-- Version # 1

MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR
111 NW 1 Street, Miami
Thursday, January 24, 2008 at 9:30 a.m.

PREVIOUSLY DEFERRED

						DISTRICT	
A.	07-7-CZ12-3	MERRINECK ESTATES, LLC & MEDICO INTERNATIONAL REALTY HOLDINGS LLC	Exhibit NOT FOUND	07-69	33-54-40	N	7

APPEALS

						DISTRICT	
1.	07-10-CZ12-2	ISMAEL & AMNERIS VALDES	Exhibit complete	07-87	28-54-40	N	7
2.	07-9-CZ14-1	JULIO C. MOLINA	LARGE Exhibit NOT FOUND	06-37	06-57-39	N	8
3.	07-10-CZ14-4	MAURO E. VARENA	Exhibit complete	07-162	12-56-38	N	9

Draft Worksheet - from Zoning Agendas e-mailed 12-6-07. Item # and Case # subject to change.

ZONING MEETING
Board of County Commissioners
January 24, 2008

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	1/24/2008	A-1	**MERRINECK ESTATES L.LC & MEDICO INTERNATIONAL REALTY HOLDINGS L.L.C (07-7-CZ 12-3/07-69)** -Binder booklet titled Merrineck Estates, LLC submitted by Bercow Radell & Fernandez.
2	1/24/2008	1-A	**ISMAEL AND AMNERIS VALDEZ (07-10-CZ12-2/07-87)** -Letter from Dr.Magaly C. Abrahante to the Board of County Commissioners regarding her opposition to the Zoning change for the proposed application.
3	1/24/2008	1-B	-Binder booklet titled ISMAEL & AMNERIS VALDEZ PUBLIC HEARING APPLICATION NO. 07-087 submitted by Bercow Radell & Fernandez.
4	1/24/2008	2-A	**JULIO MOLINA (07-9-CZ14-1/06-37)** -Poster board of Site Plan map.
5	1/24/2008	2-B	-Poster board depicting aerial map (divided by zoning codes) of the area surrounding S.W 288th Street and S.W 172nd Avenue.
6	1/24/2008	3-A	**MAURO E. VARENA (07-10-CZ14-4/07-162)** -Binder booklet titled VARENA APPLICATION ALTERNATIVE CONSIDERATION prepared by Rick D. Ruiz-Marrero & Assoc. Architects.
7	1/24/2008	3-B	Colored Hearing Map along with a legend (for the map)
8	1/24/2008	3-C	Letter from Sidney G. Robinson –Board of Directors, of the Redland Citizen Association urging the Board of County Commissioners to uphold the decision of Community Council 14 and the recommendations of the Department of Planning & Zoning.
9			
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12			

Submitted for the record this 25 day of JANUARY, 2008

ATTEST:

HARVEY RUVIN, Clerk
Clerk of Circuit and County Courts

By _____
Deputy Clerk

TRANSFERRED TO THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF PLANNING AND ZONING.

RECEIVED BY: _____ Claudia Ruiz 1/25/08
(SIGN) **(PRINT)** **(DATE)**

RECEIVED
By the Clerk for the record.
JAN 24 2008
Item A (07-069)
Exhibit A-1
Meeting BCC ZONING

Merrineck Estates, LLC

Zoning Application PH 07-069

Board of County Commissioners

January 24, 2008

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

District 6 Permit Office
1000 N.W. 111 Avenue, Room 6207
Miami, Florida 33172-5800
Telephone (305)470-5367, Fax (305)470-5443

STEPHANIE KOPELOUSOS
SECRETARY

January 7th, 2008

Hamid Bolooki
Merrineck Estates, LLC
351 N.W. LeJeune Road, Suite 600
Miami, Florida 33126

SUBJECT: ***Access Management Review Committee Meeting proposed Access Connection for the proposed Galloway Medical Plaza located at SW 87th Avenue and SW 76th Street, Miami, Florida.***
FDOT Application Record Number 2007 A 690 40; SR 973; Section 87047.

Dear Mr. Bolooki:

Your Variance requests:

The proposed access connection at the northerly (first) driveway at about 137' south of SW 76th Street with requested variance of 40% and southerly shared driveway at about 112' south of the first driveway with requested variance of 54%. The minimum distance required distance between driveways is 245 feet for a class 3 road.

Comments/Conditions interim condition as per attached letter

Committee approvals for variances to the Department's Rules or standards are binding for only the six (6) month period following the date of the approval. Please include a copy of this letter with any further information submittals.

Sincerely,

The District Six Access Management Review Committee

With the above request, I:		Approve	Disapprove	Date
Ronald S. Steiner, P.E. *District Maintenance Engineer*	R. Steiner		✓	1/11/08
Alejandro Casals, SRWA *Right-of-Way Manager*		✓		1/7/08
Debora M. Rivera, P.E. *Traffic Operations Engineer*	for	✓		1/11/08
Aileen Boncle, AICP *District P & E Administrator*	for	✓		1/7/08
for **Harold A. Desdunes, P.E.** *District Design Engineer*		✓		1/7/2008

Overall, your variance request is: **Approved** [X] **Disapproved** [ ]

cc: *Juan C. Muniz, P.E. (JCM Consultants, Inc.)*
8401 S.W. 184th Street, Miami, Florida 33157

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

Direct: 305-377-6235
E-Mail: BFernandez@brzoninglaw.com

VIA HAND DELIVERY

December 28, 2007

Florida Department of Transportation
c/o Mr. Ali Khalilahmadi, P.E., PTOE
Assistant District Permit Engineer
District VI
1000 N.W. 111th Avenue, Room 6207
Miami, Florida 33172

Re: 7600-7650 SW 87th Avenue - Access Approval

Dear Mr. Khalilahmadi:

We represent Merrineck Estates, L.L.C. & Medico International Realty Holdings, L.L.C. (Merrineck), the owners of the property located at 7600 SW 87th Avenue (the "Property"). As part of Merrineck's redevelopment plan for the Property, FDOT approved a variance to allow a shared access on SW 87th Avenue to serve the Property and the abutting Galloway Nursery to the south. The purpose of this letter is to request an interim approval for an ingress only plan for the Property, as described in the enclosed plan.

It is Merrineck's and Galloway Nursery's intent to develop a shared access, as approved by DOT to serve both properties. However, due to the fact that Galloway Nursery is presently zoned for agricultural use, at the present time, Miami-Dade County will not permit a shared access. This condition presents a significant hardship to both properties and merits Merrineck's request for an interim approval.

In order to assure DOT that Merrineck intends to develop the shared access, we have obtained a commitment from Mr. Jim Lawrence, the owner of Galloway Nursery, which confirms that it is his intent to enter into a Cross

Access Agreement upon the Galloway Nursery site obtaining the necessary zoning approvals from Miami-Dade County to allow the shared access. Accordingly, we hereby request approval of the enclosed interim plan.

Please contact me directly should you have any questions. Thank you for your attention to this matter.

Sincerely,

Ben Fernandez

BF/bl

cc: Hamid Bolooki

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

District 6 Permit Office
1000 N.W. 111 Avenue, Room 6207
Miami, Florida 33172-5800
Telephone (305)470-5367, Fax (305)470-5443

STEPHANIE KOPELOUSOS
SECRETARY

October 11th, 2007

Hamid Bolooki
Merrineck Estates, LLC
351 N.W. LeJeune Road, Suite 600
Miami, Florida 33126

SUBJECT: ***Access Management Review Committee Meeting proposed Access Connection for the proposed Galloway Medical Plaza located at SW 87th Avenue and SW 76th Street, Miami, Florida.***
FDOT Application Record Number 2007 A 690 10; SR 973; Section 87047.

Dear Mr. Bolooki:

Your Variance requests:

*The proposed access connection at the northerly (first) driveway at about 137' south of SW 76th Street with requested variance of **40%** and southerly shared driveway at about 112' south of the first driveway with requested variance of **54%**. The minimum distance required distance between driveways is 245 feet for a class 5 road.*

Comments/Conditions CONDITIONAL ON OBTAINING JOINT USE ACCESS OF DRIVEWAY AT MEDIAN OPENING

Committee approvals for variances to the Department's Rules or standards are binding for only the six (6) month period following the date of the approval. Please include a copy of this letter with any further information submittals.

Sincerely,

The District Six Access Management Review Committee

With the above request, I:	Approve	Disapprove	Date
Ronald S. Steiner, P.E. R. Steiner *District Maintenance Engineer*		✓	10/11/2007
Alejandro Casals SRWA *Right-of-Way Manager*	✓		10/11/2007
Debora M. Rivera, P.E. *Traffic Operations Engineer*	✓		10/11/2007
for **Aileen Boucle, AICP** *District P & E Administrator*	✓		10/11/07
for **Harold A. Desdunes, P.E.** *District Design Engineer*	✓		10-11-2007

Overall, your variance request is: **Approved [ ]** **Disapproved [ ]**

cc: ***Juan C. Muniz, P.E.*** *(JCM Consultants, Inc.)*
8401 S.W. 184th Street, Miami, Florida 33157

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

MIAMI-DADE COUNTY

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Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
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Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Employment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Miami-Miami Action Plan
Metropolitan Planning Organization
Parks and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Risk Management
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum and Gardens
Water & Sewer

December 14, 2005

Mr. Angel Milanes
12801 SW 132nd Avenue
Miami, Florida 33186

RE: SUBDIVISION OF PB 1-84
FOLIO: 30-4033-001-0540
TRACT "33"
FOLIO: 30-4033-001-0550
THE NORTH 111 FEET OF THE SOUTH 460 FEET OF TRACT 33, LESS THE EAST 35 FEET FOR RIGHT OF WAY.

Dear Mr. Milanes:

This is in response to your zoning verification request. Please be advised that the above referenced properties are zoned RU-5A (Semi-Professional Offices District). Enclosed is a copy of the permitted uses and zoning standards for the RU-5A zone.

Also, enclosed are copies of a Unity-of-Title, zoning Resolutions 4-ZAB-138-80, Z-175-80, Z-164-81 and Z-42-85 which pertains to the subject property.

Robert and Jacqueline Koger applied for a zone change to RU-5A and a use variance to allow the continued use of a plant nursery business on the property. The request was granted as evidence by the enclosed copy of Resolution Z-42-85. The current property owner, as well as any future property owner, may choose to develop the property in accordance with the resolution subject to all conditions associated with it. In the alternative, they may abandon the resolution for the variances and develop the entire site for offices in compliance with the RU-5A zoning standards without the necessity of a zoning public hearing. In either case, building permit issuance will be subject to all code requirements and concurrency approvals.

Should you need additional zoning information, please contact this office at (305) 375-1808.

Sincerely,

Shannon Holness, Coordinator
Zoning Information Section

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Tab C. Covenant

Tab D. Comp Plan Information

Tab E. Tree Planting Permits

A

Neighborhood Support Petitions

ZONING APPLICATION P.H. NO. 07-069
COMMUNITY COUNCIL 12

I am a resident of the area immediately surrounding the property that is the subject of Zoning Application 07-069. I have met with the applicant and understand that the request is to construct a medial office building. I support the application subject to the following conditions: (1) no ingress or egress on SW 76th Street; (2) the Applicant requesting a height variance for a roofline no greater than twenty-nine feet (29') in lieu of the rezoning from RU-5A to RU-5; and (3) additional landscaping along SW 76th Street consisting of royal palms, live oaks and mahogany trees and shrubs in compliance with Miami-Dade County standards. As long as the above conditions are met, I fully support the application and urge you to approve it.

	SIGNATURE	NAME	ADDRESS
1	JMillero	J.B. Millero	7720 SW 90 AVE
2	Faith Quincoses	FAITH QUINCOSES	7800 SW 90 Ave
3	Sergio Garcia	SERGIO GARCIA	7730 SW 88 PL. MIA
4	David Larson	DAVID LARSON	7824 SW 88 Court, Mia.
5	Matt Bonelli	MATT BONELLI	7700 SW 90 AVE
6	Rosendo Fonns	Rosendo Fonns.	7721 S.W 89 CT.
7	RGomez	RODOLFO GOMEZ	7730 SW 89 CT
8	Magda Quiros	MAGDA QUIROS	8695 SW 74 Ter.
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	SIGNATURE	NAME	ADDRESS
1		RAMON DONNELL	7620 S.W. 89 AVE
2		ELSA DONNELL	7620 S.W. 89 AVE
3		FERNANDO PRIETO	7901 SW 90 AVE
4		Yamilee Prieto	7901 S.W. 90 Ave.
5		Kiara Trujillo	8757 SW 76 St.
6		Alexander Trujillo	8757 S.W. 76st
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COMMUNITY COUNCIL 12

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	SIGNATURE	NAME	ADDRESS
1	Celia E. Jensen	Celia E. Jensen	8501 SW 75 St.
2	Stanley Glass	STANLEY GLASS	7401 SW 84th PLACE
3	Sheila Glass	Sheila Glass	7401 S.W. 84th Place
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	SIGNATURE	NAME	ADDRESS
1	David C. Rhinard	DAVID C. RHINARD	8624 SW 75 ST MIAMI FL 33143
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Letters from Neighbors

Ben Fernandez

From: Abgraphics7990@aol.com
Sent: Thursday, August 30, 2007 10:15 AM
To: Ben Fernandez
Subject: Approval

Ben,

Thanks for the meeting on Tuesday. I think, but for a few, you probably got approval from most of the neighbors who attended. I feel with negotiations, both sides need to give and take and your side has shown that you're bending over backwards accepting the wants of the neighborhood.

I just wanted to let you know that if you proceed with the variance to the present zoning with NO entrance or exit on Southwest 76th Street and landscape as discussed, you'll have mine and my wifes full approval.

Sincerely,

Alfred and Florence Blum
7811 SW 89th Court
Miami, FL 33173

Get a sneak peek of the all-new AOL.com.

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.484 / Virus Database: 269.12.12/979 - Release Date: 8/29/2007 8:21 PM

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

RE: Application No. 2007 A 690 40 for Galloway Medical Plaza Located at 7600 & 7650 SW 87 Avenue, Miami-Dade County.

To Whom It May Concern:

I am a resident of the area surrounding the above-listed property that is the subject of Application No. 2007 A 690 40 for Galloway Medical Plaza. I have met with the applicant and understand the request for a variance of the distance between median openings in SW 87th Avenue. I fully support the application and urge you to approve it.

Sincerely,

Signature

RODOLFO GOMEZ

Print Name

7730 SW 89 CT MIAMI

Address

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

Signature

Alexander Trujillo

Print Name

8757 SW 76 St.

Address

Miami, Fl. 33173

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

Magda Quiros
Signature

MAGDA QUIROS
Print Name

8695 SW 74 TER.
Address

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

Celia E. Jensen
Signature

Celia E. Jensen
Print Name

8501 SW 75 St.
Address

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

Stanley Glass

Signature

STANLEY GLASS

Print Name

7401 SW 84th PL

Address MIAMI, FL

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

C. S. Garcia
Signature

C. S. GARCIA
Print Name

7530 SW 88 PL
Address

MIA. Fla 33173

September 25, 2007

State of Florida Department of Transportation
Access Management Variance Committee
District 6 Permit Office
1000 NW 111 Avenue, Room 6207
Miami, Florida 33172-5800

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Sincerely,

Sheila Glass
Signature

Sheila Glass
Print Name

7401 S.W. 84th Place
Address
33143

B

Direct: 305-377-6235
Email:BFernandez@brzoniglaw.com

VIA E-MAIL AND US MAIL

August 2, 2007

Alejandro Brito, Esq.
Zarco Einhorn Salkowski & Brito, PA
100 SE 2nd Street, Suite 2700
Miami, Florida 33131-2122

RE: Merrineck Estates, LLC – Office Building

Dear Alex:

I want to thank you and your neighbors again for meeting with Hamid Bolooki and I last week at Mr. Trujillo's house to discuss the referenced application. I am pleased to inform you that, since our meeting, the application to the Department of Transportation (DOT) for accessed on SW 87th Avenue in front of the property has been filed.

As per your request, below are the concessions that Merrineck Estates will commit to in relation to the proposed office building; provided that the neighbors actively support the above mentioned DOT application and the site plan:

1. No ingress or egress on SW 76th Street.

2. Additional landscaping along SW 76th Street to include a hedge or plantings within the swale area (right-of-way), as permitted by Miami-Dade County, in order to further beautify SW 76th Street and to serve as a deterrent to parking in the swale.

3. The maximum height of the project to the roofline shall be capped at twenty-nine feet (29′). This restriction shall be included in the covenant proffered to Miami-Dade County.

4. There shall be no residential development on the property. This restriction shall also be included in the proposed covenant submitted to Miami-Dade County.

5. The dumpster for the building shall be located on the south side of the Property, away from SW 76th Street and the residential area.

We look forward to your response to our proposal and to continuing our dialogue in relation to this matter. Please contact me should you have any questions.

Sincerely,

Ben Fernandez

BF/bl

cc: Hamid Bolooki

Direct: 305-377-6235
E-Mail: BFernandez@BRZoninglaw.com

VIA U.S. MAIL

August 16, 2007

«Name_»
«Street_Address»
«City_State_Zip»

RE: Merrineck Estates, LLC & Medico International Realty Holdings, LLC, Public Hearing No. 07-069, for the Property Located at 7600 and 7650 SW 87 Avenue, Miami-Dade County, Florida.

Dear Neighbor:

We will be hosting a meeting for the residents of the neighborhoods located on the east and west sides of SW 87th Avenue between SW 72nd Street and SW 79th Street in order to discuss the future of the former Parker Sod property and the proposed plan for the property discussed at the CZAB 12 meeting last month.

The meeting will be held on Tuesday, August 28, 2007 at 7:00 PM at the Sunset Congregational Church located at 9025 Sunset Drive, Miami, Florida 33173. We would like to take the opportunity to address your concerns and discuss your suggestions concerning the development of the property. Snacks and refreshments will be served. Please contact me if you have any questions.

We look forward to seeing you.

Sincerely,

Ben Fernandez

BF/ma

Direct: 305-377-6235
E-Mail: BFernandez@brzoninlaw.com

VIA EMAIL

August 24, 2007

Alejandro Brito, Esq.
Zarco Einhorn Salkowski & Brito, P.A.
100 S.E. Second Street, 27th Floor
Miami, Florida 33131

RE: Merrineck Estates, LLC, 7600 SW 87 Avenue

Dear Mr. Brito,

I am writing to you because I left you a voicemail two days ago and I have not heard from you. I understand that you would like us to cancel our meeting next week with the neighborhood and reschedule it for a later date. However, I wanted to let you know that the meeting is for the entire neighborhood, not just the neighbors from your area. We would be happy to schedule another meeting with you and your close neighbors after this general meeting. At this point, we have already mailed out over 200 letters and reserved a meeting hall. To change the date would be confusing to the residents.

I am also writing to follow up on the letter listing the development conditions that you and your neighbors requested and to which Merrineck is prepared to commit, which we sent, following our meeting with you and your neighbors on July 25th. It would be most beneficial if we could receive a written response so that we can then be prepared to more fully discuss any remaining issues at our next meeting.

At our initial meeting, and in your prior meetings with our client, you indicated that you were not opposed to the project but that you were opposed to any ingress or egress from SW 76th Street onto the site. As you know, among other things, we have complied with your request and eliminated the SW 76th Street curb cut. We have also agreed to provide landscaping within the swale area along SW 76th Street.

We look forward to meeting with you and to your response.

Sincerely,

Ben Fernandez

BF/bl

cc: Hamid Bolooki

Direct: 305-377-6235
E-Mail: BFernandez@BRZoninglaw.com

VIA U.S. MAIL

September 17, 2007

RE: Merrineck Estates, LLC & Medico International Realty Holdings, LLC, Public Hearing No. 07-069, for the Property Located at 7600 and 7650 SW 87th Avenue, Miami-Dade County, Florida.

Dear Neighbor:

We would like to invite you to meet with us once again on Tuesday, September 25, 2007, at 7:00 PM at the Sunset Congregational Church located at 9025 Sunset Drive, Miami, Florida 33173.

At this follow up meeting, we will present to you our landscape plan for SW 76th Street and review our application to the Department of Transportation that will be considered for approval in early October.

Please contact me directly should you have any questions. Light snacks and refreshments will be served. We look forward to meeting with you.

Sincerely,

Ben Fernandez

BF/bl

Direct: 305-377-6235
E-Mail: BFernandez@BRZoninglaw.com

VIA U.S. MAIL

October 15, 2007

RE: Merrineck Estates, LLC & Medico International Realty Holdings, LLC, Public Hearing No. 07-069, for the Property Located at 7600 and 7650 SW 87th Avenue, Miami-Dade County, Florida.

Dear Neighbor:

We understand that you have recently received a hearing notice for the above-referenced public hearing. While the notice states that the applicant is seeking to rezone from the RU-5A to RU-5 Zoning District, please be assured that, as we have agreed, we are in the process of amending the application to request a height variance for a roofline no greater than twenty-nine feet (29') in lieu of the rezoning to RU-5.

We would also like to reaffirm the following additional commitments made at the neighborhood meeting we held on Tuesday, September 25, 2007, at the Sunset Congregational Church: (1) we will not provide any ingress or egress on SW 76th Street; and (2) we will place additional landscaping along both sides of SW 76th Street consisting of royal palms, live oaks and mahogany trees and shrubs in compliance with Miami-Dade County standards.

Please contact me directly should you have any questions.

Sincerely,

Ben Fernandez

BF/ma/bl

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This instrument was prepared by:
Name: Matthew Amster, Esq.
Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

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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. Z2007000069 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 Planners entitled, "Galloway Medical Pavilion SW 76th Street, 87th Avenue," dated received the 4th day of December, 2007, pages SP-1, LP-1 and A-3.0, and dated received the 9th day of May, 2007, pages SP-2, A-1.0 and A-2.0, as same may be modified by Paragraphs (2) and (3) herein, said plans consisting of a total of 6 sheets and being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

(2) The plans described in Paragraph (1) above show two entrances to the Property along SW 87 Avenue, which require approval from the Florida Department of Transportation (FDOT). Owner shall apply for approval from FDOT to allow both entrances as shown.

(3) In the event that the FDOT denies the request, then said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes Architects Planners entitled, "Galloway Medical Pavilion SW 76th Street, 87th Avenue," dated received the 19th day of December, 2007, pages SP-1 and LP-1, dated received the 4th day of December, 2007, page A-3.0, and dated received the 9th day of May, 2007, pages SP-2, A-1.0 and A-2.0, said plans consisting of a total of 6 sheets and being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement

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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 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 joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, 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

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

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the 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

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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]

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land that is specifically zoned for business, professional office, office park, or designated "Business and Office" on the CDMP Land Use Plan (LUP) map. While vacant industrially zoned or designated land may be and often is used for commercial use, particularly office development but including retail uses such as hotels and restaurants, for purposes of this analysis none was included in the commercial land supply.

The first four columns of Table 8 summarize the result of applying the method described. Countywide, the 2,588.6 acres of vacant commercially zoned or designated land available in 2007 would be depleted in the year 2023, at the average annual absorption rate of 159.97 acres. However, the projected depletion year varies from Tier to Tier. Only the South-Central Tier will deplete its supply before 2014. Individual MSAs reveal more variability. MSAs 1.1, 1.2, 1.3, 2.2, 4.3, 5.2, 5.4, 5.5, 5.6, 5.7, 6.1, and 7.6 all will have depleted their supply of commercial land before 2015. At this point, it is necessary to point out that the projected year of depletion provides only one indication of the areas of the County where additional land for commercial use may be warranted. However, it cannot be concluded that land for commercial use should automatically be added in the specific MSAs where the numbers indicate depletion before the year 2015. Because of the dual purposes of commercial land use, the land allocation process and planning for future land availability are more complex than the case of residential or industrial land use.

It is worth noting that by redeveloping or adding additional uses to existing sites, the existing supply would accommodate significant growth. A second consideration is that some commercial uses are "population serving" and should be distributed throughout the community with consideration for convenience to the residential population, while some commercial uses can be categorized as "export" uses which may be better located in areas having good transportation access to larger areas, and where other similar or complementary uses can agglomerate into commercial or employment centers. In this regard, "export" oriented commercial centers - like regional centers, industrial centers, and transportation facilities - can help give structure to the urban pattern and comprehensive planning should foster this.

In an effort to gauge what is an appropriate amount of commercial land to be allocated to "population serving" commercial uses, the ratio of commercial acres per 1,000 persons by MSA, Tier, and countywide was analyzed. The final two columns of Table 8 indicate commercial acres per 1,000 persons for each MSA, Tier and the countywide average. The countywide ratio for 2015 is projected to be 6.1 acres per 1,000 persons declining to 5.4 per 1,000 persons by the year 2025 if no industrial land is used and no further supply is added. While 6.1 acres per 1,000 persons is the County average, this includes regional centers, racetracks, commercial stadiums, and other such commercial uses. If a local area registers a commercial land/population ratio below average, it does not necessarily indicate an undesirable condition. However, those MSAs or Tiers showing ratios significantly below the Tier or Countywide ratio should warrant closer review to determine whether the commercial needs of the area's population would be adequately met.

Table 8
Projected Absorption of Commercial Land
Miami-Dade County, Florida 2007-2025

Tier and Minor Statistical Area	Vacant Commercial Land 2007 (Acres)	Commercial Acres Acres in Use 2007 (Acres)	Avg Annual Absorption Rate 2003-2025 (Acres)	Projected Year of Depletion	Commercial Acres Per Thousand Persons 2015 (Acres)	2025
North Tier						
1.1	2.3	67.4	0.63	2011	3.0	2.9
2.1	68.6	1089.7	2.59	2025+	6.3	6.1
2.2	12.6	275.2	2.68	2012	5.4	5.3
2.3	192.9	658.7	5.91	2025+	9.4	9.1
2.4	46.3	534.0	1.08	2025+	6.7	6.4
3.1	221.6	976.8	21.72	2017	4.6	4.6
Total	544.3	3601.8	34.61	2023	5.9	5.8
North Central Tier						
1.3	7.4	256.8	1.10	2014	2.2	2.2
3.2	313.5	1586.8	17.60	2025	11.3	11.1
4.1	47.7	387.4	0.62	2025+	4.9	4.7
4.2	95.7	438.9	2.62	2025+	6.4	5.3
4.3	13.3	894.4	2.21	2013	7.2	6.7
4.4	1.4	70.0	0.16	2016	4.3	4.1
4.5	49.9	193.8	0.00	2025+	–	–
4.6	30.0	314.9	2.25	2020	6.4	5.4
4.7	80.6	324.9	3.72	2025+	7.1	6.0
5.1	26.9	553.0	0.91	2025+	4.4	4.3
Total	666.4	5020.9	31.19	2025+	6.7	6.3
South-Central Tier						
1.2	0.0	94.4	0.14	2007	8.0	8.0
5.2	18.5	239.7	3.37	2012	3.8	3.0
5.3	17.7	616.5	1.95	2016	4.9	4.6
5.4	6.8	576.4	1.94	2011	5.6	5.5
5.5	12.8	557.9	3.01	2011	6.3	5.7
5.6	1.5	227.6	0.74	2009	6.3	5.8
5.7	15.9	260.5	0.81	2025+	9.3	8.7
5.8	18.1	113.2	2.26	2015	3.4	2.9
6.1	51.8	512.2	14.49	2011	2.6	2.5
6.2	169.7	545.9	16.85	2017	4.1	4.1
Total	312.8	3744.3	45.56	2014	4.5	4.2
South Tier						
7.1	110.3	321.8	7.46	2022	7.3	4.7
7.2	61.1	205.4	6.02	2017	5.2	3.6
7.3	194.3	208.4	3.32	2025+	10.6	6.8
7.4	326.6	312.8	16.92	2026	8.3	4.7
7.5	372.8	441.4	12.76	2025+	28.0	12.6
7.6	0.0	1.3	2.13	2007	0.2	0.1
Total	1,065.1	1,491.1	48.61	2025+	9.7	5.7
Grand Total	2,588.6	13,858.1	159.97	2023	6.1	5.4

– Insignificant population.
Source: Miami-Dade Department of Planning & Zoning, Planning Division, Research Section, August 2007.

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MIAMI-DADE COUNTY
miamidade.gov

Public Works Department

Cash

Date of Issue: 01/22/2008 Permit #: PW2008002038

Inspector:

Permission is hereby granted to MERRINECK ESTATES LLC
for the purpose of TREE PLANTING IN ROW --(8),merrineck estates llc and medic
international realty holdings llc
at SW 7600 BLK AND SW 7650 AND SW 87TH AVE;

Subdivision: merrineck estaes
Work Order: planting trees

The work herein described and permitted is to be commenced not before 01/22/2008 , and completed not later than than 01/21/2009 on which date this permit expires.

24 hour notification shall be made to Miami Dade County Public Works Department, phone 305-375-2135, when the work for which this permit is granted is ready for construction. This permit is issued subject to actual work being done by a contractor properly certified by the CONSTRUCTION TRADES QUALIFYING BOARD. In accepting this permit, the permitee agrees to hold thereof harmless from payment of any compensation or damages, resulting from his exercise of the privileges granted under this permit. Construction must be in accordance with approved plan, and/or to recorded portions of the Public Works Manual.

Prework conference required: YES____ NO____

MERRINECK ESTATES LLC
acknowledges the sum of $80.00 dollars
in payment of this permit, and it is understood and agreed that all work to be done hereunder will be in accordance with the requirements of this department.

ER NUMBER:

THIS PERMIT MUST BE KEPT ON THE JOB SITE

ALL REQUIRED TRAFFIC CONTROL CONTROL DEVICES MUST BE INSTALLED PRIOR TO PLACEMENT OF ASPHALT SURFACE

Permitee: HAMID BOLOOKI

Issuer: GREEN, ELIZABETH

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MIAMI-DADE COUNTY
miamidade.gov

Public Works Department

Cash

Permit #: PW2008002086

Date of Issue: 01/23/2008

Inspector:

Permission is hereby granted to MERRINECK ESTATES LLC
for the purpose of TREE PLANTING IN ROW --(9),Merrineck Estates LLC and Medico Internationl Realty Holdings LLC

at SW 76TH ST AND SW 87TH AVE;

Subdivision: merrineck estates
Work Order: planting trees

The work herein described and permitted is to be commenced not before 01/23/2008 , and completed not later than than 01/22/2009 on which date this permit expires.
24 hour notification shall be made to Miami Dade County Public Works Department, phone 305-375-2135, when the work for which this permit is granted is ready for construction. This permit is issued subject to actual work being done by a contractor properly certified by the CONSTRUCTION TRADES QUALIFYING BOARD. In accepting this permit, the permitee agrees to hold thereof harmless from payment of any compensation or damages, resulting from his exercise of the privileges granted under this permit. Construction must be in accordance with approved plan, and/or to recorded portions of the Public Works Manual.

Prework conference required: YES____ NO____

MERRINECK ESTATES LLC
acknowledges the sum of $90.00 dollars
in payment of this permit, and it is understood and agreed that all work to be done hereunder will be in accordance with the requirements of this department.
ER NUMBER:

THIS PERMIT MUST BE KEPT ON THE JOB SITE

ALL REQUIRED TRAFFIC CONTROL CONTROL DEVICES MUST BE INSTALLED PRIOR TO PLACEMENT OF ASPHALT SURFACE

Permitee: HAMID BOLOOKI

Issuer: GREEN, ELIZABETH

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01/23/2008 03:57:45 PM

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Martinez, Rebeca (PWD)

From: Martinez, Rebeca (PWD) on behalf of Cotarelo, Antonio (PWD)
Sent: Wednesday, January 23, 2008 11:04 AM
To: Moreno, Tony (PWD); Green, Elizabeth (PWD)
Cc: Alvarez, Ana (PWD); Cotarelo, Antonio (PWD); Cardenas, David (PWD)
Subject: FW: Street Tree Permit request for Merrineck Estates
Importance: High

Hi Tony/Elizabeth:

Please issue the permit for the trees across the street without a covenant. The County will be assuming the maintenance of the trees. Elizabeth issued a permit for tree planting, but did not issue the one for the tree planting across the street because of the missing covenant, but it will be not required. This has been approved and can be issued. I spoke to Mr. Ben Fernandez and he will have someone come out today for the missing permit. If you need anything, please let me know.

Thank you,
Rebeca

From: Baro, Carlos M. (PWD)
Sent: Wednesday, January 23, 2008 8:10 AM
To: Moreno, Tony (PWD)
Cc: Cotarelo, Antonio (PWD); Alvarez, Ana (PWD); Cardenas, David (PWD)
Subject: RE: Street Tree Permit request for Merrineck Estates

Tony, per my conversation with Tony Cotarelo and David Cardenas, please issue the permit if you have not already done so. The County will be assuming maintenance of the trees in the public right-of-way.

Thank you,
Carlos M. Baro III, Chief PWD Inspector
Miami-Dade County Public Works Department
305-375-2135
cbaro@miamidade.gov
"Delivering Excellence Every Day"

From: Martinez, Rebeca (PWD) **On Behalf Of** Cotarelo, Antonio (PWD)
Sent: Friday, January 11, 2008 10:23 AM
To: Baro, Carlos M. (PWD)
Subject: FW: Street Tree Permit request for Merrineck Estates

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From: Moreno, Tony (PWD)
Sent: Friday, January 11, 2008 10:03 AM
To: Cardenas, David (PWD); Hervis, Manny (PWD)
Cc: Calas, Esther (PWD); Cotarelo, Antonio (PWD)
Subject: FW: Street Tree Permit request for Merrineck Estates

Good morning David,

Would Public Works assume the responsibility of maintaining the trees across the street from this

property?
We can issue the permit for the trees that are to be planted adjacent to the property with a recorded covenant, but we can not issue a permit for the trees they want to plant across the street without the covenant.
Please advise.

-----Original Message-----
From: Matthew Amster [mailto:MAmster@brzoninglaw.com]
Sent: Thursday, January 10, 2008 3:47 PM
To: Moreno, Tony (PWD)
Cc: Calas, Esther (PWD); Ben Fernandez
Subject: FW: Street Tree Permit request for Merrineck Estates

Dear Mr. Moreno:

This law firm represents Merrineck Estates, LLC and Medico International Realty Holdings, LLC, (the "Owners") the owners of 7600 & 7650 SW 87 Avenue (the "Property"). We are assisting the Owners with a zoning public hearing application, PH07-069, scheduled for hearing on January 24, 2008. The zoning application has been subject to protest by area residents. As part of a compromise with neighbors, the residents have requested that we plant trees on both the south and north sides of SW 76 Street, which is located north of the Property. The Owners are willing to plant a mix of live oak, gumbo limbo and mahogany trees in both swales.

Regarding the south swale, which is immediately adjacent to the Property, we are presently in the process of obtaining the permit to plant 8 new trees. Through the required recorded covenant, the Owners agree to maintain the trees in perpetuity.

Regarding the north swale, which is not adjacent to the Property, the Owners are willing to plant appropriate trees (9 total) in the swale but not commit to the perpetual maintenance of the trees. Therefore, the Owners will not complete and record the required covenant for maintenance. We have sought the assistance of the adjacent land owner to the north, but they have not agreed to maintain the swale. As the Owners are willing to plant the trees, we would like Public Works to consider assuming the maintenance responsibility.

Elizabeth Green informed me that based on the permit requirements, the permit cannot be issued without a recorded covenant for maintenance. If an arrangement may be made where the Owners plant the trees and Public Works assumes the maintenance responsibility, please let us know immediately. Should Public Works decide not to assume the maintenance responsibility, then due to the neighbors' requests and our pending public hearing we would like written confirmation that Public Works denies our request to plant the trees in the north swale of SW 76 Street. Thank you for your assistance. Please contact me at your earliest convenience with any questions.

Sincerely,

Matthew Amster, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Blvd.
Suite 850
Miami, FL 33131
(305) 377-6236
(305) 377-6222 (fax)
MAmster@BRZoningLaw.com

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