN WADE: Okay.

4 MS. PHILCOX: And, you know, it's just
5 total difference in the -- there is just too
6 much congestion over there, too much traffic.

7 CHAIRWOMAN WADE: Thank you.

8 Anyone else?

9 MS. ESTE: Karen Este, 14445 Southwest 200
10 Street.

11 I didn't come here to speak for or against
12 this application, but I do have a question.

13 The attorney, Mr. Fernandez, mentioned
14 mitigation for the schools. I would like to
15 know what was mitigated. I found over the
16 years, in the past 18 years of doing zoning,
17 especially the development that has come around
18 this area, Quail Roost Drive, Eureka Drive, we
19 always heard the term, "mitigate, mitigate".
20 What's happened is they'll give \$50,000,
21 \$60,000 to the School Board, but that goes into
22 a general fund. General means they can go in
23 and use that monies to wherever they want.
24 That doesn't mean that that money stays within
25 that community and the money is dedicated to

1 that particular area to help build a new
2 school.

3 So if we can clarify what the mitigation
4 was. That is my concern on this application.
5 Thank you.

6 CHAIRWOMAN WADE: Is there a
7 representative here from the School Board
8 tonight? No.

9 Staff, do you know what the regulations
10 are for mitigation that is paid to the School
11 Board? Does that have to stay in the general
12 area? Will it be used for the general area?

13 MS. EGUISQUIZA: I'm not aware of -- I'm
14 not aware of how the School Board distributes
15 mitigation fees.

16 CHAIRWOMAN WADE: Okay. Thank you.

17 Rebuttal, Mr. Fernandez?

18 Is there anyone else?

19 MR. FERNANDEZ: Thank you.

20 Madam Chair, in response to that question
21 regarding the schools, I will just note that
22 this applicant has done what every applicant is
23 required to do with respect to mitigation. And
24 the only thing they can do, which is to sit
25 down with the School Board and provide a

1 monetary contribution that they apply as they
2 see necessary.

3 However, I will tell you that in this
4 particular area, your School Board analysis
5 indicates that there will be occupancy of a
6 middle school in June, 2007, and that's --
7 there are three schools that are impacted by
8 this application; an elementary, a middle and a
9 senior high school. Only the middle and the
10 senior high school are operating over an
11 acceptable utilization rate. And that is why
12 we are required to sit down with the School
13 Board. We don't have to contribute, but we do
14 sit down with them and have chosen to
15 contribute.

16 In this case, although there are schools
17 coming on line that will bring the utilization
18 rate down to an acceptable level, we are still
19 contributing to help the situation. So we are
20 doing the only thing that I think that we can
21 do. And I think it's unfair to try to ask us
22 to do anything more knowing that we can do it
23 by law.

24 With respect to some of the other
25 arguments that Ms. Gray made to you about

1 coming to this Board every year, well, it
2 certainly wasn't with me. I'm looking at the
3 record and all I can see is that this
4 application came to you in 2003 and it has not
5 come to you again since then. The other was,
6 of course, an appeal that went to the
7 Commission.

8 The other thing that she said is that
9 there is no -- that this application is going
10 to create a trend in the area. Well, it's not
11 creating a trend. The trend is already in the
12 area. The trend has been created by other
13 applicants that have come to this Board,
14 requested similar approvals and accepted that
15 approval. The trend is recognized by your
16 Staff recommendation that says that the trend
17 exists today.

18 So irrespective of what happens with this
19 application, the trend is there. And your
20 Comprehensive Plan -- everyone that you've
21 heard from is a resident that last lived there
22 for quite some time. Mr. Dawson's home has
23 been there before the Comprehensive Plan was
24 adopted, and Ms. Gray as well.

25 And, you know, you are hearing from

1 residents that, of course, they are going to be
2 reacting to development that has never existed
3 in this area. This is an area that the
4 Comprehensive Plan identifies for a low density
5 residential designation, up to six units per
6 acre. You don't have to approve six units, and
7 we are not asking for six units. But you
8 cannot approve something less than 2.5 units to
9 the acre because that will be inconsistent with
10 the Comprehensive Plan.

11 So we were asking for four units to the
12 acre which is, you know, somewhere in the
13 middle. And we are providing larger lots up
14 against the areas with homes, with older homes,
15 that were built before the Comprehensive Plan
16 was adopted. So we are trying to provide a
17 buffer area between this project. While we are
18 increasing the density, we are still providing
19 a transition. And I think that that is
20 something that the Board -- if you're looking
21 at this application on a more macro level, and
22 what the Board should do with respect to the
23 pressure that there is on the Urban Development
24 Boundary, to expand the Urban Development
25 Boundary, and you can see the condition of

1 problems that it creates with the Everglades,
2 you know, and with the more rural areas in the
3 County, nobody wants to extend the Urban
4 Development Boundary.

5 What are we going to do? We can't put
6 everyone in Downtown Miami in a condominium.
7 We are not requesting that you change the land
8 use here to increase the density. The land use
9 already allows the increased density.

10 The fact is that there has not been an
11 EU-M approval, with the possible exception of
12 the small one that I believe is being appealed
13 up in this area -- there has not been an EU-M
14 approval in this quarter section of land in
15 recent history, you know, ever. I think this
16 thing probably predates the Comprehensive Plan
17 as well.

18 So you have one approval which is this
19 property, which was approved in '78, also
20 before the Comprehensive Plan. Today if you
21 would ask the Planning Department, they would
22 never recommend that this be estate density.

23 The estate density area is to the west of
24 192 Avenue. That is the area that your
25 Comprehensive Plan identifies for estate

1 density development. And we are trying to
2 provide a buffer on our project between that
3 area and the property, by providing greater
4 than 10,000 square foot lots.

5 So that would be my response to some of
6 the concerns. And although we are clearly
7 sympathetic, no one wants to be across the
8 street from something that is incompatible from
9 their home.

10 Let me show you photographs. I don't know
11 if it's appropriate to enter them into the
12 record. I know I referred to them earlier.
13 Madam Chair, you indicated that I didn't need
14 to provide them to you, I would like to provide
15 them to you at this point so you can get an
16 idea of what Christy Estates looks like.

17 CHAIRWOMAN WADE: That's the project to
18 the south?

19 MR. FERNANDEZ: To the south, yes.

20 Those homes are smaller than the homes
21 that we will be providing on this property.
22 And you can see that -- that is the type of new
23 construction that, you know, that is taking
24 place in this area.

25 So to develop this property with EU-M type

1 of estate homes is really inconsistent with
2 that, with that trend of development. You
3 know, it's going to be very, very difficult to
4 sell a home when every single project in this
5 area, south of 316th Street, is being approved
6 with RU-1 zoning and with homes that are on
7 much smaller lots. And so that is why we tried
8 to provide a product bigger than that, bigger
9 than what you see in the middle of our project,
10 and then much larger homes and lots along 316th
11 Street and 192 Avenue here.

12 With respect to the concerns about police
13 activity in the area, I just would note that
14 your Staff recommendation indicates that the
15 police department has no objection to this
16 application.

17 And, of course, with any new development
18 you're going to have -- you are going to have
19 police activity in areas that are more rural,
20 it will be coming somewhat less rural. It's a
21 natural thing.

22 And, finally, with respect to well the
23 characterization of the area as being estate
24 density, I believe that some of the people that
25 you heard from all live west of 192 Avenue in

1 the estate area. This isn't an estate area.
2 This is a different area and all the new
3 development is not -- is not estate
4 development.

5 With respect to the road issue and the
6 traffic in the area, yes, there are dirt roads.
7 This project is going to help to provide better
8 connectivity in the area. It's going to
9 connect 192 Avenue to 190th, as the Public
10 Works Department would like to see it. And all
11 of the count stations indicate that the Level
12 of Service is B. That is really an excellent
13 Level of Service. So it doesn't -- those
14 comments don't coincide, they are inconsistent
15 with Staff's recommendations and the count
16 stations which indicate exactly what the
17 situation is on the area streets.

18 So with that said, we ask that you
19 consider our application, that you approve the
20 application. And if there is anything -- we
21 don't know what else we can do. We've amended
22 our application from RU-1MA. As Mr. Dawson
23 indicated originally, we asked for RU-1MA, and
24 I explained why we did that, because of the Res
25 Judicata issue. Then we amended the

1 application. We are not asking for RU-1MA
2 today, we are asking for RU-1, and we've
3 provided a buffer into the less dense areas.

4 We ask that you would consider all those
5 things, and we are here to answer any questions
6 that you have. Thank you.

7 CHAIRWOMAN WADE: Thank you.

8 Public hearing is closed. Anybody have
9 any questions?

10 BOARD MEMBER BELL: Madam Chair, I'm
11 really stuck with this thing because what
12 happens if he changes -- if we deny it and
13 they've had two appeals?

14 CHAIRWOMAN WADE: Well, one.

15 BOARD MEMBER BELL: Board of County
16 Commission appeal. You've changed it from what
17 the County -- when you go before the County
18 Commission, this is a different layout; right?

19 MR. FERNANDEZ: This is a different
20 layout, yes, sir.

21 BOARD MEMBER BELL: With four big lots on
22 the side.

23 MR. FERNANDEZ: It's got bigger lots on
24 the north end and over here on the west side.
25 Down here you have RU-1 that is inconsistent

1 with the plan. It's in the estate density
2 area, but it was approved before the Comp Plan.
3 So over there we have RU-1 lots to match that
4 existing situation.

5 BOARD MEMBER BELL: You said the police is
6 over there. For what?

7 MS. PHILCOX: I really don't know. But
8 I've lived there my --

9 CHAIRWOMAN WADE: You'll have to -- please
10 state your name.

11 MS. PHILCOX: My name is Joan Philcox at
12 19220 Southwest 318 Terrace.

13 I have lived in my neighborhood for 18
14 years. And I would say that the police
15 presence in the neighborhood across the street
16 has been more than the total of the 18 years I
17 have been in this house. And it's only like
18 ten or eleven months since anyone has moved in.

19 BOARD MEMBER BELL: Okay.

20 MR. FERNANDEZ: I'm here to answer
21 questions if you have any.

22 CHAIRWOMAN WADE: I have some general
23 comments about this. In just looking -- would
24 you remove the front board? And just looking
25 at the area, we are trending north. The reason

1 those RU-1's there in the south, the far end of
2 the board, were trended RU-1 is because they
3 abut up against Homestead. And that's what was
4 compatible with what was to the south.

5 This particular property is not compatible
6 with what is on three sides of it. And the
7 Aguilar property is 6,600 square feet. So this
8 it actually smaller than what was trended down
9 because of being close to the City of
10 Homestead.

11 6,200 is what they are saying would be on
12 the south side, which is smaller, and they
13 don't really line up. You can see they are not
14 perfectly lined up there.

15 I do have some problems because as you're
16 trending, setting the trend to the north,
17 toward that EU-M, and moving away from the City
18 of Homestead, I think to do this kind of
19 density there is absolutely incompatible.

20 You have Homestead Middle School and South
21 Dade High, which are both over capacity. For
22 some strange reason we didn't get any school
23 stats -- the cumulative stats like we normally
24 do. So I'm just going by the School Board's
25 overall analysis of this.

1 I just -- I'm looking at this, the area
2 around it, and this is like spot zoning,
3 sticking this right in the middle of estate
4 usage. Now, I realize that on the east side of
5 192 Avenue is not on the Master Plan for estate
6 density, but it certainly could be an EU-M
7 which is what we did up to the north, and it's
8 moving to the north.

9 So I just -- I just feel like this is much
10 too intense for that area, and especially since
11 the lots to the south are even smaller than
12 Christy Estates.

13 Now, Mr. Fernandez, you know --

14 MR. FERNANDEZ: Can I just point out that
15 there is RU-1 here? Maybe you didn't notice
16 it.

17 CHAIRWOMAN WADE: You are way over to the
18 east. The further you go to the east --

19 MR. FERNANDEZ: This is the next major
20 street.

21 CHAIRWOMAN WADE: Right. And the further
22 you go to the east, the more dense it's going
23 to be. This is right on the cusp. That yellow
24 line is what separates the 2.5 to 6, the low
25 density, from the estate density, on the other

1 side of 192.

2 MR. FERNANDEZ: I agree.

3 CHAIRWOMAN WADE: This is not a
4 transition. This is -- this is being
5 consistent with the City of Homestead to the
6 south and just, you know, carrying it forward.
7 And at some point in time, if we continue this
8 trend, it's going to abut into that EU-M up
9 there. And then you really have, you know, a
10 compatibility problem.

11 We've had speaker after speaker who lives
12 in the surrounding area, including this 10,000
13 square foot RU-1, which is on the estate
14 density side, we've got petitions. And I
15 looked at the addresses and almost everybody
16 that signed that petition lives in the
17 immediate area. And I just -- I can't support
18 this at this density. I realize that you made
19 an attempt to start really, really low on the
20 south and go higher to the north. But it
21 doesn't fit. I mean, you have got people to
22 the east, you have got people to the west,
23 you've got people to the north. You know, and
24 to do this little section of 10,000 square foot
25 lots isn't even compatible with what is already

1 to the north.

2 MR. FERNANDEZ: This is RU-1. Maybe my
3 map isn't clear. There isn't any EU-M in this
4 entire quarter section.

5 CHAIRWOMAN WADE: I thought that was EU-M.

6 MR. FERNANDEZ: No, ma'am.

7 CHAIRWOMAN WADE: That is RU-1?

8 MR. FERNANDEZ: That's RU-1.

9 CHAIRWOMAN WADE: And what size are those?

10 MR. FERNANDEZ: They are 10,500 square
11 feet. That is what we are providing. I think
12 you are mischaracterizing our application. We
13 are providing --

14 CHAIRWOMAN WADE: I'm talking about what
15 is to the north -- existing to the north right
16 now.

17 MR. FERNANDEZ: Yes, ma'am.

18 CHAIRWOMAN WADE: This is spot zoning.

19 MR. FERNANDEZ: Ma'am, this is 10,000
20 square feet along the north end, and this is
21 10,000 square feet up here.

22 CHAIRWOMAN WADE: And what is the parcel
23 to the north?

24 MR. FERNANDEZ: The parcel here is AU, it
25 predates the Comp Plan.

1 CHAIRWOMAN WADE: And how big is that?

2 MR. FERNANDEZ: Well, you heard Mr.
3 Dawson, it's on two acres.

4 CHAIRWOMAN WADE: It's still someone's
5 residence.

6 MR. FERNANDEZ: I agree with you that is
7 the situation, but to say that this is EU-M
8 there in an EU-M area is to mischaracterize it.

9 CHAIRWOMAN WADE: The little tail in
10 there, RU-1, that is an EU-M.

11 MR. FERNANDEZ: This is, and that's it.

12 CHAIRWOMAN WADE: And that's probably
13 compatible with the 10,000 that is the RU-1
14 that turned out to be a 10,000, which is much
15 closer to an EU-M than it is an RU-1.

16 MR. FERNANDEZ: You have RU-1 up here, you
17 have RU-1 here, and the last six months you've
18 approved 25 acres worth of RU-1 zoning in this
19 quarter section.

20 CHAIRWOMAN WADE: To be compatible with
21 Homestead.

22 MR. FERNANDEZ: And zero EU-M.

23 CHAIRWOMAN WADE: To be compatible with
24 Homestead.

25 MR. FERNANDEZ: Not here, not up here.

1 CHAIRWOMAN WADE: And now we have to look
2 to the north at what we are going to trend
3 further north. And like I say, I'm looking at
4 this surrounding -- with the exception of what
5 is to the south, which was done to be
6 compatible with Homestead, this is not
7 compatible with what is on the three sides of
8 it.

9 MR. FERNANDEZ: So what you're saying then
10 is that everything north of the Banks and
11 Peletier applications should be EU-M.
12 Everything to the north should be EU-M?

13 CHAIRWOMAN WADE: I'm not going to make
14 that prediction. We have to wait for the
15 applications to come in.

16 MR. FERNANDEZ: That is what you said.
17 You said this should remain EU-M to be
18 compatible with this. Let's just designate
19 everything back to estate density.

20 CHAIRWOMAN WADE: Are you arguing with me?

21 MR. FERNANDEZ: I think that I am, but I
22 think it is merited.

23 CHAIRWOMAN WADE: Okay.

24 MR. FERNANDEZ: I think that's the case.
25 I think your Comp Plan clearly shows --

1 CHAIRWOMAN WADE: Please, Mr. Fernandez.

2 MR. FERNANDEZ: I don't want to be out of
3 order but --

4 CHAIRWOMAN WADE: You are out of order.

5 MR. FERNANDEZ: Thank you.

6 CHAIRWOMAN WADE: Is there any other Board
7 Members?

8 Is there a motion?

9 BOARD MEMBER BLAKESLEE: I'll make a
10 motion to deny with prejudice.

11 CHAIRWOMAN WADE: Motion to deny with
12 prejudice. Motion to deny by Ms. Blakeslee.

13 Is there a second? Is there a second?

14 (Chairwoman Dr. Wade handed the gavel over
15 to Board Member Bell.)

16 I'll second the motion.

17 BOARD MEMBER BELL: We have a motion and a
18 second.

19 Call for the question.

20 MR. SALVAT: Would that be with or without
21 prejudice?

22 BOARD MEMBER BLAKESLEE: With prejudice.

23 MR. SALVAT: Dr. Wade?

24 CHAIRWOMAN WADE: That's fine with me.

25 MR. SALVAT: Without prejudice; correct?

1 CHAIRWOMAN WADE: With. She said with.

2 MR. SALVAT: The motion is for denial with
3 prejudice.

4 Ms. Blakeslee?

5 BOARD MEMBER BLAKESLEE: Yes.

6 MR. SALVAT: Mr. Bell?

7 BOARD MEMBER BELL: Yes.

8 MR. SALVAT: Ms. Evans-Coleman?

9 BOARD MEMBER EVANS-COLEMAN: No.

10 MR. SALVAT: Dr. Wade?

11 CHAIRWOMAN WADE: Yes.

12 MR. SALVAT: Motion passes 3-1.

13 MR. FERNANDEZ: Thank you.

14 Dr. Wade, I apologize for the argument.

15 CHAIRWOMAN WADE: No hard feelings, Mr.
16 Fernandez.

17 (Thereupon, the hearing was concluded.)
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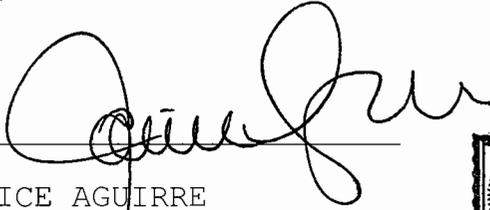
CERTIFICATE OF CERTIFIED REPORTER

STATE OF FLORIDA)
COUNTY OF DADE)

I, JANICE AGUIRRE, Court Reporter and
Notary Public in and for the State of Florida at
Large, hereby certify that the foregoing transcript
is a true and correct transcript of the CZAB MEETING
taken before JANICE AGUIRRE at the
time and place stated in the caption thereof.

I FURTHER CERTIFY that I am not of counsel
to either of the parties hereto or otherwise
interested in said cause.

IN WITNESS WHEREOF, I hereunto set my hand
and affix my official seal this 30th day of
May, 2006.



JANICE AGUIRRE
Court Reporter and Notary Public



My Commission Expires: August 31, 2009

3. EMILY DEVELOPMENT, LLC
(Applicant)

06-4-CZ14-4 (05-317)
BCC/District 8
Hearing Date: 9/14/06

Property Owner (if different from applicant) Same.

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Oscar & Nubia Villegas	Zone change from AU to EU-M.	CC	Approved
2003	Ricardo & Maria Carbonell	Zone change from EU-M to RU-1.	CZAB-14	Denied without prejudice
2004	Emily Development, LLC	Zone change from EU-M to RU-1.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: EMILY DEVELOPMENT, LLC

4

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-4-CZ14-4 (05-317)	APRIL 12, 2006	CZAB14	06

REQ: EU-M to RU-1M(a)

REC: DWOP

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

NOT HEARD – OUT OF TIME – CARRIED FORWARD TO MAY 10, 2006

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			
MR.		Wilbur B. BELL			
MS.		Dawn Lee BLAKESLEE			
MS.		Rose L. EVANS-COLEMAN			
MR.		Don JONES			
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			
MADAME CHAIRPERSON		DR. Pat WADE			

VOTE:

--	--

EXHIBITS: YES NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Emily Development, LLC

PH: Z05-317 (06-4-CZ14-4)

SECTION: 14-57-38

DATE: September 14, 2006

COMMISSION DISTRICT: 8

ITEM NO.: 3

A. INTRODUCTION

o **REQUEST:**

Emily Development, LLC is appealing the decision of Community Zoning Appeals Board #14, which denied the following:

EU-M to RU-1M(a)

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District.

o **LOCATION:**

The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida.

o **SIZE:** 10.18 acres

o **IMPACT:**

The approval of the requested district boundary change to RU-1M(a) would allow the applicant to provide seventy (70) additional housing units for the community. The rezoning of this 10.18-acre site will have an impact on the schools, water and sewer services, and traffic in the area.

B. ZONING HEARINGS HISTORY:

On April 13, 1976, the Board of County Commissioners approved, pursuant to Resolution No. Z-124-76, a zone change from AU, Agricultural District, to EU-M, Estate Modified District for the subject property. In 2003, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary (UDB).
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. Severable Use Rights (SURs) may be transferred to parcels within the Urban Development Boundary. When Severable Use Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs, would exceed the Plan density limit.
4. The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to 16:52 density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy 8C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; vacant property

Low Density Residential, 2.5 to 6 du/a

County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	Objects**
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	17 students

*Subject to conditions indicated in their memoranda.

**Only regarding connectivity from SW 317 Terrace to SW 190 Avenue.

H. ANALYSIS:

Emily Development, LLC is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on May 10, 2006, denied with prejudice their application for a district boundary change. Pursuant to Resolution No.CZAB14-7-06, the CZAB-14 denied the request for a zone change on the subject property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District. The appellant states that the request for a district boundary change is compatible with the surrounding residential area. They also indicate that the Community Zoning Appeals Board failed to take into account substantial competent evidence and that their proposal is both consistent with the property's land use designation and compatible with the existing and foreseeable development surrounding the property. Staff notes that the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a density range from 2.5 to 6 units per acre. The applicant's original request was for a zone change from EU-M to RU-1M(a). The applicant's latest revised letter of intent amended the

zone change request to RU-1, Single-Family Residential District, with the CZAB-14 denied without prejudice. The RU-1 zoning district permits a density range of 4.64 units per acre. As such, the requested RU-1 zone change is consistent with the CDMP.

The subject vacant property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The applicant originally sought to rezone the property from EU-M, Modified Estate Residential District, to RU-1M(a), Modified Single-Family Residential District. On April 21, 2006 the applicant submitted a revised letter of intent amending the zone change request to RU-1, Single-Family Residential District, in lieu of the requested RU-1M(a). The properties to the north, east and west are zoned AU, Agricultural District, and developed with single-family residences on parcels of 2 to 4 acres in size, while the properties to the south are zoned RU-1 and are under construction for single-family residences. This property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary line. The applicant has proffered a covenant restricting the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Their memorandum that the site plan must be redesigned to remove the t-turnaround and extend SW 317 Terrace to the east and connect with SW 190 Avenue to provide connectivity. They also indicate that although this application will generate **47 additional PM** daily peak hour vehicle trips, the traffic distribution of these trips will not exceed the acceptable level of service (LOS) "B" of the streets serving the surrounding community. This land requires platting and road dedications and improvements will be accomplished through the recording of a plat. The applicant has complied with the Public Works Department objection regarding connectivity from SW 317 Terrace to SW 190 Avenue by proffering a covenant indicating that the connectivity will be done at time of platting. Miami-Dade County Public Schools (**MDCPS**) has indicated that the proposed zoning will bring an **additional 17 students** into the area's public schools. They indicate that West Homestead Elementary School, Homestead Middle School and South Dade Senior School are the schools that will be impacted by this development, which are currently operating at 98%, 120% and 131% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum further indicates that the applicant has voluntarily proffered a covenant to the School Board providing a monetary donation, over and above impact fees. Such proffer is subject to approval by the School Board.

The applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property in 2003, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04. The applicant indicates in the revised letter of intent that recent zoning approvals from AU to RU-1 for properties of comparable size in the immediate and nearby area warrant a reconsideration of the request for a zone change to RU-1. The plans considered in 2003 indicated the development of the subject property with 37 single-family residences. The average size of the lots were a 9,993 sq. ft. with a minimum size of 7,500 sq. ft. The plans submitted with this application indicate

the development of the site with 40 units. The northern lots on the site are a minimum of 10,003 sq. ft. in size, which provide for a better transition to the AU zoned lots to the north. The lots at the middle of the site are between 7,009 sq. ft. and 8,028 sq. ft. in size, and the lots to the south are an average size of 6,200 sq. ft. which are similar with the sizes of lots to the development to the south. Also, the plans show a lift-station site at the southeast corner of the site.

In July 2005, a 10-acre parcel located at the northwest corner of SW 320 Street and SW 188 Avenue was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the development of the site with fifty (50) lots, pursuant to Resolution No. CZAB-14-18-05. The plans submitted at time of platting for the 50 lots indicated the utilization of Severable Use Rights (SURs), for a minimum lot area of 6,000 sq. ft. and 60' of lot frontage. In October 2005, a second 10-acre parcel, located on the northeast corner of SW 320 Street and SW 190 Avenue immediately to the southeast of the subject property, was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the subdivision of the property into 50 lots. The Community Zoning Appeals Board 14 granted the zone change with a proffered Declaration of Restrictions, which restricted the development of the site to the plans submitted for 50 lots and the utilization of SURs, pursuant to Resolution No. CZAB-14-41-05. With the utilization of SURs, the site will be subdivided with lots having a minimum lot area of 6,000 sq. ft. and 60' of frontage, as did the previously mentioned parcel. In November of 2005, a third parcel, 5 acres in size and located on the west side of SW 187 Avenue (Redland Road) and approximately 330' south of SW 312 Street, was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, pursuant to Resolution No. CZAB-14-47-05. Approval of the zone change was subject to a proffered Declaration of Restrictions, which limited the development of the site to the submitted plans for a maximum of 14 units. The lots in this development have frontages of 75' and areas between 10,545 sq. ft. to 14,723 sq. ft., which exceed the minimum 7,500 sq. ft. required under the RU-1 zoning district.

In addition to the aforementioned recent rezoning approvals in the area, which have occurred subsequent to the denial of the rezoning request on this site in 2004, the current site plan submitted in conjunction with this application indicates a lift station site which was not previously proposed. Said lift station will not only support the subject property but will support future developments to the east of the property. Based on the aforementioned, staff is of the opinion that circumstances have changed substantially in the surrounding area since 2003 when the previous zone change request was denied, which now warrant the reconsideration of the request. Therefore in staff's opinion, the Doctrine of Administrative Res Judicata would not apply in this instance.

Approval of this application would allow the applicant to provide forty (40) additional housing units for the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of 25 to a maximum of sixty-one (61) units on the subject property. The applicant's proposal of 40 units is within the density allowed under the LUP map's density designation. The RU-1 zoning district would permit 46 units at a density of 4.64 units per acre. The applicant has proffered a covenant restricting the development of the site to the plans submitted, except that connectivity from

SW 317 Terrace to the east will be provided to SW 190 Avenue, and to the maximum of 40 units. As such, the proposed **RU-1** zone change is **consistent** with the LUP map's Low Density Residential Designation.

The subject property is located in a section of land that has two land use designations in the area as indicated on the LUP map: Low Density Residential lies on the east side of SW 192 Avenue and Estate Density Residential is on the west side of SW 192 Avenue. The subject property is bounded by Estate Density Residential to the west and Low Density Residential to the south, north and east. The applicant has submitted plans indicating lots along the northern boundary of the subject property which are proposed to be between 10,003 sq. ft. and 10,255 sq. ft., and will provide a transitional element between the AU zoned parcels to the north and the lots in the middle of the property, which will be between 7,009 sq. ft. and 8,028 sq. ft., and the lots on the southern portion of the subject property which will be 6,200 sq. ft. Said lot sizes are in keeping with the similar lot sizes located to the south. As research indicates, the east half of this section of land in which the subject property lies has undergone substantial changes indicative of the development trend of the area to RU-1. In staff's opinion, the submitted plans are sensitive to the surrounding zones, specifically to the AU zoned properties to the north and to the parcels to the west, which are zoned AU and RU-1 and are located in the Estate Density Residential designation of the LUP map. Further, the applicant is providing a lift station that will not only support the subject property but may support future developments to the east of the property. Staff is of the opinion that the request for a zone change to **RU-1** is **compatible** with the existing RU-1 zoning to the south and the development trend of the area to RU-1 as evidenced above.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to RU-1, staff is of the opinion that this application does conform to the Comprehensive Development Master Plan provisions as indicated. As previously mentioned, the subject property is located in a section of land that has undergone substantial changes in the development trend of the area and has shifted to RU-1, Single-Family Residential District, which is consistent with the LUP map. Staff is of the opinion that the proposed development of the site will not burden the surrounding area. According to the Public Works Department, this application will generate **47 PM** daily vehicle **trips**. However, the distribution of these trips will not exceed the Levels of Service for SW 320 Street, SW 177 Avenue and SW 312 Street, which are major roadways and, as such, will not burden local roadways. Additionally, the applicant has proffered a covenant indicating that connectivity from SW 317 Terrace to the east to SW 190 Avenue will be provided at time of platting. Further, DERM has indicated in their memorandum that this site is located within a

feasible distance for connection to public sanitary sewers (130 feet) and a public water main (660 feet), which meet the Levels of Service for public services set forth in the CDMP. The subject property contains tree resources, however, a tree permit can be obtained to properly remove and relocate affected trees. Further, DERM indicates that this property is not located within nor does it contain a jurisdictional wetland. The applicant has proffered a monetary donation to MDCPS over and above the required impact fees in order to address the impact of the students generated by this application on local schools. Noting all of the aforementioned, staff opines that this application will not have an unfavorable effect on the environment, natural resources, or economy of Miami-Dade County and the area, and as such, staff recommends approval of the zone change to RU-1, subject to the Board's acceptance of the proffered covenant.

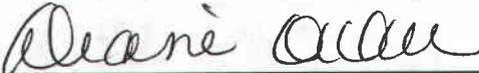
Based on all of the aforementioned, staff recommends approval of the appeal and approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

I. RECOMMENDATION:

Approval of the appeal and approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 01/09/06
DATE TYPED: 01/18/06
DATE REVISED: 01/20/06; 02/17/06; 03/02/06; 03/03/06; 03/09/06; 03/12/06; 04/25/06
05/01/06; 05/03/06; 05/04/06; 06/19/06; 07/18/06; 07/28/06; 08/07/06
08/10/06; 08/24/06
DATE FINALIZED: 08/24/06
DO'QW:AJT:MTF:LVT:JV:CSE


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
DEC 08 2005

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

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2005000317
Emily Development, LLC
SE corner of SW 192nd Avenue and SW 316th Street
District Boundary Change from EU-M to RU-1M(a)
(EU-M) (10.18 Ac.)
14-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

The closest public water main is located approximately 600 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water 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.

Wastewater Disposal:

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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, 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 alternative means of sewage disposal. Use of an alternative 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 Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EMILY DEVELOPMENT, LLC

This Department objects to this application.

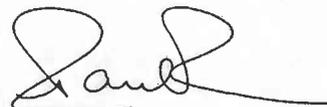
Redesign site plan to remove t-turnaround and extend SW 317 Terr. to the east and connect with SW 190 Ave. to provide connectivity.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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 47 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9948	SW 312 St. w/o US-1	B	B
9950	SW 320 St. e/o US-1	B	B
F-518	SW 177 Ave. n/o US-1	B	B

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.



Raul A Pino, P.L.S.

03-APR-06

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

CHECKED BY AR AMOUNT OF FEE \$1,488.52

RECEIPT # I200619734

DATE HEARD May 10, 2006

BY CZAB # 14

RECEIVED
MAY 22 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____
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. 05-317

Filed in the name of (Applicant) Emily Development, LLC

Name of Appellant, if other than applicant same

Address/location of APPELLANT'S property: attached as Exhibit A

Application, or part of Application being Appealed (Explanation): Entire appealable application.

Appellant (name): Emily Development, 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 Community Zoning Appeals Board 14 decision was not based on substantial competent evidence. The Applicant presented substantial competent evidence in support of the application and the Department of Planning and Zoning recommended approval of the application.

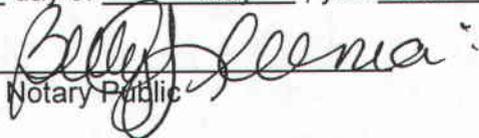
APPELLANT MUST SIGN THIS PAGE

Date 19 day of May, year: 2006

Signed _____

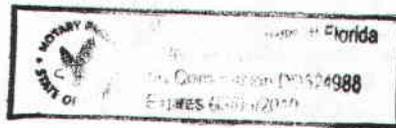

Mr. Juan Carlos Uribarri
Emily Development, LLC
5333 Collins Avenue, Suite 1408
Miami Beach, FL 33140
786-356-3651 Phone
305-819-5416 Fax

Subscribed and Sworn to before me on the 19 day of May, year 2006


Notary Public

(stamp/seal)

Commission Expires:



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 Juan Carlos Uribarri
(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 I
and that under penalties of perjury I Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

[Signature]
Signature

ANA Hernandez
Print Name

[Signature]
Signature

Yaret Godoy
Print Name

[Signature]
Appellant's Signature

Juan Carlos Uribarri
Print Name

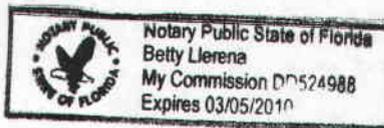
Sworn to and subscribed before me on the 19 day of May year 2006.

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

[Signature]
Notary Public

(stamp/seal)

Commission Expires:



RESOLUTION NO. CZAB14-17-06

WHEREAS, EMILY DEVELOPMENT L. L. C. applied for the following:

EU-M to RU-1M(a)

SUBJECT PROPERTY: The NW ¼ of the SW ¼ of the NE ¼, all in Section 14, Township 57 South, Range 38 East, less the north 25' and the west 35'

LOCATION: The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, 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-1M(a) 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 Dawn Lee Blakeslee, seconded by Dr. Pat Wade, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	absent	Rose L. Evans-Coleman	nay
Wilbur B. Bell	aye	Curtis Lawrence	absent
Dawn Lee Blakeslee	aye		
	Dr. Pat Wade	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change 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 Planning and Zoning.

PASSED AND ADOPTED this 10th day of May, 2006.

Hearing No. 06-4-CZ14-4
ls

STATE OF FLORIDA

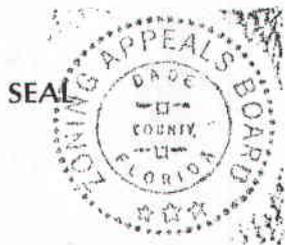
COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-17-06 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of May 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 23rd day of May, 2006.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning





Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

December 15, 2005

Miami-Dade County School Board

Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Frank J. Bolaños
Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: Emily Development, LLC - Application No. 05-317 (CC14)
Southeast Corner of SW 192 Avenue and SW 316 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of South Dade Senior High School to 132% (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo
December 15, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

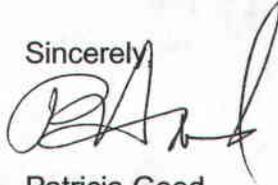
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

$$\text{New residential unit square footage} \times .90 \text{ (Square Footage Fee)} + \$600.00 \text{ (Base Fee)} + 2\% \text{ administrative fee} = \text{Educational Facilities Impact fee}$$

As an example, assuming the proposed unit is 2,000 square feet, the 26-unit development is estimated to generate approximately \$62,400 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:am
L-0691
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Ben Fernandez

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-317, Emily Development, LLC (CC14)

REQUEST: Zone change from EU-M to RU-1M(a)

ACRES: 10 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 192 Avenue and SW 316 Street

NUMBER OF UNITS: 26 additional single-family units (29 units currently permitted under existing zoning classification, for a total of 55 units)

ESTIMATED STUDENT POPULATION: 17 students*

ELEMENTARY: 8

MIDDLE: 4

SENIOR: 5

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: West Homestead Elementary – 1550 SW 6 St.

MIDDLE: Homestead Middle – 650 NW 2 Ave.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
West Homestead Elem.	828/ 836*	806	103%/ 104%*	36	98%/ 99%*	847
Homestead Middle	1206/ 1210*	848	142%/ 143%*	158	120%/ 120%*	1239
South Dade Sr.	2759/ 2764*	1721	160%/ 161%*	380	131%/ 132%*	2974

* increased student population as a result of the proposed development.

** Estimated number of students (cumulative) based on zoning/land use log (2001- present) and students are figured in current population assuming all approved developments are built; also assumes none of the prior cumulative.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1604 student stations)	Design	June 2007
State School "CCC1" (Partial Replacement of South Dade Sr. High School) (1522 additional student stations)	Design	March 2008

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	806
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	2452
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$111,333.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	8	x	\$ 13,933	=	\$111,464
MIDDLE	4	x	\$ 15,974	=	\$ 63,896
SENIOR	5	x	\$ 21,139	=	\$105,695
Total Potential Capital Cost					\$281,055

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (8-10-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	16,141	27,514	30,139	32,690

Board-Approved Contracts for Schools to Open in Future Years

School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years

Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050
GRAND TOTALS		
Number of Schools		Maximum Enrollment Capacity
80		57,620

NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy <i>Main Campus:</i> 8325 NE 2 Ave., Miami, FL 33138 <i>South Campus:</i> 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleoc@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACE! Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 Lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifeskillscenters.com	10-12
6028	Renaissance Middle Charter School <i>Temporary location for 05-06:</i> 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8



Memorandum

Date: 16-MAR-06
To: Diane O'Quinn Williams, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000317

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans date stamped February 16 2006. Any changes to this plan must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000317
 located at THE SOUTHEAST CORNER OF S.W. 192 AVENUE & S.W. 316 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2611 is proposed as the following:

<u>40</u> residential	dwelling units	<u> </u> industrial	square feet
<u> </u> Office	dwelling units	<u> </u> institutional	square feet
<u> </u> Retail	square feet	<u> </u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 16 325 N.W. 2 Street - Homestead & Fla. City Rescue, ALS Engine, 50' Squirt

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 16 2006. Substantial changes to the site plan will require additional service impact analysis.

DATE: 08/01/06

REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

EMILY DEVELOPMENT, LLC

THE SOUTHEAST CORNER OF S.W.
192 AVENUE & S.W. 316 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000317

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

7-31-06 No violations.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Emily Development LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Angel Menes, 47 SW 105 Place, Miami, FL 33174</u>	<u>33 %</u>
<u>Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016</u>	<u>33.5 %</u>
<u>Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, Fl 33140</u>	<u>33.5 %</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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 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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this day of 19, May, 2006. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other 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 percent (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"

Legal Description

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 57 South, Range 38 East, Less the North 25 feet thereof, and Less the West 35 feet of the North $\frac{1}{2}$ thereof, lying and being in Miami-Dade County, Florida.

Tax Folio #: 30 7814 000 0270

**OWNERSHIP AFFIDAVIT
FOR CORPORATION**

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Juan Carlos Uribarri, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of Emily Development, LLC, with the following address: 5333 Collins Avenue, Suite 1408, Miami Beach, FL 33140.
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as: Exhibit A.
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

[Signature]
Affiant's signature

ANA Hernandez
Print Name

Juan Carlos Uribarri
Print Name

[Signature]
Signature
Carol Bealoy
Print Name

Sworn to and subscribed before me on the 19 day of May, 2006. The Affiant is personally known to me or has produced _____ as identification.

[Signature]
Notary Public Signature

Betty Llerena
Print Name

State of Florida

My Commission Expires: 3-5-10

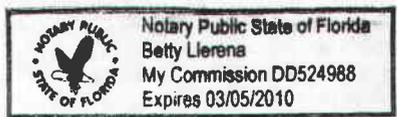


EXHIBIT "A"

Legal Description

The NW ¼ of the SW ¼ of the NE ¼ of Section 14, Township 57 South, Range 38 East,
Less the North 25 feet thereof, and Less the West 35 feet of the North ½ thereof, lying and
being in Miami-Dade County, Florida.

Tax Folio #: 30 7814 000 0270

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37

Bellon Milanés
 architects
 planners
 13206 S.W. 138 STREET
 BUILDING "G"
 MIAMI, FLORIDA 33186
 T. (305) 278-7776
 F. (305) 278-7473
 WWW.BELLONMILANES.COM
 AA-0003503

ARCHITECTURE
 LAND PLANNING
 INTERIORS
 CONSTRUCTION MANAGEMENT

COUNTRYSIDE ESTATES
 S.W. 316 ST AND S.W. 192 AV
 MIAMI-DADE COUNTY, FLORIDA



LEGAL DESCRIPTION:
 THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE
 NORTHEAST 1/4 LESS THE WEST 25 FEET AND LESS THE NORTH
 25 FEET FOR ROAD, SECTION 14, TOWNSHIP 17 SOUTH, RANGE
 34 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AREA BREAKDOWN
 GROSS PARCEL AREA 443,878 S.F. (10.18 ACRES)
 NET LAND AREA 313,788 S.F. (7.20 ACRES)
 DEDICATION OF PUBLIC RW 130,786 S.F. (3.04 ACRES)
 PLUS LIFT STATION
 NUMBER OF LOTS 40
 MINIMUM LOT SIZE 8,000 S.F.
 AVERAGE LOT SIZE 7,800 S.F.
 PROPOSED NET DENSITY 4.88 UNITS / ACRE

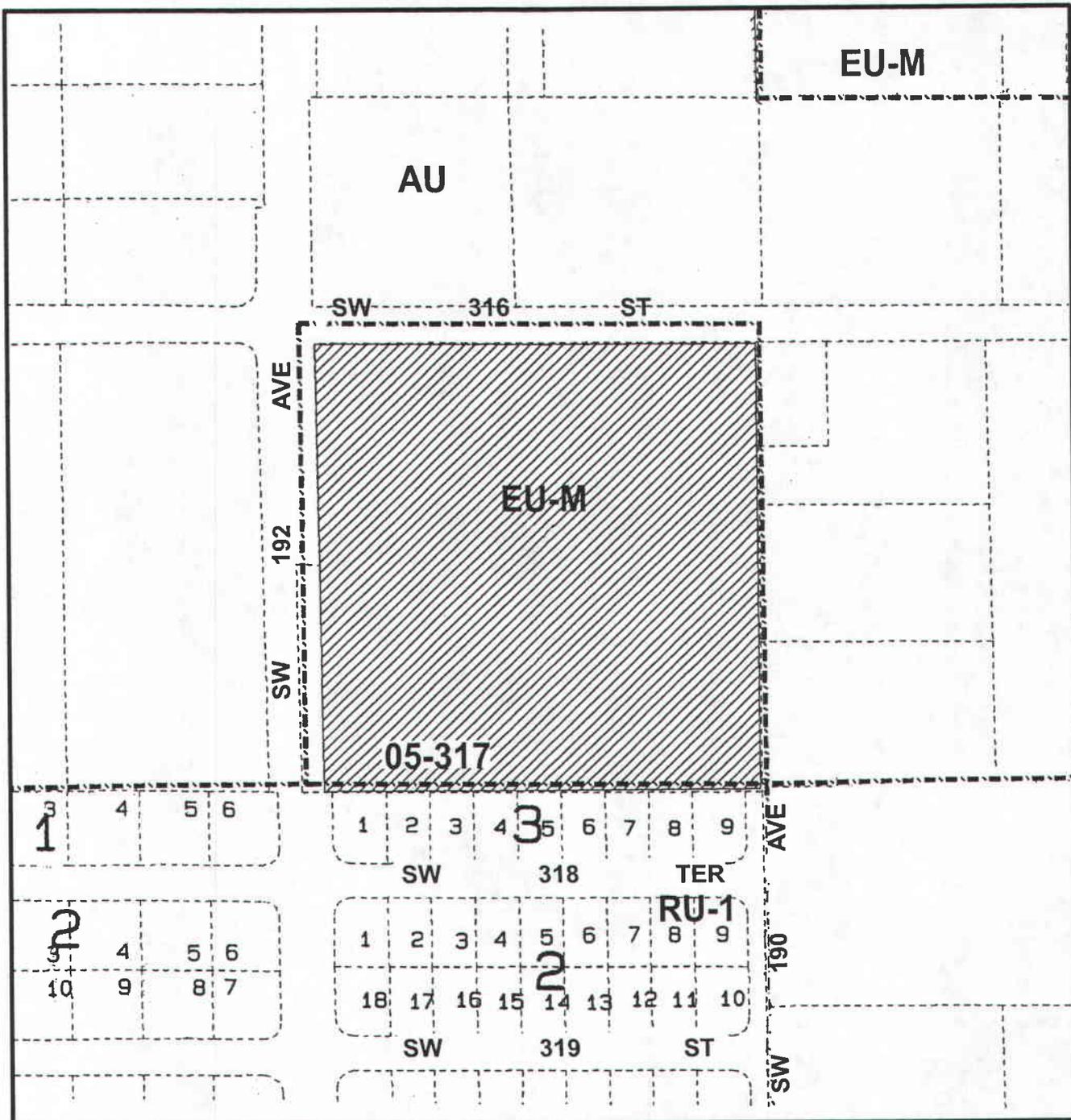
1st new
RECEIVED
 205-317
 FEB 16 2006

ZONING HEARING...
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

DATE: 09/03/2003
 DRAWN: J.P.
 CHECKED: L.B.
 PROJ. NO.:
 10-0-0000
 2-05-0000
 05-0-0000

LEOPOLDO BELLON, AIA
 AR-008737
 ANGEL MILANES, AIA
 AR-0018843
SP-1
 - OF -

[Handwritten signature]



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 57 Range: 38
 Process Number: 05-317
 Applicant: EMILY DEVELOPMENT, LLC
 Zoning Board: C14
 District Number: 08
 Drafter ID: JEFFER
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 57 Range: 38
Process Number: 05-317
Applicant: EMILY DEVELOPMENT, LLC
Zoning Board: C14
District Number: 08
Drafter ID: JEFFER
Scale: NTS

S C A L E ↑
0 NTS N

 SUBJECT PROPERTY



A. EMILY DEVELOPMENT, LLC
(Applicant)

06-4-CZ14-4 (05-317)
Area 14/District 8
Hearing Date: 5/10/06

Property Owner (if different from applicant) **Same.**

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Oscar & Nubia Villegas	Zone change from AU to EU-M.	CC	Approved
2003	Ricardo & Maria Carbonell	Zone change from EU-M to RU-1.	CZAB-14	Denied without prejudice
2004	Emily Development, LLC	Zone change from EU-M to RU-1.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

4

APPLICANT'S NAME: EMILY DEVELOPMENT, LLC

REPRESENTATIVE: _____

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-4-CZ14-4 (05-317)	APRIL 12, 2006	CZAB14	06

REQ: EU-M to RU-1M(a)

REC: DWOP

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

NOT HEARD – OUT OF TIME – CARRIED FORWARD TO MAY 10, 2006

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			
MR.		Wilbur B. BELL			
MS.		Dawn Lee BLAKESLEE			
MS.		Rose L. EVANS-COLEMAN			
MR.		Don JONES			
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			
MADAME CHAIRPERSON		DR. Pat WADE			

VOTE:

--	--

EXHIBITS: YES NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Emily Development, LLC

PH: Z05-317 (06-4-CZ14-4)

SECTION: 14-57-38

DATE: May 10, 2006

COMMISSION DISTRICT: 8

ITEM NO.: A

=====

A. INTRODUCTION

o **REQUEST:**

EU-M to RU-1M(a)

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District.

o **LOCATION:**

The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida.

o **SIZE:** 10.18 acres

o **IMPACT:**

The approval of the requested district boundary change would allow the applicant to provide forty (40) additional housing units for the community. The rezoning of this 10.18-acre site will have an impact on the schools, water and sewer services, and traffic in the area.

B. ZONING HEARINGS HISTORY:

On April 13, 1976, the Board of County Commissioners approved, pursuant to Resolution No. Z-124-76, a zone change from AU, Agricultural District, to EU-M, Estate Modified District for the subject property. In 2003, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The

residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary (UDB).

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. Severable Use Rights (SURs) may be transferred to parcels within the Urban Development Boundary. When Severable Use Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs, would exceed the Plan density limit.
4. The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Metropolitan Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to 16:52 density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy 8C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; vacant property

Low Density Residential, 2.5 to 6 du/a

Surrounding Properties:

NORTH: AU; single-family residences

Low Density Residential, 2.5 to 6 du/a

SOUTH: RU-1; single-family residences
under construction

Low Density Residential, 2.5 to 6 du/a

EAST: AU; single-family residences Low Density Residential, 2.5 to 6 du

WEST: AU; tree nursery Estate Density Residential, 1 to 2.5 du

The subject property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The area to the south is developed with single-family residences and to the north, east and west are single-family residences on 2 – 4 acre parcels. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the UDB.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	N/A
Compatibility:	Acceptable*
Landscape Treatment:	N/A
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

*For RU-1 zone change and subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	17 students

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject vacant property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The applicant is seeking to rezone the property from EU-M, Modified Estates Residential District, to RU-1M(a), Modified Single-Family Residential District. However, the applicant submitted a revised letter of intent on April 21, 2006 amending the zone change request to RU-1, Single-Family Residential District, in lieu of the requested RU-1M(a). The properties to the north, east and west are zoned AU, Agricultural District, and developed with single-family residences on parcels of 2 to 4 acres in size, while the properties to the south are zoned RU-1 and are under construction for single-family residences. This property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary line. The applicant has proffered a covenant tying the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that although this application will generate **63** additional **PM** daily peak hour vehicle trips, the traffic distribution of these trips will not exceed the acceptable level of service (LOS) "B" of the streets serving the surrounding community. Furthermore, this land requires platting and

road dedications and improvements will be accomplished through the recording of a plat. Miami-Dade County Public Schools (MDCPS) has indicated that the proposed zoning will bring an **additional 17 students** into the area's public schools. They indicate that West Homestead Elementary School, Homestead Middle School and South Dade Senior School are the schools that will be impacted by this development, which are currently operating at 98%, 120% and 131% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum further indicates that the applicant has voluntarily proffered a covenant to the School Board providing a monetary donation, over and above impact fees. Such proffer is subject to approval by the School Board.

This application originally sought a zone change request from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District. The applicant, however, has submitted a revised letter of intent revising the zone change request to RU-1, Single-Family Residential District, in lieu of RU-1M(a). The applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property in 2003, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04. The applicant indicates in the revised letter of intent that recent zoning approvals from AU to RU-1 for properties of comparable size in the immediate and nearby area warrant a reconsideration of the request for a zone change to RU-1.

In July 2005, a 10-acre parcel located at the northwest corner of SW 320 Street and SW 188 Avenue was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the development of the site with fifty (50) lots, pursuant to Resolution No. CZAB-14-18-05. The applicant's plans submitted at time of platting indicate the utilization of Severable Use Rights (SURs), for a minimum lot area of 6,000 sq. ft. and 60' of lot frontage.

In October 2005, a second 10-acre parcel located on the northeast corner of SW 320 Street and SW 190 Avenue immediately to the southeast of the subject property was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the subdivision of the property into 50 lots. The Community Zoning Appeals Board 14 granted the zone change, with a proffered Declaration of Restrictions, which restricted the development of the site to the plans submitted for 50 lots and the utilization of SURs, pursuant to Resolution No. CZAB-14-41-05. With the utilization of SURs, the site will be subdivided with lots having a minimum lot area of 6,000 sq. ft. and 60' of frontage, as the aforementioned parcel did.

In November of 2005, a third parcel 5 acres in size located on the west side of SW 187 Avenue (Redland Road) and approximately 330' south of SW 312 Street was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, pursuant to Resolution No. CZAB-14-47-05. Approval of the zone change was subject to the proffered Declaration of Restrictions, which limited the development of the site to the submitted plans for a maximum of 14 units. The lots in this development have a frontage of 75' and areas between 10,545 sq. ft. to 14,723 sq. ft., which exceed the minimum 7,500 sq. ft. required under RU-1 zoning district.

In addition to the aforementioned recent rezoning approvals in the area, the current site plan indicates a lift station site which was not previously proposed. Said lift station will not only support the subject property but may support future developments to the east of the property. Additionally, based on the aforementioned, staff is of the opinion that circumstances have changed substantially in the surrounding area since 2003 when the previous zone change request was denied, which now warrant the reconsideration of the request. Therefore in staff's opinion, the Doctrine of Administrative Res Judicata would not apply in this instance.

Approval of this application would allow the applicant to provide forty (40) additional housing units for the community. The Land Use Plan's (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of 25 to a maximum of sixty-one (61) units on the subject property. The applicant's proposal of 40 units is within the density allowed under the LUP map's density designation. The RU-1 zoning district would permit 46 units, at a density of 4.64 units per acre. The applicant has proffered a covenant restricting the development of the site to the plans submitted and to the maximum of 40 units. As such, the proposed **RU-1** zone change is **consistent** with the LUP map's Low Density Residential Designation.

The subject property is located in a section of land that has two land use designations as indicated on the LUP map: Low Density Residential on the east side of SW 192 Avenue and Estate Density Residential on the west side of SW 192 Avenue. The subject property is bounded by Estate Density Residential to the west and Low Density Residential to the south, north and east. The RU-1 zoning district requires lots to be a minimum of 7,500 sq. ft. in area. Staff notes that to the south of the subject property is an RU-1 zoned residential development under construction which was platted using SUR's. Lots in this subdivision are 6,000 sq. ft. and have 60' of frontage. Approximately 660' to the southeast is a residential neighborhood approved, pursuant to Resolution No. CZAB-14-18-05. This development is utilizing SURs in order to develop 50 lots with a minimum 60' of frontage and 6,000 sq. ft. To the west of this development and immediately to the southeast of the subject property is a separate development also zoned RU-1, pursuant to Resolution No. CZAB-14-41-05. Lots in this subdivision are also 6,000 sq. ft. and have 60' of frontage, also utilizing SURs. A third development located on the west side of SW 187 Avenue and south of SW 318 Street was granted a zone change to RU-1, pursuant to Resolution No. CZAB14-47-05. The lots in this subdivision have 75' of frontage, which meet the minimum RU-1 zoning district requirements for lot frontage and have a minimum lot area of 10,545 sq. ft., which exceed the minimum 7,500 sq. ft. of lot area required.

The applicant has submitted plans indicating lots along the northern boundary of the subject property which are proposed to be between 10,003 sq. ft. and 10,255 sq. ft., and will provide a transitional element between the AU zoned parcels to the north. The lots in the middle of the property which will be between 7,009 sq. ft. and 8,028 sq. ft., and the lots on the southern portion of the subject property which will be 6,200 sq. ft. Said lot sizes are in keeping with the similar lot sizes located to the south. As research indicates, the east half of this section of land in which the subject property lies has undergone substantial changes indicative of the development trend of the area to RU-1. In staff's opinion, the submitted plans are sensitive to the surrounding zones, specifically to the AU zoned properties to the north and to the parcels to the west, which are zoned AU and RU-1 and are located in the Estate Density

Residential designation of the LUP map. Further, the applicant is providing a lift station that will not only support the subject property but may support future developments to the east of the property. Staff is of the opinion that the request for a zone change to **RU-1** is **compatible** with the existing RU-1 zoning to the south and the development trend of the area to RU-1 as evidenced above.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to RU-1, staff is of the opinion that this application does conform to the Comprehensive Development Master Plan provisions as indicated. As previously mentioned, the subject property is located in a section of land that has undergone substantial changes in the development trend of the area and has shifted to RU-1, Single-Family Residential District, which is consistent with the LUP map. Staff is of the opinion that the proposed development of the site will not burden the surrounding area. According to the Public Works Department, this application will generate **47 PM** daily vehicle **trips**. However, the distribution of these trips will not exceed the Levels of Service for SW 320 Street, SW 177 Avenue and SW 312 Street, which are major roadways, and as such, will not burden local roadways. Further, DERM has indicated in their memorandum that this site is located within feasible distance for connection to public sanitary sewers (130 feet) and a public water main (660 feet), which meet the Levels of Service for public services set forth in the CDMP. The subject property contains tree resources, however, a tree permit can be obtained to properly remove and relocate affected trees. Further, DERM indicates that this property is not located in nor contains a jurisdictional wetland. Moreover, the applicant has proffered a monetary donation to MDCPS over and above the required impact fees in order to address the impact of the students generated by this application on local schools. Noting all of the aforementioned, staff opines that this application will not have an unfavorable effect on the environment, natural resources, or economy of Miami-Dade County and the area, and as such, staff recommends approval of the zone change to RU-1, subject to the Board's acceptance of the proffered covenant.

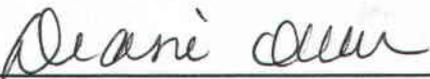
Based on all of the aforementioned, staff recommends approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

I. RECOMMENDATION:

Approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 01/09/06
DATE TYPED: 01/18/06
DATE REVISED: 01/20/06; 02/17/06; 03/02/06; 03/03/06; 03/09/06; 03/12/06; 04/25/06
05/01/06; 05/03/06; 05/04/06
DATE FINALIZED: 05/04/06
DO'QW:AJT:MTF:LVT:JV:CSE



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
DEC 08 2005

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

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2005000317
Emily Development, LLC
SE corner of SW 192nd Avenue and SW 316th Street
District Boundary Change from EU-M to RU-1M(a)
(EU-M) (10.18 Ac.)
14-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

The closest public water main is located approximately 600 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water 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.

Wastewater Disposal:

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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, 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 alternative means of sewage disposal. Use of an alternative 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 Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EMILY DEVELOPMENT, LLC

This Department objects to this application.

Redesign site plan to remove t-turnaround and extend SW 317 Terr. to the east and connect with SW 190 Ave. to provide connectivity.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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 47 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9948	SW 312 St. w/o US-1	B	B
9950	SW 320 St. e/o US-1	B	B
F-518	SW 177 Ave. n/o US-1	B	B

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.



Raul A Pino, P.L.S.

03-APR-06



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

December 15, 2005

Miami-Dade County School Board

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Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: Emily Development, LLC - Application No. 05-317 (CC14)
Southeast Corner of SW 192 Avenue and SW 316 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of South Dade Senior High School to 132% (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo
December 15, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

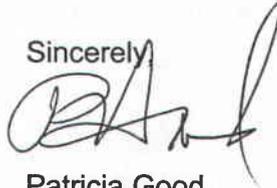
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

$$\text{New residential unit square footage} \times .90 \text{ (Square Footage Fee)} + \$600.00 \text{ (Base Fee)} + 2\% \text{ administrative fee} = \text{Educational Facilities Impact fee}$$

As an example, assuming the proposed unit is 2,000 square feet, the 26-unit development is estimated to generate approximately \$62,400 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:am
L-0691
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Ben Fernandez

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-317, Emily Development, LLC (CC14)

REQUEST: Zone change from EU-M to RU-1M(a)

ACRES: 10 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 192 Avenue and SW 316 Street

NUMBER OF UNITS: 26 additional single-family units (29 units currently permitted under existing zoning classification, for a total of 55 units)

ESTIMATED STUDENT POPULATION: 17 students*

ELEMENTARY: 8

MIDDLE: 4

SENIOR: 5

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: West Homestead Elementary – 1550 SW 6 St.

MIDDLE: Homestead Middle – 650 NW 2 Ave.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
West Homestead Elem.	828/ 836*	806	103%/ 104%*	36	98%/ 99%*	847
Homestead Middle	1206/ 1210*	848	142%/ 143%*	158	120%/ 120%*	1239
South Dade Sr.	2759/ 2764*	1721	160%/ 161%*	380	131%/ 132%*	2974

* increased student population as a result of the proposed development.

** Estimated number of students (cumulative) based on zoning/land use log (2001- present) and students are figured in current population assuming all approved developments are built; also assumes none of the prior cumulative.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1604 student stations)	Design	June 2007
State School "CCC1" (Partial Replacement of South Dade Sr. High School) (1522 additional student stations)	Design	March 2008

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	806
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	2452
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$111,333.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	8	x	\$ 13,933	=	\$111,464
MIDDLE	4	x	\$ 15,974	=	\$ 63,896
SENIOR	5	x	\$ 21,139	=	\$105,695
Total Potential Capital Cost					\$281,055

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (8-10-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	16,141	27,514	30,139	32,690

Board-Approved Contracts for Schools to Open in Future Years

School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years

Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050
GRAND TOTALS		
Number of Schools		Maximum Enrollment Capacity
80		57,620

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NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy Main Campus: 8325 NE 2 Ave., Miami, FL 33138 South Campus: 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleoc@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACE! Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 Lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifeskillscenters.com	10-12
6028	Renaissance Middle Charter School <i>Temporary location for 05-06:</i> 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8



Memorandum

Date: 16-MAR-06

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2005000317

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans date stamped February 16 2006. Any changes to this plan must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000317 located at THE SOUTHEAST CORNER OF S.W. 192 AVENUE & S.W. 316 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2611 is proposed as the following:

<u>40</u> residential	dwelling units	<u> </u> industrial	square feet
<u> </u> Office	dwelling units	<u> </u> institutional	square feet
<u> </u> Retail	square feet	<u> </u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be: Station 16 325 N.W. 2 Street - Homestead & Fla. City Rescue, ALS Engine, 50' Squirt

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 16 2006. Substantial changes to the site plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

EMILY DEVELOPMENT, LLC

THE SOUTHEAST CORNER OF S.W.
192 AVENUE & S.W. 316 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000317

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5-3-06 No violations

RECEIVED
205-317
OCT 03 2005

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

CORPORATION NAME: Emily Development LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Angel Menes, 47 SW 105 Place, Miami, FL 33174</u>	<u>33 %</u>
<u>Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016</u>	<u>33.5 %</u>
<u>Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, FL 33140</u>	<u>33.5 %</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
205-317
OCT 03 2005

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

NAME OF PURCHASER: _____

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 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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

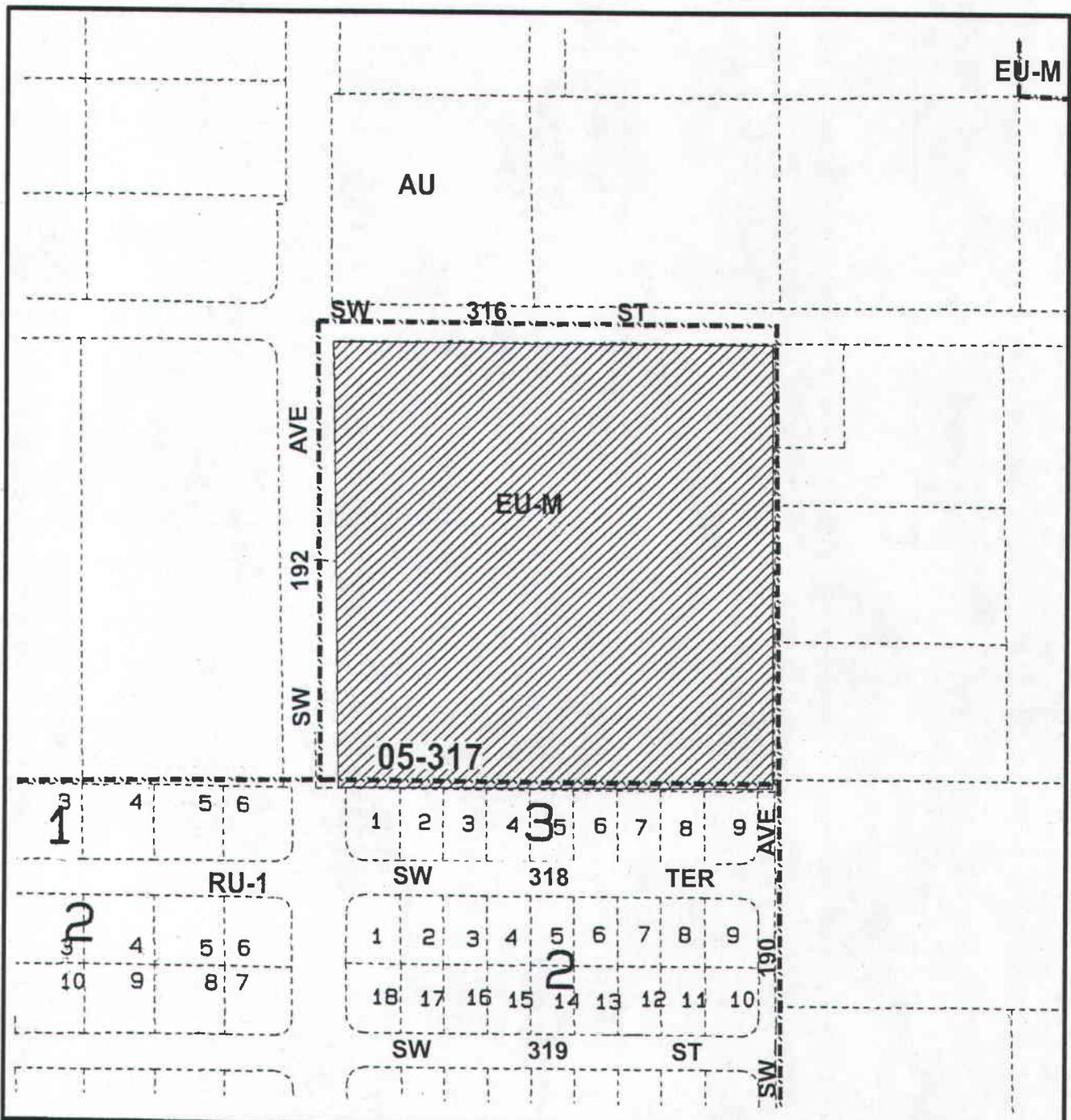
Sworn to and subscribed before me this day of 17, Aug. 2005 Affiant is personally known to me or has produced PL D.L. as identification.

(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other 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 percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.



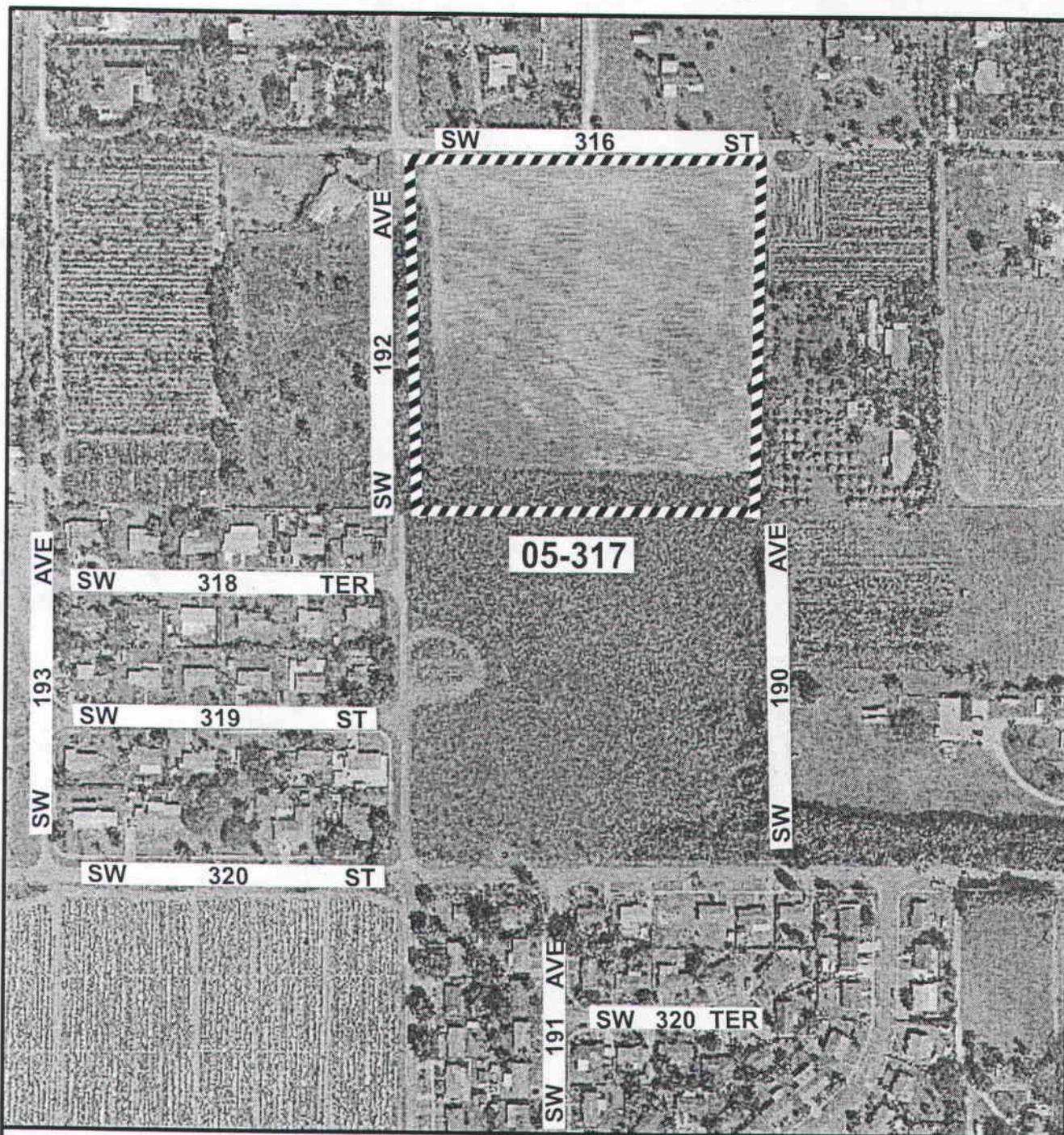
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 57 Range: 38
 Process Number: 05-317
 Applicant: EMILY DEVELOPMENT, LLC
 Zoning Board: C14
 District Number: 08
 Drafter ID: JEFFER
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 57 Range: 38
Process Number: 05-317
Applicant: EMILY DEVELOPMENT, LLC
Zoning Board: C14
District Number: 08
Drafter ID: JEFFER
Scale: NTS

S C A L E
0 NTS



SUBJECT PROPERTY



4. EMILY DEVELOPMENT, LLC
(Applicant)

06-4-CZ14-4 (05-317)
Area 14/District 8
Hearing Date: 4/12/06

Property Owner (if different from applicant) **Same.**

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Oscar & Nubia Villegas	Zone change from AU to EU-M.	CC	Approved
2003	Ricardo & Maria Carbonell	Zone change from EU-M to RU-1.	CZAB-14	Denied without prejudice
2004	Emily Development, LLC	Zone change from EU-M to RU-1.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Emily Development, LLC

PH: Z05-317 (06-3-CZ14-4)

SECTION: 14-57-38

DATE: April 12, 2006

COMMISSION DISTRICT: 8

ITEM NO.: 4

A. INTRODUCTION

o **REQUEST:**

EU-M to RU-1M(a)

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District.

o **LOCATION:**

The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida.

o **SIZE:** 10.18 acres

o **IMPACT:**

The approval of the requested district boundary change would allow the applicant to provide seventy (70) additional housing units for the community. The rezoning of this 10.18-acre site will have an impact on the schools, water and sewer services, and traffic in the area.

B. ZONING HEARINGS HISTORY:

On April 13, 1976, the Board of County Commissioners approved, pursuant to Resolution No. Z-124-76, a zone change from AU, Agricultural District, to EU-M, Estate Modified District for the subject property. In 2003, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The

residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary (UDB).

- 2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; vacant property

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: AU; single-family residences

Low Density Residential, 2.5 to 6 dua

SOUTH: RU-1; single-family residences
under construction

Low Density Residential, 2.5 to 6 dua

EAST: AU; single-family residences

Low Density Residential, 2.5 to 6 dua

WEST: AU; tree nursery

Estate Density Residential, 1 to 2.5 dua

The subject property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The area to the south is developed with single-family residences and to the north, east and west are single-family residences on 2 – 4 acre parcels. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the UDB.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:	N/A
Open Space:	Unacceptable
Buffering:	Unacceptable
Access:	Unacceptable
Parking Layout/Circulation:	Unacceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Unacceptable

F. **PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	17 students

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject vacant property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The applicant is seeking to rezone the property from EU-M, Modified Estates Residential District, to RU-1M(a), Modified Single-Family Residential District. The properties to the north, east and west are zoned AU, Agricultural District, and developed with single-family residences on parcels of 2 to 4 acres in size, while the properties to the south are zoned RU-1 and are under construction for single-family residences. This property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary line. The applicant's plans indicate a development of forty (40) lots meeting the RU-1M(a) zoning district regulations. The applicant has proffered a covenant tying the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that although this application will generate **63 additional PM** daily peak hour vehicle trips, the traffic distribution of these trips will not exceed the acceptable level of service (LOS) "B" of the streets serving the surrounding community. Furthermore, this land requires platting and road dedications and improvements will be accomplished through the recording of a plat. Miami-Dade County Public Schools (**MDCPS**) has indicated that the proposed zoning will bring an **additional 17 students** into the area's public schools. They indicate that West Homestead Elementary School, Homestead Middle School and South Dade Senior School are the schools that will be impacted by this development, which are currently operating at 98%, 120% and 131% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum further indicates that the applicant has voluntarily proffered a covenant to the School Board providing a monetary donation, over and above impact fees. Such proffer is subject to approval by the School Board.

Approval of this application would allow the applicant to provide forty (40) additional housing units for the community. The Land Use Plan's (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of 25 to a maximum of sixty-one (61) units on the subject property. The applicant's proposal of 40 units

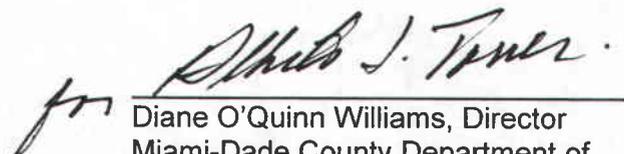
is within the density allowed under the LUP map's density designation. RU-1M(a) zoning permits a maximum of 6.97 units per acre, for a maximum of 70 units on the subject parcel. However, since the applicant has proffered a covenant limiting the development of the site to 40 units, the proposed development of the site would be **consistent** with the LUP map's Low Density Residential designation of the CDMP. Notwithstanding, the proposed zone change to RU-1M(a) will be incompatible with the area.

The surrounding area is predominately zoned AU to the north, east and west and developed on parcels of 2 to 4 acres in size. To the south and southwest is RU-1 zoning either developed with single-family residences or under construction for same. The RU-1 zoning district requires lots to be a minimum of 7,500 sq. ft. while the proposed RU-1M(a) zoning district requires lots to be a minimum of 5,000 sq. ft. in area. The applicant's submitted plans indicate lots along the north of the subject property proposed to be between 10,003 sq. ft. and 10,255 sq. ft., which may be a transition into the AU zoned parcels to the north. The lots in the middle of the property are between 7,009 sq. ft. to 8,028 sq. ft., and the lots on the southern portion of the subject property are 6,200 sq. ft. which are in keeping with similar lot sizes located to the south. In staff's opinion, RU-1M(a) zoning allows development that is too intensive for the area. The RU-1M(a) zoning allows a 45% lot coverage and setbacks of 15' to 25' for front and rear and 5' for the interior sides, whereas the EU-M zoning allows a 30% lot coverage and requires front and rear setbacks of 25' and interior side setbacks of 15'. Staff is of the opinion that the request for a zone change to RU-1M(a) is incompatible with the existing RU-1 zoning to the south and the AU zoned parcels to the north, east and west. Further, staff could have recommended RU-1 zoning in lieu of RU-1M(a). RU-1 zoning would be compatible with the previously approved RU-1 zoning to the south, which was approved in 1978 pursuant to Resolution No. Z-234-78. However, since the applicant had previously applied for a zone change to RU-1 and was denied, pursuant to Resolution CZAB14-27-03, and since staff notes no significant changes to the area since the prior denial, staff cannot recommend the RU-1 zoning district in lieu of the proposed RU-1M(a) as the Administrative Doctrine of Res-Judicata would apply in this instance. Additionally, in staff's opinion, the proposed rezoning of the subject property to RU-1M(a) will be **incompatible** with the surrounding AU zoned properties to the north, east and west. Based on all of the aforementioned, staff recommends denial without prejudice of the application.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 01/09/06
DATE TYPED: 01/18/06
DATE REVISED: 01/20/06; 02/17/06; 03/02/06; 03/03/06; 03/09/06
DATE FINALIZED: 03/12/06
DO'QW:AJT:MTF:LVT:JV:CSE


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
DEC 08 2005

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

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2005000317
Emily Development, LLC
SE corner of SW 192nd Avenue and SW 316th Street
District Boundary Change from EU-M to RU-1M(a)
(EU-M) (10.18 Ac.)
14-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

The closest public water main is located approximately 600 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water 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.

Wastewater Disposal:

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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, 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 alternative means of sewage disposal. Use of an alternative 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 Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EMILY DEVELOPMENT, LLC

This Department objects to this application.

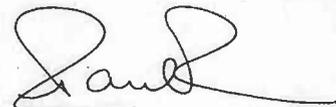
Redesign site plan to remove t-turnaround and extend SW 317 Terr. to the east and connect with SW 190 Ave. to provide connectivity.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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 47 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9948	SW 312 St. w/o US-1	B	B
9950	SW 320 St. e/o US-1	B	B
F-518	SW 177 Ave. n/o US-1	B	B

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.



Raul A Pino, P.L.S.

03-APR-06



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Rudolph F. Crew, Ed.D.

Ana Rijo-Conde, AICP, Facilities Planning Officer

Facilities Planning

Miami-Dade County School Board

Agustin J. Barrera, Chair

Perla Tabares Hantman, Vice Chair

Frank J. Bolaños

Evelyn Langlieb Greer

Dr. Robert B. Ingram

Dr. Martin Karp

Ana Rivas Logan

Dr. Marta Pérez

Dr. Solomon C. Stinson

December 15, 2005

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

**Re: Emily Development, LLC - Application No. 05-317 (CC14)
Southeast Corner of SW 192 Avenue and SW 316 Street**

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of South Dade Senior High School to 132% (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo
December 15, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

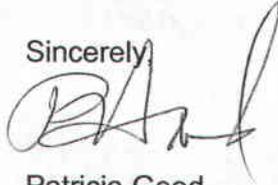
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

$$\text{New residential unit square footage} \times .90 \text{ (Square Footage Fee)} + \$600.00 \text{ (Base Fee)} + 2\% \text{ administrative fee} = \text{Educational Facilities Impact fee}$$

As an example, assuming the proposed unit is 2,000 square feet, the 26-unit development is estimated to generate approximately \$62,400 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:am
L-0691
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Ben Fernandez

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-317, Emily Development, LLC (CC14)

REQUEST: Zone change from EU-M to RU-1M(a)

ACRES: 10 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 192 Avenue and SW 316 Street

NUMBER OF UNITS: 26 additional single-family units (29 units currently permitted under existing zoning classification, for a total of 55 units)

ESTIMATED STUDENT POPULATION: 17 students*

ELEMENTARY: 8

MIDDLE: 4

SENIOR: 5

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: West Homestead Elementary – 1550 SW 6 St.

MIDDLE: Homestead Middle – 650 NW 2 Ave.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
West Homestead Elem.	828/ 836*	806	103%/ 104%*	36	98%/ 99%*	847
Homestead Middle	1206/ 1210*	848	142%/ 143%*	158	120%/ 120%*	1239
South Dade Sr.	2759/ 2764*	1721	160%/ 161%*	380	131%/ 132%*	2974

* increased student population as a result of the proposed development.

** Estimated number of students (cumulative) based on zoning/land use log (2001- present) and students are figured in current population assuming all approved developments are built; also assumes none of the prior cumulative.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1604 student stations)	Design	June 2007
State School "CCC1" (Partial Replacement of South Dade Sr. High School) (1522 additional student stations)	Design	March 2008

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	806
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	2452
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$111,333.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	8	x	\$ 13,933	=	\$111,464
MIDDLE	4	x	\$ 15,974	=	\$ 63,896
SENIOR	5	x	\$ 21,139	=	\$105,695
Total Potential Capital Cost					\$281,055

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (8-10-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	16,141	27,514	30,139	32,690

Board-Approved Contracts for Schools to Open in Future Years

School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years

Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050
GRAND TOTALS		
Number of Schools		Maximum Enrollment Capacity
80		57,620

NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy Main Campus: 8325 NE 2 Ave., Miami, FL 33138 South Campus: 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleoc@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACE! Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 Lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifekillscenters.com	10-12
6028	Renaissance Middle Charter School <i>Temporary location for 05-06:</i> 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8



Memorandum

Date: 16-MAR-06
To: Diane O'Quinn Williams, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000317

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans date stamped February 16 2006. Any changes to this plan must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000317 located at THE SOUTHEAST CORNER OF S.W. 192 AVENUE & S.W. 316 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2611 is proposed as the following:

<u>40</u> residential	dwelling units	<u> </u> Industrial	square feet
<u> </u> Office	dwelling units	<u> </u> institutional	square feet
<u> </u> Retail	square feet	<u> </u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be: Station 16 325 N.W. 2 Street - Homestead & Fla. City Rescue, ALS Engine, 50' Squrt

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 16 2006. Substantial changes to the site plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

EMILY DEVE. LLC

THE SOUTHEAST CORNER OF S.W.
192 AVENUE & S.W. 316 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000317

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

11-5-05 No violations.

RECEIVED
05-317
OCT 03 2005

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

CORPORATION NAME: Emily Development LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Angel Menes, 47 SW 105 Place, Miami, FL 33174</u>	<u>33 %</u>
<u>Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016</u>	<u>33.5 %</u>
<u>Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, FL 33140</u>	<u>33.5 %</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME:

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

RECEIVED
205-317
OCT 03 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPARTMENT

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

NAME OF PURCHASER: _____

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 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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

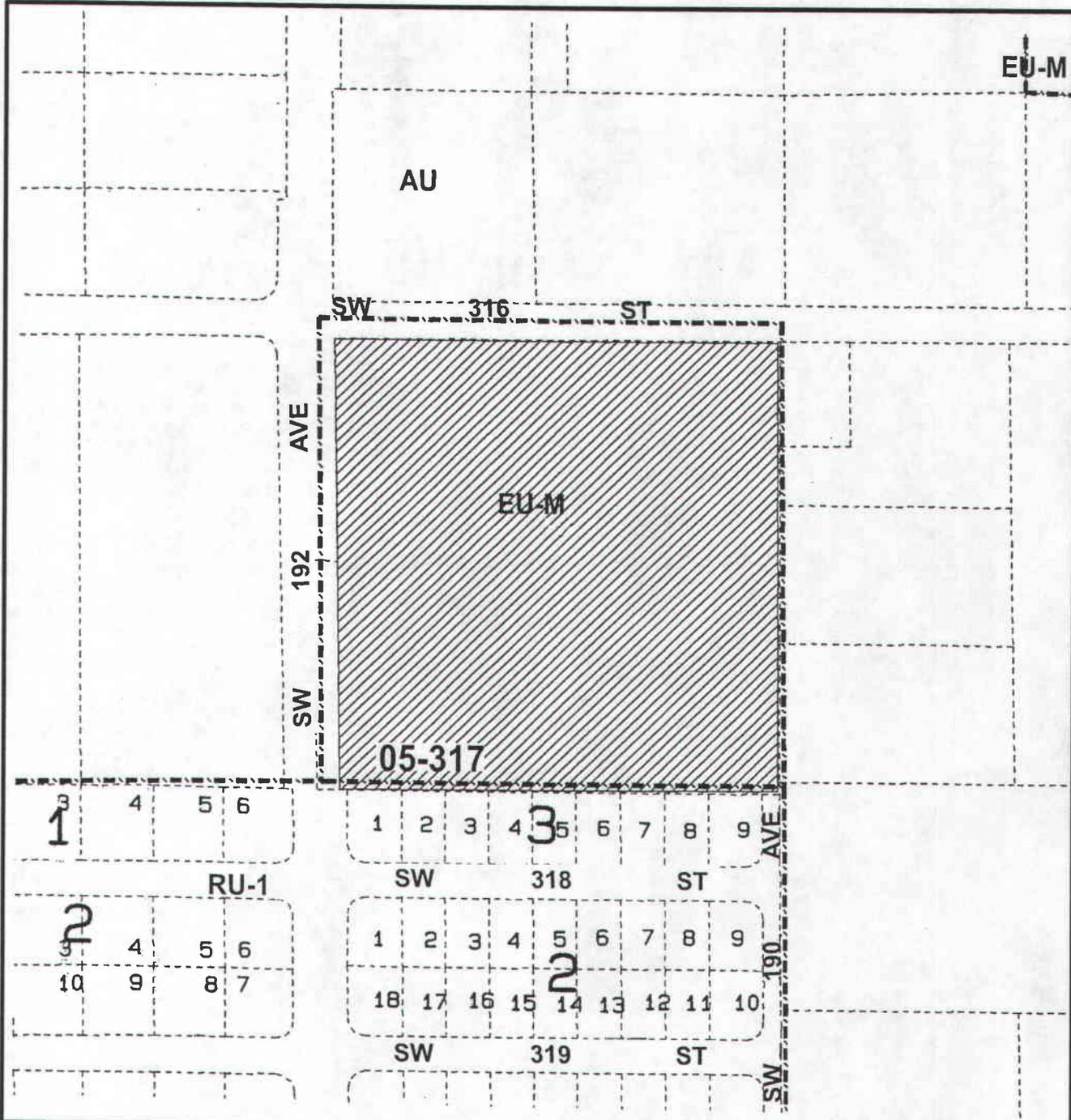
Sworn to and subscribed before me this day of 17, Aug. 2005 Affiant is personally known to me or has produced Pl. D.L. as identification.

Betty Llerena
(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other 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 percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.



**MIAMI-DADE COUNTY
HEARING MAP**

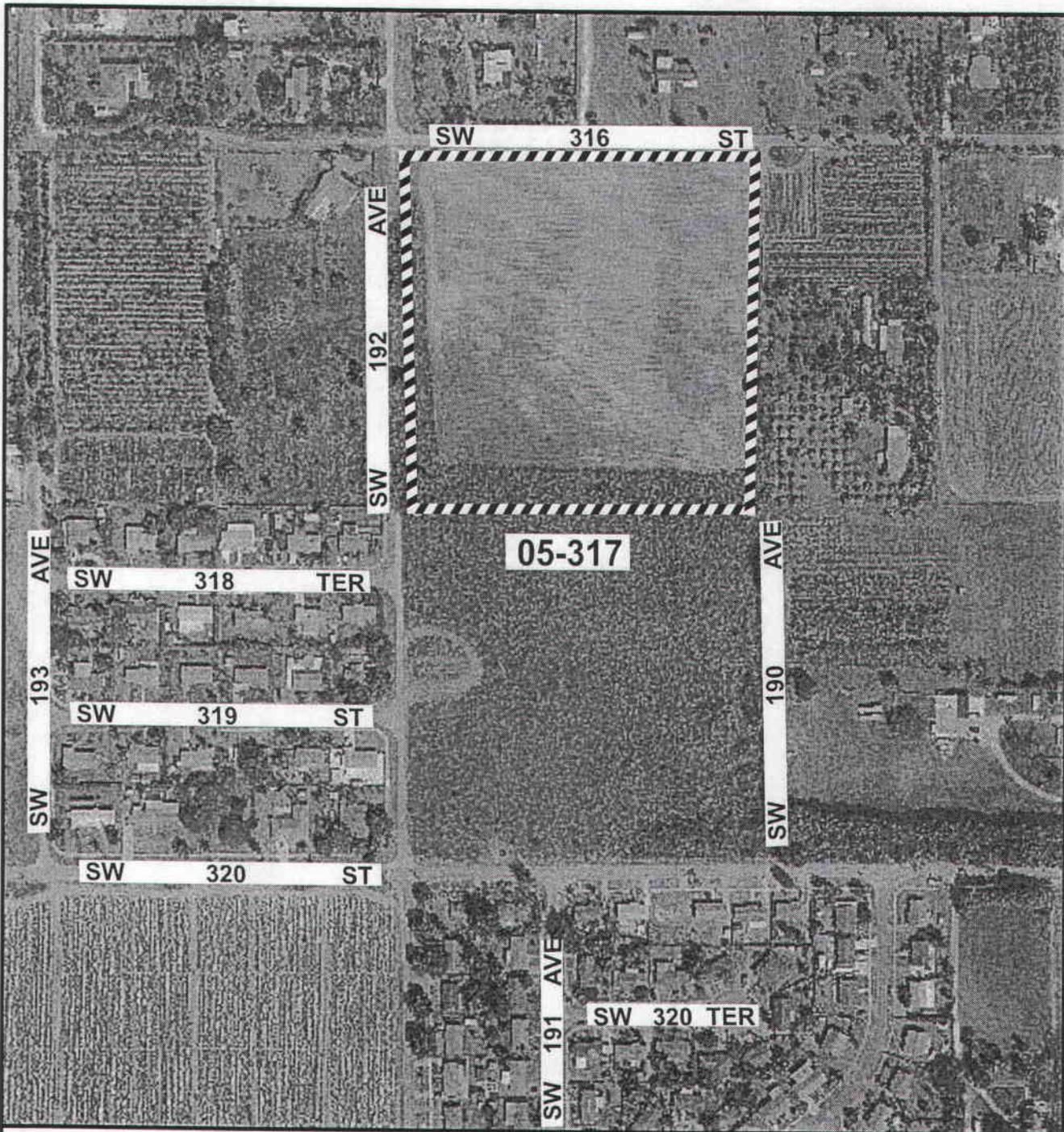
Section: 14 Township: 57 Range: 38
 Process Number: 05-317
 Applicant: EMILY DEVELOPMENT, LLC
 Zoning Board: C14
 District Number: 08
 Drafter ID: JEFFER
 Scale: 1:200'



 SUBJECT PROPERTY



G: ZONING DRAFTING 05-317, 10/05
 REVISION 11/05



MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 57 Range: 38
Process Number: 05-317
Applicant: EMILY DEVELOPMENT, LLC
Zoning Board: C14
District Number: 08
Drafter ID: JEFFER
Scale: NTS

S C A L E
0 NTS



SUBJECT PROPERTY





Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004



Miami-Dade Police Department

Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid in ("0226", "0798", "0861", "1490", "1587", "1752", "1763", "1991", "2057", "2146", "2212", "2292", "2578", "2611")) and ((Dis.Signal Code in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55") or ('ALL' in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55")))) and Common

		2003	2004	
Grid	Signal Code	Signal Description		
2611	13	SPECIAL INFORMATION/ASSIGNMENT	5	8
	14	CONDUCT INVESTIGATION	24	22
	15	MEET AN OFFICER	77	60
	17	TRAFFIC ACCIDENT	4	7
	18	HIT AND RUN	0	3
	19	TRAFFIC STOP	0	6
	20	TRAFFIC DETAIL	7	4
	21	LOST OR STOLEN TAG	3	1
	22	AUTO THEFT	2	3
	25	BURGLAR ALARM RINGING	6	10
	26	BURGLARY	8	5
	27	LARCENY	1	2
	28	VANDALISM	4	7
	32	ASSAULT	5	8
	34	DISTURBANCE	21	25
	36	MISSING PERSON	0	1
	37	SUSPICIOUS VEHICLE	4	4
	38	SUSPICIOUS PERSON	3	1
	39	PRISONER	3	6
	41	SICK OR INJURED PERSON	5	4
43	BAKER ACT	0	1	
45	DEAD ON ARRIVAL	1	0	
49	FIRE	0	1	
52	NARCOTICS INVESTIGATION	2	2	
54	FRAUD	1	2	



Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004



Miami-Dade Police Department

Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid In ("0226", "0798", "0861", "1490", "1587", "1752", "1763", "1991", "2057", "2146", "2212", "2292", "2578", "2611")) and ((Dis.Signal Code In ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55") or ('ALL' in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55"))) and Common

			2003	2004
Grid	Signal Code	Signal Description		
Total Signals for Grid 2611 :			186	193



MIAMI-DADE POLICE DEPARTMENT
Zoning Hearing Report Part I and Part II Crimes w/o AOA
For Specific Grids
For 2003 and 2004



Miami-Dade Police Department

Grid(s): 0, 0226, 0798, 0861, 1490, 1587, 1752, 1763, 1991, 2057, 2146, 2212, 2298, 2578, 2611

2003 2004

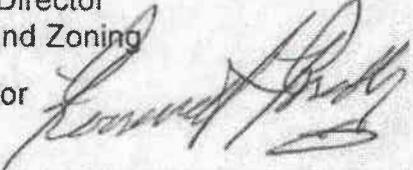
Grid 2611				2003	2004
Part I					
130A		AGGRAVATED ASSAULT		2	2
2200		BURGLARY		4	4
2400		MOTOR VEHICLE THEFT		0	2
230C		SHOPLIFTING		1	0
230G		SHOPLIFTING ALL OTHERS		2	2
230F		SHOPLIFTING FROM A MOTOR VEHICLE		2	1
Part I TOTAL				11	11
Part II					
260B		FRAUD CREDIT CARD/ATM		1	0
260D		IMPERSONATION		0	2
350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		1	3
130B		SIMPLE ASSAULT		1	0
Part II TOTAL				3	5
Grid 2611 TOTAL				14	16

Memorandum



Date: September 30, 2005

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Roosevelt Bradley, Director
Miami-Dade Transit 

Subject: FY-06 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27th Avenue from 62nd Street to the Broward County Line. Please ask your staff to continue to signal any application whose address is on NW 27th Avenue, between these two points, so that they may be reviewed by MDT Staff.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period of October 1, 2005 to September 30, 2006, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

Cc: Albert Hernandez, Deputy Director
MDT Planning and Engineering
Mario G. Garcia, Chief
MDT Systems Planning Division
Helen A. Brown, Concurrency Administrator
Department of Planning and Zoning

✓ H. Brown
Memorandum

**MIAMI-DADE
COUNTY**

Date: December 2, 2004
To: Dianne O'Quinn-Williams, Director
Department of Planning and Zoning
From: ~~A~~ Vivian Donnell Rodriguez, Director
Park and Recreation Department *DMR*
Subject: Update for Blanket Concurrency Approval

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

This memorandum updates the blanket concurrency approval memo of September 18, 2003. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2005. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD

Date: April 21, 2005

To: Alberto J. Torres, Assistant Director for Zoning
Department of Planning and Zoning

From: Manuel C. Mena, Chief
MDFR Fire Prevention Division

Subject: Concurrency Approval

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

Memorandum



Date: September 15, 2006

To: Diane O'Quinn Williams, Director, Department of Planning and Zoning

From: *Kathleen Woods Richardson*
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

Subject: Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2013 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2007), at which time a new determination will be issued. If, however, a significant event occurs which substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Dana M. Moss, Sr., Deputy Director, Administration and Finance
James Bostic, Assistant Director, Operations
Asok Ganguli, Assistant Director, Technical Services
David Ritchey, Assistant Director, Administration

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

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2006-07 Through Fiscal Year 2015-16

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
OCT. 1, 2006 TO SEPT. 30, 2007	1,776,000	783,085	167,000	616,085	2,499,001	180,000	2,319,001	1,896,521	354,000	1,542,521	250,000	951,000	825,000
OCT. 1, 2007 TO SEPT. 30, 2008	1,776,000	616,085	167,000	449,085	2,319,001	180,000	2,139,001	1,542,521	354,000	1,188,521	250,000	951,000	825,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,776,000	449,085	167,000	282,085	2,139,001	180,000	1,959,001	1,188,521	354,000	834,521	250,000	951,000	825,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,776,000	282,085	167,000	115,085	1,959,001	180,000	1,779,001	834,521	354,000	480,521	250,000	951,000	825,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,776,000	115,085	115,085	0	1,779,001	231,915	1,547,086	480,521	354,000	126,521	250,000	951,000	825,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,776,000	0	0	0	1,547,086	574,479	972,607	126,521	126,521	0	250,000	951,000	825,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,776,000	0	0	0	972,607	701,000	271,607	0	0	0	250,000	951,000	825,000
OCT. 1, 2013 TO SEPT. 30, 2014	1,776,000	0	0	0	271,607	271,607	0	0	0	0	250,000	521,607	825,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,776,000	0	0	0	0	0	0	0	0	0	250,000	250,000	825,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,776,000	0	0	0	0	0	0	0	0	0	0	0	825,000
REMAINING YEARS				4			7			5			

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	167,000
SOUTH DADE LANDFILL	180,000
NORTH DADE LANDFILL	354,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	951,000

* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

** South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes to South Dade Landfill and WMI.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated August, 2006.

*Original to Helen Brown
4 to Al Jones*



MEMORANDUM

107.07-17A METRO-DADE/GSA-MAT. MGT.

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003
SUBJECT: Solid Waste Disposal
Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

- cc: Pedro G. Hernandez, P.E., Assistant County Manager
- Victoria Garland, Acting Deputy Director, DSWM
- Vicente Castro, Assistant Director for Technical Services, DSWM
- Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
- Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

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ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

Department of Solid Waste Management (DSWM)
Solid Waste Facility Capacity Analysis
Fiscal Year 2002-2003

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash	Trash	
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	936,000	198,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL
* TOTAL @ 1.84M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
** TOTAL @ 1.72M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
*** TOTAL @ 1.71M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)

TOTAL WASTE STREAM PERCENTAGES @ 1.84 MILLIONS TONS

GARBAGE 54.3%	997,000
TRASH 4.4%	816,000
SPECIAL (includes Tires) 1.3%	24,000
TOTAL	1,837,000

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,688,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

** South Dade includes cells 3 and 4; cell 6 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

**** Maximum Contractual Tonnage per year to WMI is 600,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

2004 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	332,396	29,396	361,792	994.92	1,044.49	491.02	85.32	1,620.83	625.91	1.629
2	520,177	23,003	543,180	1,493.75	1,476.12	461.33	139.79	2,077.24	583.49	1.390
3	141,699	38,253	179,952	494.86	578.93	177.20	6.90	763.03	268.17	1.541
TOT:	994,272	90,652	1,084,924	2,983.53	3,099.54	1,129.55	232.01	4,461.10	1,477.57	1.520