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VIA HAND DELIVERY, EMAIL & FACSIMILE

December 29, 2008

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street
11th Floor
Miami, Florida 33128

RECEIVED

DEC 31 2008

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION

BY _____

RE: Amended Letter of Intent for Public Hearing Application No. 07-344

Dear Mr. LaFerrier:

This law firm represents Ronald Chavez, Ramiro Chavez, and Magali Chavez (the "Applicants") who own the property located at 8300 SW 94 Street (the "Property"). This letter shall serve as the Applicants' amended letter of intent in order to withdraw the proffered plans and Declaration of Restrictions, and request a district boundary change from EU-1 to EU-M. Accordingly, we respectfully request that the Department reconsider its recommendation, or in the alternative, correct its numerous inaccuracies as requested in our November 6, 2008 correspondence and discussed below. See Exhibit A and B. As we discussed on December 22, 2008, we look forward to meeting with you in person to discuss this amended request prior to the January 6, 2009 public hearing before Community Zoning Appeals Board (CZAB) 12.

The Property. The Property is located seven miles east of the Urban Development Boundary (UDB) where additional residential density is encouraged, especially due to the Property's proximity to US-1, the Busway, and the Palmetto Expressway to the east. The construction of Baptist Hospital in 1960 to the west of the Property fueled a litany of rezonings in the area. Rezoning to RU-5A allowed the development of professional office uses to serve Baptist Hospital and an employment center for the surrounding residential community. Rezoning to RU-4, RU-3 and RU-2 to the east and the west serve as a transition

area to buffer the estate density residential in the interior of the section. The majority of the section is now zoned EU-M, including the lands immediately north and east of the Property.

The Property is approximately 1.25 gross acres in size and is zoned Estate Single Family One Acre Gross (EU-1). Contrary to the "Analysis" portion of the Staff Recommendation, the Property is not "vacant." The Property is developed with an abandoned, dilapidated 1,500 square foot single family home and neglected fish farm with four above-ground tanks. Prior to the Applicants' purchase of the Property in mid-2006, the Property was the subject to numerous neighborhood complaints regarding trespassing, vagrancy and overgrowth. To complicate matters, the trees, shrubs, and plants are protected by Chapter 24 of the County Code, which makes the Property difficult to police, especially at night. Dense vegetation is problematic for the neighbors and is a conundrum for the applicants. Team Metro has issued citations to the Applicants for overgrowth and at the same time DERM has issued a citation to the Applicants for attempting to clean up the overgrowth. After six months of negotiations with DERM staff, the Applicants have secured Tree Permit 2008-00008 allowing the development of the Property while protecting the natural resources on the Property.

Withdrawal of Plans. The Applicants hereby withdraw the proffered plans and Declaration of Restrictions proposing the development of three units and requiring the purchase of one (1) Severable Use Right (SUR). It has become apparent that the utilization of SURs has unfairly prejudiced the application to Staff and as a result, CZAB 12. CDMP Land Use Policy 9C mandates that "Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map." See CDMP Page I-20 (emphasis added). Despite this mandate, the Staff Recommendation inaccurately states "that the 3 proposed lots do not comply with the minimum lot frontage and lot area required," rather than acknowledge that the Miami-Dade County Code provides a reduced minimum lot frontage and lot area with the purchase of an SUR. Inaccurate statements such as this incorrectly portrays SURs as a type of variance that if permitted would create negative precedent in an established residential community. We ask that the Staff Recommendation be revised to comply with the CDMP's mandate to promote and encourage SURs.

Request for Rezoning. The Applicants' hereby limit their request to a rezoning from EU-1 to EU-M. Section 33-311(f) of the County Code provides the pertinent standard for approval of a rezoning, which is the proposal's consistency with the Comprehensive Development Master Plan (CDMP) and its impact on the environment, economy and public facilities.

The Staff Recommendation is clear: the proposed rezoning to EU-M is consistent with the CDMP. In fact, while the CDMP provides that "development at a lower than the maximum density may be required where conditions warrant," the CDMP is clear that "[i]n order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category." See CDMP Page I-30 (emphasis added). The Property is located seven miles east of the UDB where additional residential density is encouraged, especially due to the Property's proximity to US-1, the Busway, and the Palmetto Expressway to the east. The Property's existing density of 0.80 is twenty percent (20%) lower than the minimum density of 1.0 established by the CDMP. Accordingly, rezoning the Property within the range provided by the CDMP is warranted, and a denial of the rezoning request to develop the Property within the permissible range would be inconsistent with the Goals, Objectives and Policies of the CDMP.

The Staff Recommendation inaccurately provides that "the approval of the proposal would be out of character with the development pattern in the area as no similar approvals exist in the immediate vicinity." Precedent exists in the immediate vicinity for rezonings to EU-M encroaching into EU-1 blocks from 1961 to the very present. See Exhibit C. In 1961, the Board of County Commissioners approved a rezoning to EU-M on SW 83 Court and SW 102 Street via Resolution No. Z-217-61. In 2004, CZAB 12 unanimously approved a rezoning to EU-M in the block immediately north of the Property via Resolution No. CZAB12-11-04. In 2005, CZAB 12 approved a rezoning with Severable Use Rights to EU-M at SW 83 Court and SW 98 Street via Resolution No. CZAB12-29-05. In 2006, CZAB 12 unanimously approved a rezoning to EU-M at SW 84 Avenue and SW 98 Street via Resolution No. CZAB12-8-06. In 2006 and again in 2007, CZAB 12 approved a rezoning with Severable Use Rights at SW 92 Street and SW 84 Avenue (Resolution Nos. CZAB12-26-07 and CZAB12-15-06). Most recently, in 2007, CZAB 12 approved a rezoning to EU-M at SW 84 Ave and SW 94 Street via Resolution No. CZAB12-30-07. These approvals are analogous to the proposed rezoning and are located in the immediate vicinity. Notably, the lands immediately north and east of the Property are also zoned EU-M.

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DERM, Public Works, Police, Fire, and Schools offer no objections to the approval of the application. Approval of this application will benefit the immediate neighborhood by demolishing a dilapidated structure, thereby eliminating an eyesore and preventing trespass, vagrancy and other criminal activity on the Property. Approval of this application will also benefit the immediate neighborhood by allowing the Applicants to clear existing overgrowth and properly maintain the Property's naturally lush landscaping consistent with DERM Tree Permit No. 2008-TREE-PER-00008. Approval of this application will benefit the immediate neighborhood by dedicated and constructing its portion of the SW 83 Avenue right-of-way. Last, approval of the application will have a favorable impact on the economy of Miami-Dade County by increasing the County's ad valorem tax base, creating jobs in the construction industry, and relieving some pressure from expanding the UDB. For all these reasons, this application has earned the overwhelming support of the neighboring residents. See Exhibit D. Accordingly, we believe that the proposed rezoning to EU-M merits a favorable staff recommendation.

Conclusion. We look forward to meeting with you as discussed before the January 6, 2009 public hearing. Should you have any questions or concerns, please do not hesitate to phone my direct line at (305) 377-6227.

Very truly yours,



Melissa Tapanes Llahues

Enclosures

cc: Mr. John Kovacs
Ms. Maria Teresa Fojo
Mr. Jorge Vital
Jeffrey Bercow, Esq.