

COMMUNITY ZONING APPEALS BOARD 11
ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
Wednesday, June 11, 2008

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ITEM

KROME GOLD RANCHES, II, LLLP
(07-417)

Members of the Board
(Present)

Domingo Castillo, Chairman

Miguel Cervera, Vice Chairman

Jay Reichbaum

Beatriz Suarez

Jeff Wander

Ileana R. Vazquez

Patricia G. Davis

COUNTY ATTORNEY'S OFFICE

Eduardo Sanchez

Assistant County Attorney

STAFF

Lou Salvat, Clerk

Jorge Vital, Specialist

ON BEHALF OF THE APPLICANT

Juan Mayol, Esq.

I N D E X

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CHAIRMAN CASTILLO: 3-4, 6-7, 34, 39-41, 50-51, 60, 62-63, 65-69, 75, 77, 79-82, 91-93, 97, 104-105, 107-114, 117-120, 122-123.

VICE CHAIRMAN CERVERA: 3, 77, 105-107, 114, 122.

COUNCILWOMAN DAVIS: 3, 93-97, 114, 117-119, 122.

COUNCILWOMAN SUAREZ: 4, 91-92, 114-116, 122.

COUNCILMAN REICHBAUM: 3, 97-99, 101-105, 112-114, 120-122.

COUNCILMAN WANDER: 4, 92-93, 113-114, 120-122.

S T A F F

MR. SALVAT: 3-6, 114, 117, 122.
MR. VITAL: 7, 103-104, 113, 119.
MR. SANCHEZ: 3, 117.

ON BEHALF OF THE APPLICANT

MR. MAYOL: 7-41, 82-97, 100-102, 104-105, 107-111, 113-117, 119-122.

MR. KIIDDJIAN: 97-100.

SUPPORTERS

MR. MAGRONE: 79-80.
MR. RUIZ: 80.
MR. VILA: 80-82.

OBJECTORS

MR. GIBBS: 41-50.
MS. ESTY: 51-59, 62.
MS. SHARIFF: 60-62.
MS. WALKER: 62-65.
MS RICE: 65-67.
MR. KRUGLIAK: 68-69.
MS. HERZOG: 77-79.

SPEAKER

MR. PERCIVEL: 69-77.

1 CHAIRMAN CASTILLO: Good evening, the
2 West Kendall Community Council is now in
3 session. Please turn your cellphones and
4 PDAs on silent.

5 Let's see, so we have the court
6 reporter and the County Attorney.

7 Good evening, Mr. Sanchez.

8 MR. SANCHEZ: Good evening.

9 CHAIRMAN CASTILLO: Mr. Percivel, can
10 you lead in the Pledge of Allegiance,
11 please.

12 MR. PERCIVEL: My pleasure. Place
13 your hand over your heart and face the
14 flag.

15 (Pledge of Allegiance).

16 CHAIRMAN CASTILLO: Thank you so
17 much, Mr. Percivel.

18 Staff, please call the roll.

19 THE CLERK: Vice Chairman Cervera?

20 VICE CHAIRMAN CERVERA: Present.

21 THE CLERK: Councilwoman Davis?

22 COUNCILWOMAN DAVIS: Present.

23 THE CLERK: Councilman Reichbaum?

24 COUNCILMAN REICHBAUM: Present.

25 THE CLERK: Councilwoman Suarez?

1 COUNCILWOMAN SUAREZ: Present.

2 THE CLERK: Councilwoman Vazquez?

3 COUNCILWOMAN VAZQUEZ: Present.

4 THE CLERK: Councilman Wander?

5 COUNCILMAN WANDER: Present.

6 THE CLERK: Chairman Castillo?

7 CHAIRMAN CASTILLO: Present.

8 THE CLERK: You have a quorum.

9 CHAIRMAN CASTILLO: Thank you.

10 Those of you present, who wish to
11 speak tonight, must stand and the court
12 reporter will swear you in.

13 (Thereupon, all interested
14 individuals seeking to present testimony
15 in these proceedings were duly sworn to
16 tell the truth, the whole truth and
17 nothing but the truth, after which the
18 following transpired:)

19 CHAIRMAN CASTILLO: Okay. There will
20 be an introductory statement by the staff.

21 THE CLERK: "In accordance with the
22 code of Miami-Dade County, all items to be
23 heard tonight have been legally advertised
24 in the newspaper, notices have been
25 mailed, the properties have been posted.

1 Additional copies of the agenda are
2 available here at the meeting.

3 "Items will be called up to be heard
4 by the agenda number and name of the
5 applicant.

6 "The record of the hearing on each
7 application will include the records of
8 the Department of Planning & Zoning. All
9 these items are physically present
10 tonight, available to all interested
11 parties and available to the Members of
12 the Board who may exam items from the
13 record during the hearing. Parties have
14 the right of cross-examination.

15 "This statement, along with the fact
16 that all witnesses have been sworn, should
17 be included in any transcript of all or
18 any part of those proceedings.

19 "In addition, the following
20 departments have representatives here at
21 the meeting to address any questions: The
22 department of Public Works, the Department
23 of Planning & Zoning and the County
24 Attorney's Office.

25 "All exhibits used in presentation

1 before the Board become part of the public
2 record and will not be returned unless an
3 identical letter size copy is submitted
4 for the file.

5 "Any person making impertinent or
6 slanderous remarks, or who becomes
7 boisterous while addressing the Community
8 Zoning Appeals Board shall be barred from
9 further audience before the Community
10 Zoning Appeals Board by the presiding
11 officer unless permission to continue or
12 again address the Board be granted by the
13 majority vote of the board members
14 present.

15 "The number of filed protests and
16 waivers on each application will be read
17 into the record at the time of hearing as
18 each application is called. Those items
19 not heard prior to the ending time for
20 this meeting will be deferred to the next
21 available zoning hearing meeting date for
22 this board."

23 CHAIRMAN CASTILLO: Thank you.

24 Do we have any deferrals or
25 withdrawals this evening?

1 Seeing no one, staff call the first
2 item.

3 (Thereupon, other unrelated matters
4 were heard by the Board, after which the
5 following was had:)

6 CHAIRMAN CASTILLO: Okay, go ahead,
7 Mr. Mayol. Oh, just a minute.

8 Call the next item.

9 MR. VITAL: Item 3, Krome Gold
10 Ranches II, LLLP, 07-417, zero protests,
11 zero waivers.

12 MR. MAYOL: Thank you.

13 Good evening, Mr. Chairman, members
14 of the Council, Juan Mayol, along with
15 Mike Freire and Al Torres, on behalf of
16 the applicant, Krome Gold. I'm also
17 joined by Mr. Armando Guerra, who's the
18 principal of Krome Gold. I'm also joined
19 by the architects and planners for the
20 project, Mr. Mario Pascual and Peter
21 Kiiddjian, and they will all be available
22 for any questions that you may have. What
23 I plan to do is get through the
24 presentation, and, again, they'll help
25 with any questions that you may have.

1 We have introduced into the record a
2 briefing book. It has about 28 items.
3 I'd like to introduce that into the
4 record. The 28 items are sections of the
5 Dade County Code, sections of the CDMP,
6 reduced copies of the exhibits, a copy of
7 our Declaration of Restrictions and other
8 supporting documents and I will describe
9 those documents and how they relate to the
10 application before this Council tonight.

11 Let me start by -- I will start by
12 giving you a sense of the property, and
13 surroundings. I'm going to talk to you a
14 little bit about the specific proposal and
15 the plans, the application before you.
16 We'll talk about the criteria, and we will
17 talk about some of the merits and
18 arguments in support of the application.

19 Mike Freire will help me with the
20 exhibits, and we'll start with the aerial.

21 And, as you all know, from your
22 review of the kit, this is a 466 acre
23 parcel of land located on the west side of
24 Krome and 136 Street. It is outside the
25 Urban Development Boundary, and it is

1 designated on the Master Plan for
2 agricultural uses. It is zoned presently
3 GU. GU, as staff will explain, is really
4 the absence of zoning, and, as such, staff
5 has determined that because of the
6 prevailing uses in the area, the property
7 will take the characteristics of AU
8 zoning. And so there's certain uses that
9 will be permitted as of right on this
10 property, including the residential uses,
11 and we'll explain that in a little bit.

12 The site plan that's before you, and
13 we have both a reduced copy of the site
14 plan, as well as a large copy of the site
15 plan, the reduced copies is Item 1 in your
16 packets, if you want to follow in the
17 book.

18 And the community is inspired by some
19 of the greatest fishing and equestrian
20 communities in other areas of the country,
21 such as Georgia, and North Carolina, South
22 Carolina. I'm sure you've all seen the
23 ads in the Sunday Miami Herald inviting
24 you to come up to North Carolina, enjoy
25 the equestrian secluded life up in the

1 mountains.

2 The proposal, again, is to have 58
3 estate homes under the existing GU zoning
4 classification, and the existing
5 agricultural designation of this property.
6 The property could be developed with up to
7 92 home sites, estate homes, and we
8 actually have prepared a plan to show you
9 what the development of this property
10 could look like without any type of zoning
11 approval.

12 Our concept is one that it really
13 enhances the experience of rural
14 residential living. The property would be
15 arranged around a large lake that has been
16 designed to maximize lake frontage. And
17 you have wonderful estate homes that will
18 enjoy great vistas of the lake. There
19 will be a single entrance to the community
20 through Krome Avenue, and there will be a
21 guardhouse. At this point, we will have
22 to go through a separate review process,
23 an approval process for the guardhouse.
24 Even if you choose to approve this
25 application, there's still -- one of the

1 questions is, you have to look whether the
2 guardhouse should be permitted or not.
3 But the guardhouse is set up in such a way
4 that, should the guardhouse be approved,
5 that would be feasible. The proposed
6 clubhouse would provide a focal point
7 coming in, as well as the lake.

8 All of the homes will be served by an
9 internal ring road. That road would be to
10 actually serve three purposes: It would
11 allow vehicular traffic; it would allow
12 pedestrian access and would also allow --
13 serve as an equestrian trail around the
14 perimeter of the property. As I'll
15 explain in a minute, the property will
16 enjoy a direct connection to the
17 equestrian trail, which is a 24-mile
18 equestrian -- Everglades trail, I'm sorry
19 that's located on the south side --
20 southwest side of the property.

21 The clubhouse has been designed to
22 serve the needs of the community by
23 providing a meeting place, by providing
24 stables for people who do choose to keep
25 horses on the premises. Under the

1 applicable regulations, they will be able
2 to keep horses in their own homes. They
3 will be able to keep horses in the
4 stables.

5 We had designed the clubhouse to also
6 enjoy a boathouse. In the process of --
7 the give and take process of working with
8 staff, at the director's recommendation or
9 request, we did remove the boathouse
10 that's depicted in the site plan, and
11 that's explained in the recommendation
12 from staff. So at this point we're not
13 proposing to include a boathouse, but
14 every homeowner will be able to have -- to
15 keep a boat for their enjoyment.

16 I'm going to give you a few details
17 about the lake, which is very important,
18 in that the size of the lake has been
19 designed in such a way to promote water
20 quality, to enhance water controls,
21 stormwater retention on premises as
22 required by DERM. The lake will be dug by
23 mechanical means, which really means that
24 there will not be any explosives used in
25 the excavation of this lake. The lake

1 excavation will also be subject to a
2 number of conditions. We'll talk about
3 those conditions at the end of our
4 presentation. One of those conditions
5 would require that there will be a berm
6 around the lake to prohibit any type of
7 runoff from stormwater directly onto the
8 lake. It also helps preserve the water
9 quality in the lake. The maintenance of
10 the lake will be provided through a
11 homeowner's association or other similar
12 entity. And to complete the vision for
13 this community, it is the applicant's
14 intention to also stock the lake with fish
15 for recreational purposes, and also to
16 attract water fowl to the lake.

17 In Page 3 of staff's report, if I can
18 ask you to turn to Page 3 of that report,
19 staff succinctly states the purposes or
20 the functions that will be served by the
21 lake. Page 3. And they state that the
22 lake will provide fill, will enhance water
23 management areas and will provide an
24 amenity to the proposed estate homes.

25 We've developed elevations that will

1 also take you to a different place, a
2 different time, perhaps. These are
3 elevations that we'll present to you now,
4 and they have been done in a ranch style
5 residential. Architectural character will
6 include all of those features that you
7 would see in country homes all over the
8 state, will have -- and I'm actually
9 quoting from staff now, "Architectural
10 pleasing fenestrations, such as decorative
11 dormers and brick facings on the chimney.
12 The same architectural style will be used
13 in the guardhouse, at the entrance of the
14 community that will be used in the
15 clubhouse, stables and will be uniform
16 throughout.

17 The clubhouse -- I failed to mention
18 the clubhouse and the uses within the
19 clubhouse, including the stables, will be
20 for the exclusive use of residents on the
21 premises and their guests. And that's
22 part of our Declaration of Restrictions,
23 and I'll explain what else is in the
24 Declaration in a couple of minutes.

25 The proposal also maximizes, or seeks

1 to maximize the relationship between the
2 property as proposed as an estate
3 lakefront community with the area. And
4 earlier, here in my remarks, had mentioned
5 the proximity to the Everglades trail.
6 The Everglades trail is a 24-mile trail.
7 There is a description of the trail in
8 Item 8 of our briefing book, and that is a
9 trail that's accessible to horses, bikes,
10 non-motorized vehicles, extends for
11 24 miles through agricultural land, and it
12 parallels the eastern boundary of the
13 national -- of the Everglades National
14 Park along the levee, what you see in the
15 aerial picture to the west. So that
16 residents of this community and their
17 guests will be able to keep horses on the
18 premises, keep horses in the stables and
19 ride those horses down the Everglades
20 trail, come back, go back to the stables,
21 care for their horses and the like.

22 I actually searched for a way to
23 present to this Council, other than
24 through the elevations and the site plan,
25 to present the applicant's vision of this

1 community. There's hundreds of
2 communities like this in states such as
3 Georgia, North Carolina, Tennessee. We
4 produced one for you as Item 9 in our
5 book, and it is a community in North
6 Carolina that provides both the lakefront
7 experience, as well as the equestrian
8 community.

9 If we can turn now to the application
10 itself, to the requests that are before
11 you and to explain to you what it is that
12 it takes to implement the vision, these
13 plans that are before you.

14 And if I could ask you to turn to
15 page -- I think it's Page 2 of your kit
16 under the heading introduction, there are
17 listed six requests that are part of the
18 application that are independent, but
19 obviously clearly related requests. And I
20 like -- I'm going to explain the request,
21 tell you where they take place in the
22 property.

23 But also in light of staff
24 recommendation, I'm going to withdraw two
25 items.

1 And the first item I'd like to
2 withdraw would be Item Number 1, and that
3 is the request for rezoning from GU to
4 EU-2. The reason is quite simple.
5 According to staff's recommendation, the
6 property, under its existing zoning, could
7 be developed for residential uses at a
8 density of one unit per five acres. We're
9 proposing 58, which is in keeping with the
10 GU, in keeping with the ag designation.
11 Our calculation shows that at one to five
12 acres, we could actually build 92. And
13 we've also introduced into the record a
14 plan that actually takes the property,
15 and site plans it without a lake for 84
16 homes. We're proposing a reduction of
17 density below what would be permitted.

18 So Request #1, the applicant would
19 like to withdraw that from your
20 consideration.

21 Request #2 obviously applies to the
22 lake, and that's the unusual use to permit
23 the lake excavation.

24 Request #3 would be the unusual use
25 to permit the clubhouse, our private

1 recreational facility, including the
2 clubhouse, and the stables. As I
3 indicated before, the boat storage, which
4 we thought was a great element to offer to
5 our residents, has been deleted from the
6 plan at the direction and request of the
7 Planning & Zoning director.

8 Request #4 is to waive the dedication
9 and improvement of Southwest 182 Avenue
10 and theoretical Southwest 128 Street.
11 Quite frankly, Members of the Board, we
12 don't even believe that we need that
13 request, because outside the Urban
14 Development Boundary, you're only required
15 to dedicate the section lines, meaning
16 Krome Avenue, 187 Avenue and 136 Street.
17 But in an abundance of caution, we were
18 advised by staff that we should request
19 that.

20 What would happen if we were to
21 dedicate and improve 182 Avenue and 136
22 Street -- I don't know if you can -- Mike,
23 if you can take it up. We've actually
24 asked the architects to draw a line down
25 the approximate location of 182 Avenue and

1 128 Street. And what that would do, if we
2 had to dedicate and improve those roads,
3 it would divide the property into four
4 quadrants. 182 Avenue would really not go
5 anywhere, in that there are homes that
6 have been built to the south of this
7 property, as you can see in the aerial,
8 and so 182 Avenue would not go beyond 136
9 Street. 128 Street really would not
10 provide much access. And, again, both the
11 CDMP and the Zoning Code discourage the
12 dedication, improvement of roads outside
13 the Urban Development Boundary. By
14 deleting those two, we provide a single
15 point of access on Krome Avenue, we
16 control access, and we can provide the
17 ring road to provide access to all of the
18 estate homes.

19 Request #5 would apply to five lots.
20 And to give you a better picture of that,
21 I'm going to ask Michael to show you this
22 board. That's also part of your -- it's
23 in your book as a reduced copy, but that
24 is -- it applies to four lots. Lots --
25 I'm sorry, three lots, lots 33, 34 and 35.

1 Those are lots that are located along the
2 curb linear road, which provides movement,
3 provides artistic value to the extent of
4 the community. We could easily make that
5 road flat and provide the access, but we
6 believe that it's a better design. This
7 is the type of variance that has been
8 approved hundreds of times, both inside
9 and outside the Urban Development
10 Boundary. They're very minor in scope,
11 and they're all internal to the community.

12 And, lastly, Request #6, we have
13 revised the plans to provide frontage to
14 the proposed clubhouse on Krome Avenue.
15 And, as such, we do not need Request #6,
16 and would ask you to allow us to withdraw
17 six.

18 And as such, we'd like to proceed
19 with Requests 2, 3, 4 and 5.

20 So I've described for you the
21 property and its surroundings. I have
22 described for you our proposal and the
23 legal request before you.

24 I'd like to spend a few minutes
25 talking to you about the criteria that has

1 been applied by staff in evaluating the
2 requests and in making a recommendation.
3 I'd like to walk you through the elements
4 that the applicant would have to show you.

5 The criteria, as it applies to this
6 property, is found -- in our book, it's
7 found in Tab 11. And that is an excerpt
8 of the Land Use Elements of the
9 Comprehensive Development Master Plan, and
10 it is the description of what the
11 permitted uses are in the agricultural
12 area. And as I stated, the property is
13 designated for agricultural uses.

14 There's essentially three principal
15 uses in the agricultural area. Those are
16 obviously agricultural, agricultural
17 activities, uses that are ancillary to and
18 directly supportive of agriculture. And
19 the Master Plan actually gives you the
20 example of packing houses. It's hard to
21 imagine a more supportive use of
22 agriculture than a packing house.

23 And the third principal use that's
24 permitted in the agricultural is farm
25 residences, a rural residential

1 development. And the Master Plan is very
2 specific as to the type of residential
3 development that's allowed, and that
4 residential development at a density of
5 one unit per five acres.

6 There are instances in areas of the
7 agricultural area that you do have
8 residential development that is taking
9 place at a higher density than that, but
10 those are, for the most part,
11 grandfathered or have gone through a
12 public hearing process, mostly before
13 Council 14, to allow lots that are less
14 than five acres in size.

15 The other important criteria that I'd
16 like to discuss with you, it's the
17 criteria for unusual uses, and there are
18 certain uses that are -- some of which are
19 listed in your Zoning Code under Section
20 33.13 that are not specifically addressed
21 in any land use designation. And by land
22 use designation, I mean, all the
23 residential communities, low density,
24 medium density, all those, business,
25 industrial, agricultural, open land and

1 the like. And that is a copy of page I-73
2 of the land use element.

3 Do you have a extra copy for Tucker?
4 Okay, I'll give him one right now.

5 And it states that certain uses are
6 not specifically authorized in any land
7 use plan category, and, therefore, you
8 have to go through this analysis, unusual
9 use analysis, to see if you would be
10 permitted in the category that applies to
11 the property.

12 And, essentially, it says that
13 certain uses, including the uses listed as
14 unusual uses in the Zoning Code, may be
15 requested and approved in any land use
16 plan category that authorizes
17 substantially -- uses substantially
18 similar to the requested uses. In
19 addition, you have to go through an
20 analysis of whether the proposed use would
21 be compatible with the area and whether
22 the proposed use would be consistent with
23 the policies and objectives of the Master
24 Plan. And we'll get into that analysis
25 shortly.

1 Some of the unusual uses that are
2 listed in the Zoning Code are lake is
3 listed as an unusual use, a private
4 recreational facility is listed as an
5 unusual use, a utility station used to be
6 an unusual use until the code was amended,
7 an FPL substation would be an unusual use
8 and the like.

9 In the book that we brought, briefing
10 book, Tabs 19 through 25 are actually
11 examples of unusual uses that have been --
12 that have gone through the approval
13 process with the County.

14 The first one, Tab 19, is an unusual
15 use to permit a private recreational
16 equestrian club consisting of stables,
17 clubhouses, riding, and training areas and
18 accessory buildings. That facility is
19 located to the -- just directly to the
20 northwest of this property at 182 Avenue
21 and 122nd Street, approved back in 1993.
22 There's an unusual use at Tab 20 for a dog
23 kennel, which is also listed in the code
24 as an unusual use. And then there's
25 several lake excavation, unusual uses,

1 approved lake excavations, including one
2 that was approved by this Council a few
3 years ago in the Limber Landings
4 community. And that's also here in your
5 book. That's Item 23. Now, staff
6 obviously looked at the criteria, and
7 there's others that are listed in the
8 staff recommendation. I'm just giving you
9 some of the more salient ones.

10 In looking at this application, we
11 worked extremely diligent, and extremely
12 closely -- worked extremely closely with
13 staff addressing their concerns, trying to
14 respond to the questions, making
15 provisions and changes to the plans to
16 ensure that those concerns were addressed.

17 And as of late May, May 29th, as a
18 matter of fact, as of last week, staff had
19 indicated that the application, the
20 requests were acceptable to them and the
21 preliminary recommendation would be for
22 approval. I have brought for you a
23 complete copy of that recommendation. It
24 appears as Item 27 in your book.

25 I have also made a copy of Page 4

1 tonight, and Page 12 of the briefing book.
2 At Page 4 is staff analysis, summary staff
3 analysis of the site plan that was
4 submitted as part of the application. As
5 you can see, it was reviewed for a number
6 of factors and found to be acceptable for
7 all the factors that were applicable to
8 its review.

9 If you turn to Tab 13, there's also a
10 summary of the reviewing departments and
11 agencies whether they had an objection to
12 the application. And there were eight
13 departments and agencies that looked at
14 the application: DERM, Public Works,
15 Parks, Transit, Fire-Rescue, Police,
16 Schools and Planning & Zoning. All eight
17 departments and agencies found the
18 application to either be acceptable or
19 they raised no objections to the approval
20 of the application.

21 As of I think it was late -- last
22 Thursday, last week, we were informed that
23 staff had taken a look at the application,
24 in consultation with the County Attorney's
25 Office, and that the County Attorney's

1 Office had opined that a different
2 criteria, a criteria that had not been
3 applied to the type of request that's
4 ... before you, that a different criteria
5 would have to be used in the analysis of
6 the application. As such, the
7 recommendation, staff report that's dated
8 June 5th of '08, which actually was
9 distributed to you, I'm sure, either
10 Friday or Monday of this week.

11 If you look at the new analysis from
12 staff, they have now found that -- going
13 back to the same factors, review factors
14 for the site plan, they found that the
15 site plan was acceptable in two areas,
16 meaning access and landscape treatment,
17 and unacceptable as far as scale,
18 utilization of site, location of buildings
19 and compatibility.

20 Now, I will tell you that the site
21 plan did not change from Wednesday to
22 Thursday or from Thursday to Friday. If
23 there was a change, it was to remove the
24 boathouse that was part of the private
25 recreational facility, and it was removed

1 at the request of the planning director,
2 in that he felt that the boathouse was too
3 much like a commercial facility. And
4 there was a concern that it might serve
5 the larger community, and not just the
6 community within our four corners, even
7 though our Declaration of Restrictions
8 provided that there will be no access to
9 the public, no signage to the outside and
10 it will be completely internal.

11 Now, if you turn to Item 15, you can
12 tell that the same seven agencies and
13 departments that looked at the department
14 before, DERM, Public Works, Parks, MDT,
15 Fire-Rescue, Police and Schools did not
16 raise any objections as of June 5th. In
17 fact, the only objection to this
18 application is the objection to the --
19 presented by the Planning and Zoning
20 Department.

21 When you turn to the DERM
22 recommendation, actually specifically Page
23 2 of the DERM recommendation, which in
24 your kits would be Page 16, they look at
25 the application, they look at the lake,

1 and they find that the application is
2 acceptable. And they indicate that this
3 area has poor flood protection, and that
4 cut and fill will be enforced to provide
5 water management areas adequately designed
6 to retain the rainfall generated by a
7 100-year three-day storm event. And that
8 is a stormwater retention that can be
9 provided either through a lake, as we're
10 proposing to do, or through a much larger
11 dry retention area.

12 So this application comes before you
13 with the support of all the departments,
14 except for Planning & Zoning. What
15 Planning & Zoning is telling you, in its
16 recommendation, I'm sure you've all read
17 it, so I don't have to paraphrase it, what
18 they're telling you is that when you
19 analyze the private recreational facility,
20 and when you analyze the lake, they
21 believe that the applicant has two
22 additional burdens. When it comes to the
23 unusual use, which is really the only
24 criteria that they had used before, we
25 have to show that the proposed use, the

1 private recreational facility and the
2 lake, is substantially similar to another
3 use that would be permitted in the ag
4 area. And they're also telling you that
5 the Master Plan requires an additional
6 showing of either a public necessity for
7 the clubhouse, private recreational
8 facility, and the lake, or, in the
9 alternative, to show that the proposed
10 lake and private recreational facility
11 will be in the public interest and that no
12 suitable site would exist outside the
13 agricultural area to duplicate the
14 proposal that's before you.

15 In our view -- you know, I hold both
16 the County Attorney's Office and the
17 Planning & Zoning's office in the highest
18 regard. When we disagree, we just simply
19 agree to disagree, and we have two views
20 of the same question.

21 In our view, they're applying an
22 incorrect view. They take an incorrect
23 view of the lake and the clubhouse, and
24 they're looking at it as a principal use.
25 The use here is not a lake. The use here

1 is not a clubhouse. Both the lake and the
2 clubhouse are accessory uses to the
3 principal use, which is a permitted use
4 both in the existing GU zoning on this
5 property and in the agricultural
6 designation.

7 The agricultural designation has
8 three principal uses, farm residences, one
9 unit per five acres; agricultural uses,
10 uses that are directly supportive of the
11 agricultural community. And while we
12 disagree with their analysis, we can fully
13 appreciate, especially in light of DERM's
14 recommendation, how providing adequate
15 water retention through the lake that's
16 being proposed in an area that by DERM's
17 comments has poor flood retention, how
18 that would not only provide an amenity for
19 our future residents, but will also be in
20 the public interest, not only of the
21 future residents of this community, but as
22 an area as a whole.

23 It also provides other benefits that
24 will be in the public interest. For one,
25 it provides water control for the general

1 area. It provides recharge to the
2 aquifer. It provides wildlife refuge so
3 that water fowl, water birds can be
4 attracted to the area.

5 It will be extremely hard, and I
6 would bet you it might be impossible, to
7 replicate our proposal in any other area
8 of the county, simply because of the size
9 and because of the uses that are being
10 proposed. No area in the county would be
11 available to provide this type of
12 community. And, really, this is where it
13 belongs. This is a rural residential
14 community, providing an opportunity for
15 people, folks who would like to enjoy that
16 rural residential lifestyle, whether it's
17 on the weekend, or year round, any other
18 circumstances, whether you're going to be
19 flying into Tamiami and coming here for
20 the weekend or not, but that is the type
21 of experience that can only be replicated
22 here.

23 As far as showing that the proposed
24 use, both the lake and the private
25 recreational facility, is substantially

1 similar to uses that are permitted in the
2 category, there are lakes that have been
3 approved in the ag area and we brought all
4 those examples for you in our book. The
5 digging of a canal, and there are many in
6 the ag area, would also require the
7 unusual use. The digging of a lake or
8 pond for irrigation would require unusual
9 use. Digging of a lake or a pond for
10 agricultural or fish farming, which would
11 be allowed in the ag, would substantially
12 similar to this. And the recreational
13 facility would be not unlike facilities in
14 parks and institutions throughout the ag
15 area.

16 And, in fact, one of the examples
17 that we brought for you is a lake, which
18 was recommended for approval by the
19 Planning and Zoning Department, and I
20 believe has already been approved by the
21 County Commission, and that's a lake in
22 the Fruit & Spice park. And the Fruit &
23 Spice park is designated -- you would
24 think it be designated for recreational
25 uses, but it's designated for ag uses. So

1 both the recreational facility, as well as
2 the lake, would be substantially similar
3 to uses that are permitted, existing,
4 approved in the ag area.

5 I'm coming to the end my
6 presentation.

7 CHAIRMAN CASTILLO: Thank you.

8 MR. MAYOL: I promise -- I know I've
9 been a little long-winded, but there's a
10 few items that I need to go through with
11 you before I conclude.

12 The second area of disagreement that
13 we have with staff and the County
14 Attorney's Office is the voting
15 requirements. And as you know from your
16 review of the kit, staff has opined,
17 really in reliance of the County
18 Attorney's Office opinion, that the
19 approval of this application would require
20 a supermajority of five out of seven
21 members. Again, that conclusion is based
22 on an incorrect view of the lake and the
23 clubhouse as a use.

24 Let me review the language with you.
25 That's Item 16 in the briefing book. Item

1 16 is a copy of pages I-9 and I-10 from
2 the Land Use Element. And allow me -- I
3 know that Mr. Cervera hates it when
4 applicants read, but allow me to just read
5 a couple of lines. "Any zoning action or
6 amendment to the CDMP that would propose
7 any use other than direct production and
8 permitted residential use of the property
9 in an area designated agriculture, whether
10 as a primary use, or as an accessory, or
11 subordinated use to an agricultural use,
12 or action that would liberalize standards
13 or allowances going into such other uses
14 or land that's outside the UDB that's
15 within a mile of a four-lane segment of
16 Krome Avenue would require the affirmative
17 vote of not less than five members of the
18 affected Community Council."

19 To understand what that language
20 means, you have to understand the context
21 in which that language was developed by
22 staff and adopted by the County
23 Commission, and it was simply developed
24 back in the 2001 CDMP application process
25 cycle. The County Commission had directed

1 staff to move forward with a plan
2 amendment to allow the four-laning of
3 Krome Avenue, because of all the accidents
4 that were taking place in Krome Avenue.
5 As you know, that was a change, that was
6 challenged, objected and fiercely fought
7 by many in the community, most notably the
8 RCA and others to the south.

9 And, in part, to address concerns
10 that were raised, staff proposed that --
11 staff was concerned that the use -- that
12 the four-laning of Krome would somehow be
13 used as a justification for additional
14 development along Krome Avenue. And you
15 can see how somebody could say, well, now
16 that you have a four-lane road, we need a
17 Walgreen's on the corner of 136 and Krome
18 Avenue and we need a farmer's market a
19 mile up from there. It's a reasonable
20 concern. So staff proposed -- at the same
21 time that they proposed the amendment to
22 four-lane Krome Avenue, they proposed to
23 impose a supermajority requirement to make
24 it more difficult for people to obtain
25 approvals of uses, other than direct

1 production, agriculture production and
2 permitted residential uses on the
3 property.

4 Item 17 is a copy of the staff
5 recommendation on the change when it came
6 before the County Commission. And I will
7 not read it this time. I have highlighted
8 it as Paragraph 4, Page 15, Item 17, and
9 it tells you why the change was done. It
10 recognizes that certain uses are
11 permitted. The concern here was to
12 prevent the four-laning of Krome Avenue
13 from being used to justify
14 non-agricultural uses. And, in our
15 opinion, in our view, the concern could
16 not have been -- could not have been the
17 residential development, which was
18 already permitted, and which is already
19 recognized by the language.

20 Again, the voting requirement only
21 applies to uses other than agriculture
22 production or permitted residential
23 density. This is permitted residential
24 density. And the best evidence that I
25 have, that I can present to you for that

1 is staff's recommendation, that we do not
2 need the rezoning to EU-2, because we can
3 actually develop these homes without the
4 rezoning to EU-2. The lake is an
5 accessory to the residential uses, not
6 accessory or subordinate to an
7 agricultural use. Agricultural use is one
8 of the permitted uses in the land use
9 category. Residential uses is a separate
10 permitted use. And the clubhouse, private
11 recreational facility, is the same. It
12 takes accessory to the principal
13 residential use, not to agricultural use.

14 Notwithstanding our disagreement with
15 staff on the supermajority requirement, it
16 is our hope that you will see the merit of
17 this application, and that you will
18 approve it and not five to two, but seven
19 to zero. So, therefore, we leave that in
20 your hands. We don't think it applies,
21 but if you think it applies, we would ask
22 you to keep that in mind as you vote.

23 One last item, and that is my
24 Declaration of Restrictions, which we
25 proposed into the record, and that's Item

1 --Item -- let me see, Item 26. And, very
2 quickly, that would allow -- would tie us
3 to the site plan. Would not only tie us
4 to the site plan, but would tie the
5 development of this property to the
6 elevations that have been proposed; the
7 restricted use of the clubhouse, a
8 boathouse and the stables to residents and
9 the guests. It prohibits any type of sign
10 that will be visible from the outside, and
11 it also requires the maintenance of the
12 lakes and the private drives.

13 The last point -- I know I said it
14 was the last point, but I forgot to --

15 CHAIRMAN CASTILLO: Your last, last,
16 last?

17 MR. MAYOL: My last, last, promise
18 the last one.

19 CHAIRMAN CASTILLO: Okay. I would
20 appreciate it if you wrap it up.

21 MR. MAYOL: Those are the two
22 alternative plans for this property. Item
23 18 has the reproduction of the plan
24 without lakes. That plan has been
25 designed in accordance with all of the

1 applicable GU regulations, and it would
2 allow a total of 84 homes. If you do the
3 math, and divide that 466 by five acres,
4 you would actually be able to have
5 92 units. We asked the architect to
6 design a plan that would actually make
7 sense, that had provided access to the
8 sites, and that is the result of that
9 effort by the architects.

10 On the one hand, you have option A,
11 with the lake, with the clubhouse, and the
12 control access of Krome Avenue, single
13 point of access, and you have the
14 alternative Plan B, as the plan that we
15 could do as of right today without any
16 additional zoning approvals.

17 In light of Mr. Tucker Gibbs'
18 presence here, I'd like to reserve time
19 for rebuttal, if I may. I'm sure he will
20 have a few interesting things to share
21 with you. And as such, I'd like to
22 reserve a few minutes for rebuttal. If
23 you have any questions that we may address
24 right now, I'd be glad to.

25 CHAIRMAN CASTILLO: No. Thank you so

1 much.

2 MR. MAYOL: Thank you.

3 CHAIRMAN CASTILLO: Okay, public
4 hearing is now open. Anyone of you want
5 to speak for or against this item, please
6 come forward. State your name and
7 address, for the record.

8 MR. GIBBS: Good evening, my name is
9 Tucker Gibbs. I'm an attorney with law
10 offices at 2980 McFarlane Road, Suite 205,
11 in Coconut Grove, and I'm representing
12 Colleen Griffin, Karen Esty, Pamela Gray,
13 and the Redland Citizens Association in
14 this matter, and we're here tonight in
15 opposition.

16 And I'm pleased that Mr. Mayol has
17 withdrawn the rezoning, which I think was
18 a very serious issue for the community.
19 However, we still have serious objections
20 to this proposal, and that objection
21 mirrors your staff's report.

22 And I'd like to talk to you a little
23 bit about the staff's report, because I
24 think you've gotten a little short shrift.
25 Your staff is the professional staff.

1 Their recommendation is competent and
2 substantial evidence. And they are the
3 people -- and they're the only people who
4 are going to speak to you, who are
5 speaking to you with no ax to grind, with
6 no preconceived notions. They're not
7 advocating for a position or against a
8 position. They are giving you their best
9 professional advice as stewards of
10 planning for Miami-Dade County. And I
11 really want to emphasize that.

12 So when Mr. Mayol speaks of a
13 recommendation, a draft recommendation
14 that was drafted and never issued, and
15 says you should pay attention to that and
16 not pay attention necessarily to a
17 recommendation that was drafted by your
18 professionals and then sent to their legal
19 counsel to make sure it was right -- and,
20 again, legal counsel is looking out not
21 for a developer, not for the objectors,
22 but a legal counsel is looking out for the
23 best interest of Miami-Dade County and
24 making sure whatever recommendation comes
25 out of that Planning Department passes

1 legal muster. I think it's really
2 critical for you all to understand that,
3 and to understand -- and I understand if I
4 was in Juan's position, I will probably
5 try to make the same kind of argument.

6 So let's look at the recommendation
7 of staff. They're asking for lake
8 excavation. And one of the things that
9 Juan brought up, Mr. Mayol brought up, was
10 he talked about -- I guess I'll refer to
11 his handouts since you have it. I think
12 it is Number 16 -- no. It is the
13 agricultural zoning. It's Number 11. And
14 he has out here kind of a reference to the
15 section in the CDMP that talks about
16 agricultural land use. And he wants you
17 all to look at this project as a series of
18 farm residences. He emphasizes that these
19 are farm residences, because that's what
20 the CDMP allows.

21 In your agricultural zoning district,
22 it allows EU-M type single-family uses,
23 EU-1 type single-family uses. This isn't
24 a farm. This is a series of single-family
25 houses, which is permitted in the

1 agricultural zoning designation, and we
2 understand that. But, please, don't fall
3 into the trap of considering this as a
4 farm. This is not a farm. These are not
5 farm residences. These are residences for
6 people who are going to buy these
7 five-acre lots, who are going to like to
8 fish for freshwater fish, who are going to
9 like to boat out there. This is a very
10 fancy development. This is a fancy
11 suburban development plunked down in
12 agricultural area. And that is the
13 problem here, and that's the problem your
14 staff sees.

15 And that's the problem with the lake
16 excavation. They're asking for an unusual
17 use for the lake excavation. And if you
18 look at your comprehensive plan, and your
19 comprehensive plan -- I don't know if it
20 has it in his section here. Yes, he has
21 it in this section, in Tab #11. One of
22 the first things in there -- I'm only --
23 not read the whole thing. It says,
24 "Protection of viable agriculture is a
25 priority." That's, as they say in Star

1 Trek, is the prime directive. That's your
2 Number 1 issue, is protection of a viable
3 agriculture. And I need you all to look
4 at that issue, how does this project, how
5 does the excavation of this huge lake
6 protect viable agriculture in Miami-Dade
7 County beyond the Urban Development
8 Boundary? I'm not talking about something
9 inside. We're talking about something
10 that's outside the Urban Development
11 Boundary. And the question is, how does
12 it protect?

13 And it says the principal uses, as
14 Mr. Mayol said, is agricultural uses
15 ancillary and directly supportive of
16 agricultural, and that includes farm
17 residences. This doesn't do that, and
18 your staff recommendation is clear that it
19 doesn't do this.

20 They further -- and staff further
21 talks about the use being compatible with
22 agricultural and with a rural residential
23 character. Maybe -- and this is the
24 standard that Mr. Mayol doesn't like, that
25 your County Attorney and your professional

1 staff has said is the standard. That's
2 the standard. Your attorneys and your
3 professionals have told you so.

4 And you can only approve this if you
5 determine that it's a public necessity,
6 necessity for the public. This is a
7 private development. This is going to be
8 -- this isn't going to be open to the
9 public. This lake isn't open for the
10 general public to attend and to use.

11 And you also have to determine that
12 it is in the public interest. It's not in
13 the public interest. Yes, Mr. Mayol has
14 said no suitable site exist outside the
15 area. He may be right; he may be wrong.
16 I don't know. But when these people
17 bought this property, at least in the
18 newspaper article I read, they said,
19 "We're going to use this for agricultural.
20 You know, they're going to be 5 and
21 10-acre ranchettes and people are going to
22 be able to buy them and use them." Fine,
23 you don't need to excavate a lake, not a
24 lake of this size, not a private lake that
25 is taking away valuable agricultural land.

1 There is no evidence, as I said in the
2 record, that this lake excavation is
3 ancillary and necessary to support the
4 rural residential community, or it's a
5 public necessity, or it will be in the
6 public interest.

7 Look at your staff recommendation,
8 and please follow it. It is competent and
9 substantial evidence. That's what you're
10 supposed to rely on. That's your staff
11 recommendation.

12 Let's look at the unusual use for the
13 private recreational facility, which is
14 the clubhouse. I don't know if this has
15 changed, but in the recommendation, it
16 says it's 17,332 square feet. And what
17 your professional staff is telling you is
18 that this size of this kind of clubhouse
19 and horse stables is inconsistent with the
20 plan. They say just like the lake
21 excavation, the recreational facility is
22 not a use that is ancillary and necessary
23 to support the rural agricultural
24 community.

25 By the way, I don't mean to digress,

1 but that reminded me, Mr. Mayo talked
2 about how this lake is ancillary to a
3 residential use. It's ancillary to a
4 residential use. Your staff says no. I
5 can't understand that. For the life of
6 me, I can't understand how a recreational
7 lake is an ancillary use to a residential
8 house. But, again, they're saying, your
9 staff is saying that, your professional
10 staff, and they're saying the recreational
11 use is ancillary and necessary to
12 support -- to support the rural
13 agricultural community. I don't know how
14 that supports the rural agricultural
15 community.

16 And, finally, they say the scale is
17 way out, it's too big to support that
18 rural residential community. It's
19 inconsistent with the surrounding area as
20 proposed. The standard is whether it is
21 incompatible with the surrounding area
22 when considering, again, the necessity for
23 and the reasonableness of the proposed
24 site in relation to the present and future
25 development of the area and the

1 compatibility of the proposed use of the
2 area's development. Your professional
3 staff is telling you, this is out of
4 scale. This is what they do. This is
5 their job. It is not ancillary and
6 necessary to support the agricultural
7 community, and, therefore, it is
8 inconsistent with your comprehensive plan.

9 And, finally, the non-use variances
10 for lot frontage. I'm just going to go to
11 tell you, look at your professional
12 staff's recommendation. It doesn't
13 maintain the basic intent and the purpose
14 of these zoning regulations by reducing
15 lot frontages or eliminating the
16 dedication requirement. They're part of
17 the development plan. He said that --
18 your staff is saying reject it.

19 At the end of the day, Mr. Mayo
20 talked about several things, and one of
21 the things he talked about was the voting
22 requirement, and the supermajority is
23 necessary and it doesn't include the
24 permitted residential use. You know, is
25 the lake a permitted residential use. And

1 that's the other thing, he is saying to
2 you a lake is a permitted residential use.
3 I don't understand that either. I don't
4 understand how a lake can be a permitted
5 use. The lake may be considered
6 accessory, I doubt that as well. But in
7 terms of the voting requirement again,
8 rely on your professional staff. Your
9 professional staff is telling you, from a
10 legal perspective, to protect your
11 interest, this is what you need to do.
12 Your planning staff is saying, to protect
13 the interest of this community, this is
14 their recommendation, as the stewards of
15 the zoning and land use of this county.

16 And, finally, we'd like to -- we
17 conclude by saying, we support the staff's
18 recommendation. We urge you to vote no on
19 every single one of these proposals as
20 presented, as has been recommended, again,
21 by your professional staff. Your
22 professional staff has provided competent
23 and substantial evidence to deny it, and
24 we thank you for your time.

25 CHAIRMAN CASTILLO: Thank you so

1 much.

2 Anyone else?

3 MS. ESTY: Good evening, Council
4 Members, Karen Esty, 14445 Southwest 200
5 Street.

6 CHAIRMAN CASTILLO: Good evening. I
7 didn't get your name.

8 MS. ESTY: Karen Esty.

9 CHAIRMAN CASTILLO: Okay, thank you.

10 MS. ESTY: Thank you.

11 I have a couple of questions for Mr.
12 Mayol, if I could direct them to him right
13 now just to clarify something.

14 CHAIRMAN CASTILLO: Do that to us.

15 MS. ESTY: There was changes in I
16 guess the roadway, the designs of the
17 roadway going in and out of this
18 application. And I do know that the fire
19 department and -- I don't know if the fire
20 department and police department has had a
21 chance to review the revised plans to put
22 their approval on it, because in the
23 initial -- they just gave approval for the
24 initial development order, so I'd like for
25 you to find out.

1 And also the depth of the lake,
2 because that's very substantial. I've
3 done some figures regarding -- even if
4 they went 20 feet down -- and I'll hand
5 those up to you. I'm not very good at
6 math, and I'll give this to Juan. But I
7 don't know what the depth of this lake is.
8 So it's going to be -- that's 40-foot. I
9 did one on 20-foot, and I'll get that up
10 to you. But if you do -- if you're doing
11 an excavation at 20 foot -- and I've
12 rounded things off for slopes going down
13 from your dry land into the lake. And
14 even at a 20-foot depth, you're going to
15 be excavating over five million cubic
16 yards of lime rock. That's a lot. So I
17 would consider this more not a lake, but
18 of excavation lime rock mining. And even
19 if they were going to a little bit deeper,
20 you know the size.

21 Then, on top of that, once we -- now
22 that we go back to Krome Avenue, we've
23 always heard about killer Krome. Instead
24 of adding more people out onto Krome
25 Avenue, we need to be decreasing. And the

1 trucks running in and out of delivering
2 and picking up this fill is really going
3 to create havoc.

4 From -- bear with me for a minute
5 here, because the reason I'm here tonight,
6 and I'm actually from further south than
7 this application, over the years -- I have
8 20 years experience in doing zoning. I
9 was on Metro-Dade Zoning Appeals Board, so
10 I covered all areas of Dade County. And
11 I've always looked at zoning as being a
12 good planner, because the precedence, the
13 decisions that you make, as we did, affect
14 all applications coming forward. So you
15 need to be very clear on applications, and
16 make sure that it's a countywide good
17 policy. And that's why I'm here this
18 evening, because I'm very adamant about
19 preserving and protecting what
20 agricultural land we have available.

21 And in order for agriculture to
22 remain viable, there's one thing it needs,
23 and it needs to have consistent zoning
24 policies, and having those consistent
25 zoning policies unifies the land. Having

1 an application, such as this, is very
2 fragmenting to our community. It's just
3 not conceivable that this is even
4 considered compatible.

5 And taking the 466 acres out of --
6 even though it may not be an agricultural
7 use right now, there are plenty of people
8 willing to lease this land or maybe even
9 buy it. The people who bought it should
10 say, look, you know, we have the biggest
11 farmer market going here, and we should
12 preserve this.

13 In today's economy, and as far as
14 fuel goes, it would be less expensive if
15 we promoted our locally grown produce,
16 what we have here. We have the freshest
17 things in South Dade. It doesn't have to
18 be shipped in two or three days later. It
19 doesn't have to be steamed. It doesn't
20 have to be boiled. It doesn't have to be
21 picked green. It's right here in our own
22 backyards.

23 I think it makes sense, because I
24 consider this a really good recession
25 proof economy as agriculture. And the

1 reason I say this is because, whenever the
2 economy is really slumping, as it is now,
3 people cannot travel because of gas. They
4 can't do a lot of things because of our
5 fuel shortages. But what keeps going is
6 agriculture. It did it after 911 when
7 Dade County was bottoming out because we
8 had no tourism coming in. You still could
9 go down -- and agriculture is still going
10 strong and it still will.

11 And what about services? I've seen
12 this happen so many times during my zoning
13 years. You put people, but you don't put
14 services. And then a zoning attorney will
15 come back and say, "You know, I forgot to
16 tell you, in minor statistical area so and
17 so, we don't have enough services to serve
18 these people." And Mr. Mayol was very
19 right in saying, oh, we're going to need a
20 CVS or some kind of grocery shopping.
21 This is going to come back to bite
22 everybody if we say -- if we don't say no
23 to this.

24 In addition to that, I talked about
25 the fill. That's very, very important

1 that we determine how much fill is being
2 taken out. What determines a lake, and
3 what determines excavation.

4 I wanted to make some other comments
5 here. I have them in my notes.

6 Again, let's talk about budget cuts.
7 Who's going to be paying for the roads?
8 Public Works? We're all running -- you
9 know, Dade County is cutting budgets left
10 and right. Why are we spending more money
11 coming out to the western fringes, when
12 everything east in Dade County is
13 suffering, suffering badly to have roads
14 improved, infrastructure approved. We
15 cannot continue to have western sprawl.
16 It doesn't make -- it's not dollars and
17 sense wise for the citizens of Dade County
18 to spend their tax dollars promoting
19 everything west when everything is
20 crumbling to the east.

21 Going back to -- Mr. Mayol mentioned
22 that there would be an excavation at the
23 Fruit & Spice park. I think that's less
24 than two acres. It's not 173-acre
25 establishment.

1 In addition to that, I wanted to find
2 out if this would be required to go
3 through EQCB, I'm not sure, to take a look
4 at the excavation.

5 I think my main concern here is the
6 taking away from the five-acre home sites.
7 Some of the land that will be going into
8 these properties will be going into the
9 lakes, so they're not going to be true
10 five-acre estates. And most people out in
11 Redland, or out in the ag community, yes,
12 they buy five-acre home sites, but they
13 have farming on them. It would be -- it
14 would be crazy to not farm because your
15 taxes would just be astronomical. People
16 move out there for a reason.

17 And also people -- there's always
18 people willing to farm. There's always
19 people that work with their hands. And
20 time and time again we keep pushing
21 further west and pushing further west. So
22 we're splitting jobs against jobs,
23 development and agriculture. At some
24 point we're going to have to come to a
25 unified decision and decide how much land

1 is viable for our community to survive.
2 We have an excess that will probably last
3 three to five years in the housing market
4 at this point.

5 In addition to this, we have a west
6 wellfield out there. And when the Lake
7 Belt wanted to come down, DERM was all
8 over them. You can't come near this area,
9 but yet DERM approved this, so I'm a
10 little confused on that. And this is,
11 again, in a flood plain zone. Why would
12 somebody want to put somebody in harm's
13 way? You can say you can berm it, you can
14 dig lakes. That's not true, it will
15 flood. Then on the lakes it talks about
16 boats. With boats, you have motor oil,
17 and you also have gas. And they go into
18 the water, and, therefore, you have
19 pollution.

20 So I'm asking this Board to really
21 take a very serious look at what this is
22 going to do. It's going to fragment our
23 community. It will not unify whatsoever.
24 There's nothing this big anywhere else.
25 And if you allow this, and it's very true

1 what attorney Tucker Gibbs said, it will
2 create more of the same.

3 And my concern, again, is services.
4 Once this goes in -- and a punch through
5 street. There's only way -- you only can
6 go through Kendall Drive and Eureka Drive.
7 It's the only two places you got an east
8 and west, except for Coral Reef, which is
9 almost punched through. So now somebody
10 is going to come back and say, oh, well,
11 let's just punch through 152. Then you're
12 going to be opening up more problems out
13 west than we really need to deal with at
14 the present time. If we cannot use what
15 we have, we just need to slow down and see
16 where we go with this. It is not
17 necessary.

18 I agree with staff's decision.
19 They've made some of the best
20 recommendations I've seen in a long time.
21 They're right on point with everything
22 they said. And I appreciate if you would
23 deny the application under staff's
24 recommendation.

25 Thank you.

1 CHAIRMAN CASTILLO: Thank you.

2 Anyone else? I will encourage the
3 people to be brief, direct to the point
4 and not repetitive. I would really
5 appreciate that.

6 MS. SHARIFF: Absolutely. Thank you,
7 Ladies and Gentlemen for the opportunity
8 to speak. My name is Dawn Shariff
9 (phonetic). I am at 190 Ives Dairy Road.
10 I'm here representing Clean Water Action,
11 which has more than 4,000 members in
12 Miami-Dade County, as well as the Hold The
13 Line campaign, which is made up of more
14 than 49 organizations, municipalities and
15 citizens groups. So I don't want to
16 duplicate any comments that anybody else
17 said.

18 And I do really want to thank the
19 applicant for withdrawing his request for
20 an EU-2 designation on the currently zoned
21 GU property. One of the background
22 reasons, I'm sure, for that is that on May
23 6th of 2008, the Miami-Dade Board of
24 County Commissioners passed Ordinance No.
25 0857. The ordinance was relating to the

1 regulation of the GU interim zoning. It
2 was intended to modify the criteria. I
3 won't go through the entire ordinance that
4 was passed with you, but I will read a
5 short piece. "That all designated
6 agriculture on the Land Use Map of the
7 Comprehensive Development Master Plan
8 shall comply with the regulations of the
9 AU district." This applies. This would
10 have prevented an EU-2 zoning designation
11 had that come before you tonight.
12 Thankfully it didn't.

13 And I want to talk about why.
14 Because when this was put forward by
15 county staff and accepted by the County
16 Commission, the intention, staff's exact
17 words were that staff recommended this
18 ordinance for GU district properties in
19 order to promote agriculture. There is an
20 allowance in EU-2 for one in five acre
21 residential units. They weren't trying to
22 stop -- they weren't trying to allow one
23 in five-acre residential units. They were
24 trying to allow agriculture.

25 I have to agree with Mr. Gibbs that I

1 don't find a lake and a clubhouse to be
2 ancillary uses to a farmhouse. That's
3 just -- that is not the true nature and
4 intent of the agricultural zoning outside
5 the Urban Development Boundary.

6 So I hope that your findings tonight
7 will be consistent with the County
8 Commission's intentions, with County
9 planning staff's findings and with the
10 best interest of this community. And I
11 hope that you will deny this application.

12 Thank you.

13 CHAIRMAN CASTILLO: Thank you for
14 your presentation.

15 Anyone else?

16 MS. ESTY: Excuse me. This is the
17 information that I wanted to hand up to
18 you I just mentioned, and I have some
19 signatures. Thank you. I'm sorry.

20 CHAIRMAN CASTILLO: Give it to staff,
21 please.

22 MS. WALKER: Hello, I'm Jane Walker,
23 14250 Southwest 105 Terrace.

24 CHAIRMAN CASTILLO: Ms. Walker,
25 welcome.

1 MS. WALKER: And I'm going to stick
2 to my two minutes or less, and I'm not
3 going to be redundant as you requested.
4 So I'm just going to make a couple of
5 comments, all right?

6 CHAIRMAN CASTILLO: All right, go
7 ahead.

8 MS. WALKER: Just, for the record, it
9 was not the Florida tomatoes that caused
10 the salmonella. We need Florida tomatoes.
11 I think I said that at the Lowe's hearing
12 downtown. We need those tomatoes.

13 The other thing is western sprawl,
14 low density sprawl, is still sprawl. We
15 need to recognize it for what it is, and
16 we need to step back and look at the big
17 picture.

18 This is a country club. And I think
19 what Ms. Esty was trying to say, and she
20 was so wonderful in the things that she
21 did say, you need critical mass to keep
22 agriculture alive. It's a common sense
23 thing, that if you carve up the farmland,
24 you're not going to be able to -- you need
25 to have tractor sales places, and feed

1 places, and you need to have dirt to farm,
2 and you need to have businesses that
3 compliment each other and you need to have
4 enough farming going on that the transport
5 of that goods out of the ag district makes
6 sense. If you are the last farmer in Dade
7 County, you're going to have trouble
8 having a viable business. So we need
9 critical mass and we need to look at that.

10 Because we talk about the economic
11 engines in Dade County. We talk about the
12 port, and the need for the tunnel. The
13 mayor was talking about the need for the
14 tunnel. We talk about baseball stadiums
15 that people feel controversial about. We
16 talk about tourism and all of these
17 things.

18 Well, what do we have in West
19 Kendall? We have an airport, a municipal
20 airport. We have farming. I'm not a
21 NIMBY. I don't live anywhere near this
22 land, and the traffic is probably not
23 going to go down my street, but I am very
24 worried about my neighbors, and I'm
25 worried about what's happening with jobs,

1 and I'm worried about the cost of a gallon
2 of milk or tomato. The cost of food went
3 up 13 percent. The cost of power is going
4 to go up 16 percent. The cost of water is
5 going to go up three to four times. And I
6 am quoting directly somebody from
7 Miami-Dade Water & Sewer who said that at
8 a public hearing. If plan B doesn't work,
9 it could be four times.

10 So agriculture is important, and this
11 is plunking down a country club in the
12 middle of the ag district. It's
13 dangerous, because it also sets a
14 precedent. Not only is this egregious,
15 but it makes way for other unfortunate
16 zoning decisions.

17 And I implore you to listen to our
18 wonderful Planning & Zoning. They did
19 some good work here, and their comments
20 should be paid attention to.

21 Thank you. I know that was more than
22 two minutes. I'm sorry.

23 CHAIRMAN CASTILLO: Thank you, Ms.
24 Walker, you broke your own record. Stick
25 two minutes.

1 MS. RICE: Good evening.

2 CHAIRMAN CASTILLO: Good evening.

3 MS. RICE: I'm Suzette Rice, and I
4 live at 7860 Southwest 181 Terrace. I am
5 probably your furthest speaker tonight.

6 CHAIRMAN CASTILLO: Just a minute.
7 Can you repeat your name again.

8 MS. RICE: Suzette Rice. Just two
9 points or maybe three, and they're not
10 going to be technical.

11 One is that, as a mom, I have a son
12 that's a police officer, and he, once upon
13 a time, was out in this district. He
14 would come out here. He's young. He's
15 frisky. And when he would respond to
16 calls, sometimes it would take him
17 15 minutes to get a backup. You have to
18 think about those police officers, those
19 firemen, those people that have to respond
20 to calls in the Krome area. As a mom, I
21 sat at home at night, 'cause he was in the
22 nightshift, praying that he came home
23 every night. One night he almost didn't.
24 But they really, really -- you have to
25 think about services. There is not going

1 to be a police station out here for these
2 people. They may need help, and our
3 officers may need help. That's the first
4 thing.

5 Second thing I'd like to talk about
6 is tomatoes. My uncle was one of the
7 largest tomato growers in the State of
8 Florida when he was alive. And the rest
9 of my family -- I'm a first generation
10 Miamian, even though my kids are third
11 generation. The rest of my family was
12 from Georgia. And they farmed on 500-acre
13 tracts, and they're still farming. I have
14 never seen a farmhouse that looks like
15 that. And I know that when you have
16 agriculture, you need -- you need to have
17 your farmers, your growers close to their
18 property, but I don't know how much
19 farming is going to be on that property,
20 but I do know that it's not like anything
21 I ever grew up with -- grownup with.

22 And that's all I have to say.

23 CHAIRMAN CASTILLO: Thank you, Ms.
24 Rice.

25 Anyone else? Mr. Percivel. Oh,

1 okay. Brief, to the point, and
2 nonrepetitive.

3 MR. KRUGLIAK: Mr. Chairman, Council
4 Member, my name is Zvi Krugliak, 14421
5 Southwest 74 Street. I live in West
6 Kendall for the last 27 years, and I see
7 the quality of life diminishing. I'm
8 talking about the crowded roads, crowded
9 schools and the issue of the water. And
10 if we're going to build west of Krome,
11 instead of protecting the viable
12 agriculture, we're opening the floodgates
13 for more building in the future. So we're
14 going to increase the traffic, increase
15 the school crowding. There's not going to
16 be enough fire and police protection. Do
17 not open the floodgates for other
18 developments, because once you approve
19 this one, other ones will come after that.
20 So we ask you please do not approve this
21 request. Deny it. We want to keep the
22 environment. We are encroaching on the
23 environment. And we need to keep our
24 community, here in West Kendall, not as
25 crowded, because if you open the gates for

1 more development, we're going to pay for
2 our mistakes like we paid for mistakes in
3 the past.

4 Thank you.

5 CHAIRMAN CASTILLO: Thank you.

6 Anyone else? Mr. Percival.

7 MR. PERCIVAL: Good evening again,
8 Mr. Chair, Council Members, Lawrence
9 Percival, 11945 Southwest 127 Court.

10 I want to frame this -- this is
11 clearly an issue for the public, but it is
12 not an issue for organized homeowners
13 associations specifically, because it's
14 outside the geographic area of the Kendall
15 Federation of Homeowner Associations. Our
16 border goes up to Krome Avenue, but it's
17 still a public issue. And I would hope
18 that tonight, especially since you have a
19 super need -- a supermajority need of at
20 least five members of the Council to
21 approve this, to pay close attention to
22 the pluses and the minuses, weigh the
23 things you've heard from the folks who
24 don't support this and weigh the positives
25 that could come from this or the potential

1 greater negative.

2 As an example, if you don't -- first
3 of all, this is not land that's going to
4 be farmed. This was land that was
5 previously owned by a farmer who sold it.
6 He had no intention to farm it. He wanted
7 the economic gain that came from the value
8 of the land, which is any farmer's right,
9 even though people don't like the fact
10 that it's going to take away some of the
11 inventory, if you will, of farmland.

12 It's north of the areas that we
13 consider Redland. It's way north of 184th
14 Street at 136 Street. And the true
15 geographic area that we pay attention to
16 try and protect for agriculture is really
17 land south of 184 Street, which is also
18 one on five, if you're going to build a
19 home there. So that's one issue.

20 If the issue of the lake is such a
21 strong compelling reason not to approve
22 the application, you've heard, by right,
23 they can go out there, one on five, and
24 build 94 -- 92 homes, 92 homes, and
25 wouldn't have to come here for approval to

1 do that. But what they're proposing is
2 something of economy of scale by providing
3 a controlled environment, which is very
4 upscale. These homes, I suspect, are
5 going to be in the \$1.5 million and up,
6 and they're providing amenities for people
7 who have financial wherewithal to want to
8 live in a very nice area.

9 Are there places in Dade County that
10 offer this kind of lifestyle right now?
11 Very limitedly. We don't have an
12 organized kind of development like this in
13 the horse country area. They have horses
14 there. They don't have lakes for boating
15 and other kinds of amenities that provide
16 those services.

17 Now, as you heard Tucker Gibbs tell
18 you, these don't necessarily provide
19 public benefit or public service. But for
20 a controlled community that's going to be
21 very upscale, does it have any public
22 purpose at all? And does it meet any kind
23 of a need that balances the needs between
24 the haves in our community, and those rest
25 of us that struggle to get by? And if

1 there were ever to be a place for a
2 community like this, would that be an
3 appropriate place, or is there no place
4 for something like that would be one of
5 the questions that I would proffer for you
6 to consider.

7 If people chose to live there in
8 cluster homes, not organized with a
9 homeowner's association, but each
10 individual bought their five acres and
11 built their house, a big mac mansion or
12 something that's going to be reflective of
13 a \$1.5 million value, and it wasn't
14 organized, and uniformed, and looked good
15 and was surrounded with nice landscaping
16 and all the amenities that this potential
17 development has to offer, it wouldn't be
18 as attractive. So that's one thing to
19 consider, because they could -- they could
20 get shot down on the issue of this lake,
21 and not being able to build these
22 beautiful homes around the lake, which
23 would indeed be an amenity for those
24 people living there that might not be a
25 public purpose. But, then, again, it's

1 still something to really weigh.

2 If you didn't do that, and you
3 allowed them to develop all of that land
4 by right, which they could do, which would
5 be worse in terms of the impact that it's
6 going to have on the public? Granted,
7 that the only two ways in there at this
8 present time are from the south on 184
9 Street or from the north from Kendall
10 Drive. Of course, from the north, Krome
11 Avenue going south, and from Redland area
12 going north on Krome Avenue, people can
13 still get in and out of there.

14 The services that are going to be
15 offered to the people that are going to
16 live there are the services that we have
17 here in our community. They will be
18 coming to our Costco's, and to our areas
19 that are already offering those services.
20 I can't see people living there, not
21 coming to benefit from the services that
22 we have. I grew up at a time in the
23 Redlands in the late -- early 60's and
24 later 60's. When we needed to go
25 shopping, we either went all the way down

1 into Homestead or went to Cutler Ridge to
2 the shops, in those areas, because we had
3 nothing else. Now there are more services
4 offered today.

5 But people that choose to live out in
6 the western fringes are going to have to
7 come into places where the services are
8 offered. And the Kendall area has a lot
9 of services and we're continuing to see a
10 pattern of more services being offered.
11 So I don't think that you have to worry so
12 much about the immediate need for services
13 on Krome Avenue or in those areas. People
14 that choose to live there are going to
15 have to adjust to the fact that they're
16 going to need to drive to the Kendall
17 area. Now you have to weigh, is that
18 going to be a positive impact or negative
19 impact for us in terms of road and other
20 kinds of things.

21 You've heard issues from Suzette Rice
22 about the police and fire services and the
23 impact that that might have, but I would
24 ask you to weigh all the positives and all
25 the negatives to come up with the best

1 appropriate decision collectively that
2 could possibly reach a supermajority vote
3 for it, as well as against it. Be fair
4 and be balanced in looking at all the
5 issues as to why you could approve this
6 and show the public need, as well as
7 looking at the downside in a similar
8 fashion.

9 CHAIRMAN CASTILLO: Thank you.

10 MR. PERCIVAL: And then weigh it that
11 way. You're going to constantly hear
12 people tell you, oh, it's going to impact
13 water, oh, it's going to impact farming.
14 If that were true, land that was going to
15 be farmed, I would say that's true. But
16 it's not true.

17 Is the lake going to cause flooding?
18 Is it going to cause all the negative
19 things that they're presenting? I don't
20 believe so.

21 One of the issues when they dredge
22 that lake would be, are they going to sell
23 the fill? Is it going to become part of a
24 commercial entity or is it going to be
25 used to build up the land around it and

1 stay on the property? That's not an issue
2 that Mr. Mayol has told us. And by right,
3 if they're going to choose to sell it, I
4 guess they have the right to do that, but
5 is that their intention, or is it the
6 intention of dredging it and leaving the
7 fill? As you heard the one lady tell you,
8 it's a lot of fill to take out of there.
9 And where is it going to go? That might
10 be a question you might wish to ask Mr.
11 Mayol. I think it's a fair question.

12 When you amass this size land, it's
13 very expensive to buy that land. And the
14 economy of scale to be able to build a
15 home -- you can't build cheap homes on
16 five acres and make a viable go of it. So
17 you have to build expensive homes, and the
18 amenities that people want to have when
19 they buy an expensive home are unique
20 things. In an enclosed community, with
21 nice landscaping, and all the other kinds
22 of things that this offers, is that a plus
23 or is that a minus? Those are the things
24 that I hope you would weigh.

25 Rather than continuing on, I think

1 that as long as we're able in a public
2 forum to put everything out and weigh it,
3 that's the most appropriate thing for us
4 to do as opposed to just weighing one
5 side. Look at all the pluses and all the
6 minuses and then make the right decision.

7 CHAIRMAN CASTILLO: Thank you, Mr.
8 Percival.

9 MR. PERCIVAL: Thank you.

10 CHAIRMAN CASTILLO: Anyone else?

11 MS. HERZOG: Good evening. Karen
12 Herzog, 13811 Southwest 105 Street.

13 Can you hear me all right?

14 VICE CHAIRMAN CERVERA: You might
15 lower the microphone if you like.

16 MS. HERZOG: A little lower? Is that
17 better? Thank you.

18 I want to say that I'm a teacher. I
19 taught at South Dade High, which is in
20 Homestead, and I drove down to South Dade
21 High for eight years down 147 Avenue. And
22 I used to pick in the tomato fields, and I
23 had students that farmed and I had friends
24 who lived in those five-acre homes that
25 had farms and they were teachers at South

1 Dade. And we are losing the farmland.
2 And as Jane pointed out, and Karen pointed
3 out, you know, if you read today's papers,
4 the tomatoes are a big industry here, and
5 we are losing it and we need to keep it.

6 And, second, I don't agree -- first
7 of all, there's a BJ's in Homestead. I
8 don't think -- and there's a lot of things
9 they're building down in Homestead. They
10 don't need to drive to Kendall. With gas,
11 who wants to live way out there, unless
12 they're coming here and they're buying
13 this property. If they're taking Tamiami
14 Airport, then they're bringing people in
15 from other areas.

16 I agree about the water. And I also
17 know that when I moved out here to West
18 Kendall, I never had flooding in my house.
19 About the last rainstorm we had, I had
20 flooding that almost came into my doorway.
21 Because when you put in a lot of shopping
22 centers, which is what Kendall is,
23 shopping center city, you have -- the
24 water can't go down into the ground and we
25 flood. Now, the lake out there is going

1 to cause problems. It's going to put
2 things into our aquifer and hurt our
3 water, which has already been hurt.

4 I want you to consider moving the UDB
5 line, which you know, because I've talked
6 to you many times about it, We're in a
7 recession. We don't -- everybody's houses
8 are for sale. We cannot at this time do
9 this. We need to think about our
10 agriculture, which is a main area here for
11 us during a recession. And I agree with
12 Karen on that wholeheartedly.

13 Thank you.

14 CHAIRMAN CASTILLO: Thank you very
15 much, Ms. Herzog.

16 Anyone else?

17 MR. MAGRONE: Good night. My name is
18 Saverio Magrone. I live 16506 Southwest
19 96 Terrace. I'm going to be just one
20 minute here. I just want to say that I
21 live in Forest Lake. I love my
22 neighborhood. I love Kendall. I love
23 where I live. My child raised there.
24 And, you know what, I have a friend that
25 always say to me, you don't have big

1 houses in Kendall. You don't have big
2 house with big landing in Kendall. And I
3 say why can't we have something like
4 Cocoplum? Why can't we have something
5 like, I don't know, Coral Gables in my
6 area? And I think this is it. And the
7 best thing I think is, we're just going to
8 have 52 houses on 400 acres and not maybe
9 300 houses in the same land. It's a great
10 idea.

11 Thank you.

12 CHAIRMAN CASTILLO: Anyone else?

13 MR. RUIZ: Good evening, my name is
14 Otto Ruiz. I live in 16542 Southwest 96
15 Terrace. I'm really with this project
16 because it's going to bring value to the
17 Kendall area. Like the other friend of
18 mine says, that we don't have this kind of
19 development here. And also think of the
20 kids, the people that are going to live
21 there. They're going to have something
22 else to do outdoor instead of being inside
23 of the house playing Nintendo or the
24 computer.

25 Thank you.

1 CHAIRMAN CASTILLO: Thank you.

2 MR. VILA: Good evening, my name is
3 Manuel Vila. I live at 8465 Southwest 156
4 Place, Lago Mar area.

5 First of all, I'd like to thank you
6 for the time you've take tonight to listen
7 to everybody. And I'd like to thank that
8 gentleman, he took most of the things I
9 wanted to say. And he said them, plain,
10 simple. He didn't bring a book. He
11 didn't bring a novel. He just spoke from
12 his heart. We live here. We come here.
13 And our families are here. I'm not going
14 to own a five-acre home. I can't afford
15 it. This gentleman said it right, we
16 don't have an area out there that we can
17 say, hey, it's Cocoplum. It's
18 Gables-by-the-Sea. We have an alligator
19 country. There's nobody out there
20 farming. I drove by there today. I used
21 to drive Krome in my truck making
22 deliveries. There's nobody out there.
23 That's why that gentleman sold all those
24 acres. Nobody is farming out west. We
25 need a flagship area. That money -- those

1 people are going to buy those million
2 dollar homes are going to invest in West
3 Kendall. They're going to come to us and
4 buy from us, not a tomato, but furniture
5 sets, cars, anything else, not just one
6 tomato.

7 Thank you for your time.

8 CHAIRMAN CASTILLO: Thank you.

9 Anyone else? Seeing no one, the
10 public hearing is now closed.

11 Mr. Mayol, you have time for
12 rebuttal. I would really appreciate it if
13 you can go directly to the point. You
14 have a lot of points.

15 MR. MAYOL: Mr. Chairman, if I may
16 just have one more minute to look for a
17 document?

18 CHAIRMAN CASTILLO: Okay.

19 MR. MAYOL: Thanks you so much, and I
20 promise to be very brief.

21 CHAIRMAN CASTILLO: Thank you.

22 MR. MAYOL: They've made a lot of
23 points, and I'd just like to issue -- to
24 offer a few clarifications and then
25 quickly conclude. Let me just answer some

1 of the questions that were raised.

2 Tucker did his best to explain the
3 criteria in the most favorable light to
4 his side, and he's a great advocate, so I
5 don't fault him for that. But I do want
6 to clarify that when you read the
7 recommendation, even if you were to apply
8 the additional criteria that has not been
9 applied in the last number of lake
10 excavations in the area or private
11 recreational areas, facilities, the
12 criteria that the County Attorney's Office
13 would like you to consider is whether the
14 -- what they keep on calling clubhouse,
15 it's really more stables than anything,
16 whether the clubhouse and the lake would
17 be a public necessity, or, in the
18 alternative, whether it would be in the
19 public interest and no suitable site exist
20 outside the ag area for the type of
21 proposal.

22 You have all of the substantial
23 competent evidence that you need to
24 approve this application in the record.
25 You look at Planning & Zoning, they've

1 told you that the lake will provide fill,
2 will enhance the water management areas,
3 will provide recreational and water
4 amenity to the residents.

5 You have the DERM recommendation.
6 Tells you in the area is a poorly drained
7 area, and that the lake will provide a
8 suitable stormwater retention for the
9 proposed community.

10 I did not say, and I was misquoted by
11 Tucker when he said that I said a lake
12 would be a permitted residential use. On
13 the contrary, I said that the lake, as
14 well as the stables, would be accessory to
15 the residential use, which is a permitted
16 use in the ag designation.

17 The question is not as Karen Esty and
18 others proposed to you. The question is
19 not whether this land will be farmed or
20 will be developed with residential uses.
21 The land is not farmed today. In fact, it
22 was under contract to one of the biggest
23 ag entities in the county, and that
24 contract was not pursued. It has not been
25 farmed. It will not be farmed.

1 The question is, will it be developed
2 with a well-balanced, rural residential
3 community, as presented in this site plan,
4 with a total of 58 estate homes? Or will
5 it be developed as a collection of 92, 84,
6 whatever the number is, five-acre estates,
7 with no architectural controls, no
8 covenants, no restrictions of any kind,
9 where they can pick whatever architectural
10 style they want, and will most likely pick
11 barrel tiles in the Mediterranean style,
12 because that's what most people seem to
13 like.

14 This community will be served by
15 private roads. There will be absolutely
16 no public money used in the development of
17 this site. The seven departments and
18 agencies that provide services from
19 Fire-Rescue to the school district
20 reviewed this application and did not
21 offer any objections to the application.

22 To answer Karen Esty's question, the
23 Fire department -- Fire-Rescue department,
24 reviewed, approved the site plan and no
25 changes to the road layout were made that

1 were not reviewed and approved by the Fire
2 department.

3 The actual depth of the lake will
4 vary. The plan show a maximum of 30.
5 That doesn't include all the sloping. It
6 does not include the conditions that they
7 may encounter that would prohibit the max
8 depth, because the excavation will be done
9 strictly with mechanical equipment and not
10 with blasting. The excavation will not
11 require EQCB approval. The property is
12 not in the wellfield, and the proposal has
13 been reviewed and signed off by DERM.

14 This is not a case where, were you to
15 deny this application, you would actually
16 have any impact, Council Members, on what
17 they call urban sprawl and what I call
18 permitted residential development, both in
19 the GU classification and in the ag
20 designation.

21 Again, it's a question of choices.
22 This land is large enough for us to be
23 able to come to you with a unified plan of
24 development, a well-balanced planned
25 development, a beautiful planned

1 development.

2 And, you know, they say that we're
3 proposing a country club. We're proposing
4 a rural residential community. Most
5 probably will become a weekend retreat for
6 people who will drive in, fly in, will not
7 be a year-round place of residence for a
8 lot of people. And I believe that this
9 county is large enough to allow for that
10 diversity of housing options. There may
11 be people who choose to plant fruit trees
12 or grow vegetables. I wish I could on my
13 lot. I'm sure some of them may choose to
14 do that. We're not saying that we're
15 proposing farming here. We're very clear,
16 this is a rural residential community.

17 Le me wrap up by asking for your
18 support of this application. As staff has
19 recommended denial of this application,
20 they have not proposed any conditions on
21 our approval. Earlier today, they sent me
22 a list of what they call standard
23 conditions. And I reviewed them with our
24 client, and they're -- most of them are
25 acceptable. When you say standard

1 conditions, it's really conditions that
2 will vary and will be tailored to each
3 application, so there are conditions that
4 apply -- certain conditions apply to some
5 takes and not to others.

6 I'm going to introduce this into the
7 record. I will hand a copy to staff, and
8 then I'd like to walk you through the
9 conditions. And there's a couple of
10 changes that I'd like to offer to this
11 Council, if you choose to approve the
12 application. And there's one more
13 condition that we have offered to provide
14 to some of the business owners at Tamiami
15 Airport. I want to talk to you about that
16 as well, but I'll wait until -- actually,
17 let me talk to you about Tamiami first.

18 This property is over two miles west,
19 due west of the end of the runway at
20 Tamiami. The principals of Krome Gold
21 are, in many ways, members of the flying
22 community. They believe in a strong and
23 active Kendall Tamiami Airport. And,
24 therefore, we have been in communication
25 with the owners of Falcon Air, Mr. Alvarez

1 Sotero, who expressed his support for the
2 proposal and we actually believe there's a
3 great tie-in between people who might fly
4 in and reside here for the weekend.

5 And what he did ask us to do is
6 Condition 21, which was not in the
7 conditions that I got from staff.
8 Condition 21 would basically require that
9 the applicant record a notice in the
10 record to let people know who might reside
11 on this property that planes will fly
12 overhead and it may be noisy 24 hours a
13 day. We believe that's not an adverse
14 factor that people will consider in their
15 purchasing decisions, but it was important
16 to Mr. Sotero, so we offered that we would
17 include the language in the approval.
18 This language has been used in other
19 approvals by this Council, and has
20 actually been reviewed by Nancy Rubin, the
21 legal counsel for the department. It was
22 reviewed earlier today.

23 If I can ask you to go to Page 1,
24 Condition Number 4, staff was proposing to
25 tie the development of the property to the

1 proposed plans. We have absolutely no
2 objection to that. We have included that
3 similar language in our declaration, but
4 they would like to remove the recreational
5 facility and to show the 200-foot frontage
6 for those three lots on the curb linear
7 road. Members of the Council, we can
8 flatten that curve and we'll end up with
9 200 feet of frontage. The lots actually
10 open up to 400 feet in the back. We would
11 like to keep it, and, therefore, we'd like
12 to strike that language.

13 We'd also like to keep the
14 recreational facility. To call it a
15 clubhouse, to call it a recreational
16 facility really is a misnomer. About
17 two-thirds of that building will be used
18 for stables, for equestrian purposes,
19 which is a pretty agricultural use, in our
20 opinion.

21 And then lastly, as I've told you, in
22 Condition Number 10 -- Condition Number 9,
23 it's different from what staff had
24 proposed, in that there will be material
25 that will be excavated, will be surplus,

1 and we're proposing that we will use it to
2 fill the site, but that we will be able to
3 remove surplus material from the premises.
4 That's actually in keeping with earlier
5 approvals from this Council, most
6 specifically the BBG approval, which
7 appears, I think, as Item Number 25 in
8 your packet. Not 20 -- I'm sorry, 27 in
9 your packet -- no, 28 in your packet.
10 Sorry, it's been a long night, 28, and
11 which would allow the surplus material to
12 be taken off-site.

13 With that, I conclude and will be
14 available for any questions that you may
15 have, and thank you so much for your
16 attention.

17 CHAIRMAN CASTILLO: Thank you.

18 Ms. Suarez.

19 COUNCILWOMAN SUAREZ: Yes, Mr.
20 Chairman. Thank you. I don't have
21 questions. I just have a small statement
22 that I want to make here.

23 It was a very great presentation. I
24 like the fancy homes, but I would really
25 will like them in another place. I

1 believe we have to protect our agriculture
2 area. We have just not have much area
3 around here. I've been seeing, since I've
4 been living here in Kendall, like about
5 19 years, that it's getting smaller and
6 smaller, you know, the agriculture areas.
7 And I'm afraid that if we start building,
8 moving to west, we're going to go pretty
9 soon to the Everglades. I just -- I
10 cannot be in favor of this application.

11 Thank you so much.

12 MR. MAYOL: Thank you.

13 CHAIRMAN CASTILLO: Thank you, Ms.
14 Suarez.

15 Mr. Wander.

16 COUNCILMAN WANDER: I don't really
17 have any questions, except for one.
18 Somebody used initials before, EQCD (sic).

19 MR. MAYOL: EQCB.

20 COUNCILMAN WANDER: Please explain.

21 MR. MAYOL: That's -- it stands for
22 the Environmental Quality Control Board,
23 and they look at any variances or
24 extensions of time from the requirements
25 of Chapter 24. Chapter 24 is the

1 pollution control set of regulations in
2 Dade County.

3 COUNCILMAN WANDER: Thank you. No
4 other questions.

5 MR. MAYOL: Thank you.

6 CHAIRMAN CASTILLO: Ms. Davis.

7 COUNCILWOMAN DAVIS: Thank you.

8 I have a couple questions, and a
9 couple of statements.

10 First, what kind of timeline are we
11 looking at?

12 MR. MAYOL: In terms of development,
13 I would expect that the initial
14 development, actually earth moving on this
15 property, would be a year-and-a-half to
16 two years, because of the series of
17 reviews and approvals that we would have
18 to go through, even if we were fortunate
19 enough to have your approval tonight.

20 COUNCILWOMAN DAVIS: Second, what
21 kind of -- people are saying things like
22 1.5 million. I'm thinking these are more
23 expensive than that. What would one of
24 these units on five acres with access
25 facilities and fees actually run so we

1 know who we're talking about.

2 MR. MAYOL: Actually, 1.5 is not a
3 bad floor. They would start at 1.5, and
4 would probably go UP to 2, 2.1, 2.2.

5 COUNCILWOMAN DAVIS: One of -- would
6 there be any requirements placed on
7 residents? There seems to be an upsurge
8 in our state of controlled communities.
9 Is there anything, other than financial
10 ability, that would exclude or include --
11 you know, we've talked about some of the
12 other fancier areas and residents have to
13 go through an approval process. That has
14 not always been fair and equitable to all
15 ethnicities, et cetera, et cetera. Would
16 there be anything like that tied to this?

17 MR. MAYOL: No. I mean, you can buy
18 here -- if that's your question, you can
19 buy here whether you're Puerto Rican,
20 Cuban, Chinese.

21 COUNCILWOMAN DAVIS: You can afford
22 it, you can --

23 MR. MAYOL: If you can afford it, you
24 can own it.

25 COUNCILWOMAN DAVIS: I think it's

1 important.

2 MR. MAYOL: I had to throw Puerto
3 Rican in there. Santo Domingo.

4 COUNCILWOMAN DAVIS: I think that a
5 lake that attracts water fowl and fish,
6 and provides for horses, and provides for
7 people that would come here looking for a
8 pristine experience is a wonderful
9 consideration. There are real challenges
10 here. I have to agree this is -- we need
11 agriculture, but that piece of property is
12 not ever going to be farmed, in my
13 opinion. Yes, we need agriculture. Yes,
14 we need something, a sensible coalition
15 among the agriculture, the small farmers
16 and the big farmers that address these
17 things in a more realistic way. And I'm a
18 tree hugging hybrid driving. My house is
19 as green as I can get it, and I'm
20 addressing other things as quickly as I
21 can get to them. But -- and so I think
22 that's important to my point of view.

23 I get very nervous when I hear things
24 like this isn't public, because if we
25 start talking about private ownership and

1 public in the same sentence, and say that
2 by creating this, we somehow are not
3 serving the public, then I think we wind
4 up in a situation where we can't have any
5 gated communities, private security, or
6 any of the other things that we, the
7 public, come to accept, demand and desire
8 in the control of our private time and our
9 private lives. And we are still a free
10 market society, inasmuch as we could be.
11 And if you can afford it and you can buy
12 it -- so I just wanted to say that
13 philosophically.

14 I have one fear, and that is that if
15 we go along with this, I notice that Plan
16 B there does not include the lake, which I
17 would find particularly unacceptable. Is
18 the lake -- is there any danger of the
19 lake not being created for any foreseeable
20 reason?

21 MR. MAYOL: Really, the only two
22 reasons we're here tonight is for the lake
23 and for the stables, clubhouse. So we've
24 gone through a serious planning effort to
25 get here tonight, and I don't see that as

1 a possibility.

2 COUNCILWOMAN DAVIS: I have to tell
3 you, I think that this is a magnificent
4 and appropriate proposition. It's fraught
5 with dangers, as far as having to look out
6 what it means about us as a community, and
7 this is as good a time to look at those
8 things as any.

9 Thank you very much.

10 MR. MAYOL: Thank you.

11 CHAIRMAN CASTILLO: Thank you.

12 Mr. Reichbaum.

13 COUNCILMAN REICHBAUM: Thank you, Mr.
14 Chairperson.

15 Very good presentation. I appreciate
16 the depth. And a lot of paperwork. We
17 killed some trees here tonight.

18 I guess I have a couple questions.
19 The most glaring question that I have, why
20 is the entrance to this development on
21 Krome and not on 136 or 187?

22 MR. MAYOL: It's a good question.

23 Let me ask the architect to come forward.

24 CHAIRMAN CASTILLO: Name and address.

25 MR. KIIDDJIAN: Peter Kiiddjian from

1 Pascual Perez & Kiiddjian, 1300 Northwest
2 84 Avenue, Doral, Florida.

3 We -- the way we planned this
4 community, we felt that it needed to make
5 a presence on Krome. You know, it's one
6 entrance on Krome. I think we have a
7 rendering of -- this is what we envision
8 as the face of this community to the rest
9 of Kendall and to Krome Avenue. It's
10 going to be heavily landscaped. It's
11 going to have a ficus hedge with a
12 pilaster, and it will create an image for
13 the community. And we feel that's the
14 appropriate place for it.

15 COUNCILMAN REICHBAUM: Although I
16 like the landscaping, and it is -- it's a
17 very nice community. Lord knows I would
18 love to be able to have the money to be
19 able to buy something like that. And I am
20 all for keeping tax dollars and people in
21 Dade County than to leave to go to North
22 Carolina, and Georgia and elsewhere, and
23 this would be a reasonable generator to
24 tax dollars. If I'm looking at two
25 million roughly when things are done,

1 you're talking roughly two to
2 two-and-a-half million dollars worth of
3 property taxes that we would get from this
4 project.

5 But the safety aspect, I drive Krome
6 Avenue not everyday. I do -- in my line
7 of work, I go out to that area quite
8 often. And I consider myself a pretty
9 good driver, and I've been driving for
10 almost 40 years now. It will be 40 years
11 in about seven months. And to try to get
12 off of Krome Avenue onto 136 Street is bad
13 enough. There's no traffic light there.
14 But to get off or onto Krome Avenue from
15 something in between the main
16 intersection, I see -- I see a problem
17 with it. And although the application has
18 its merits, I would prefer that that
19 entrance would be on 136 more for safety
20 aspect than anything else.

21 MR. KIIDDJIAN: I think -- I think we
22 can control the safety aspect more if we
23 provide the entrance on Krome rather than
24 coming onto 136 and then having 136 come
25 onto Krome. You're still going to have to

1 come onto Krome. When we create an
2 entrance, we have stacking lanes. We have
3 visual site triangles. We have all the
4 Public Works requirements and all the
5 planning requirements that allow for a
6 safe entrance and exit from the community.
7 Otherwise we'd be coming onto 136 and
8 relying on the existing infrastructure.

9 MR. MAYOL: Let me add to that,
10 because as Peter was talking, I also
11 considered that while we control --
12 actually it takes off on the point he
13 made. While we control the frontage on
14 Krome Avenue and we can provide
15 deceleration lanes, in consultation with
16 the Public Works Department, to enhance
17 the safety of the approach, we also
18 control both sides of the access roads, so
19 we can make it as wide as we need to.

20 The reason I came up before was to
21 look at the south side of 136 Street. We
22 don't control the south side of 136
23 Street. I'm not sure if the right-of-way
24 has been dedicated, so that could be an
25 issue if we try to bring the entrance

1 through 136 Street. Here we control both
2 sides. We can provide additional
3 stacking. We can provide deceleration
4 lanes. And all of this will have to go
5 through DOT permitting review process and
6 they'll look at safety as one of the
7 issues. The one thing that they do want,
8 when you look at the DOT guidelines, they
9 want to reduce the amount of curb cuts
10 onto Krome. And so, you know, if you look
11 at a unified plan of development, with one
12 access point, that's going to be a
13 preferable option to them than if you had
14 a bunch of lots with driveways onto Krome.

15 COUNCILMAN REICHBAUM: Well, yeah, I
16 wouldn't foresee that at all. And, again,
17 envisioning in your statements, you had
18 mentioned that perhaps the majority of
19 these owners or some of these owners might
20 just be people that come in on the
21 weekends, fly in, bring some business to
22 the Costco's and other things like that,
23 and they're not Miami drivers, and they're
24 not used to Krome Avenue.

25 MR. MAYOL: Miami drivers.

1 COUNCIL MEMBER REICHBAUM: I mean, I
2 envision something -- it is, it's killer
3 Krome. It always has been, and it
4 probably always will be unless it does get
5 widened, and that's in the works, but
6 that's a 10 to a 15-year project. And the
7 north section is really the first one
8 that's going to happen. Nothing down in
9 this area for -- if I'm not mistaken, I
10 think it's 2012 is when they're going to
11 start this section.

12 But the second question would be, are
13 we talking municipal Water & Sewer or this
14 septic?

15 MR. MAYOL: Septic and water well.

16 COUNCIL MEMBER REICHBAUM: All
17 septic?

18 MR. MAYOL: Right.

19 COUNCILMAN REICHBAUM: So there is no
20 -- all right, I guess the other would be
21 towards staff. You know, it's tough
22 enough -- and, again, this is the job that
23 I, you know, chose because I want to do
24 this. But when I start looking through
25 papers and papers, and then at the 11th

1 hour I'm given three pages of conditions
2 to have to review and make a decision
3 tonight on, I'm at a disadvantage, I
4 think. And I don't know why this wasn't
5 proffered earlier to us as well. I
6 mean -- and I guess that's just part of
7 the package that we're dealt with at
8 times. But it's -- you know, again, we
9 all have families, I think, and we all
10 want to do the right thing for the
11 community and for ourselves, but to get
12 thrown -- I mean, conditions 3 or 4 would
13 be enough to read through, but I'm looking
14 at 19 or 21 conditions now. That's the
15 one issue. You can answer that, I guess.

16 And then I have one other question
17 about the Declaration of Restrictions.

18 MR. VITAL: If I may through the
19 Chair, the reason that the conditions were
20 not included in your package is that we
21 are recommending denial of the
22 application. And due to that, we don't
23 have any conditions.

24 I contacted the applicant
25 representative and provided these

1 conditions in case the Board is inclined
2 to approve this application, but,
3 otherwise, we're not required to provide
4 conditions.

5 CHAIRMAN CASTILLO: Thank you.

6 COUNCILMAN REICHBAUM: All right.

7 And then in the Declaration of
8 Restrictions that you passed out tonight
9 also, I know that you had mentioned in the
10 requests that we're eliminating Item 1,
11 the rezoning issue.

12 MR. MAYOL: Yes, sir.

13 COUNCILMAN REICHBAUM: And then Item
14 6. But you also mentioned under the
15 unusual use that the boat storage was to
16 be eliminated?

17 MR. MAYOL: Well, what happened was
18 that during the review process, the
19 director of Planning & Zoning had some
20 objections to the boathouse. And in an
21 effort to reach a compromise with the
22 department, we deleted it from the plans.
23 So we can also delete it from the -- it
24 becomes redundant really.

25 COUNCIL MEMBER REICHBAUM: Just more

1 of housekeeping.

2 MR. MAYOL: Exactly.

3 COUNCIL MEMBER REICHBAUM: Thank you.
4 No further questions, Mr. Chair.

5 CHAIRMAN CASTILLO: Thank you, Mr.
6 Reichbaum.

7 Ms. Vazquez.

8 COUNCILWOMAN VAZQUEZ: I think it's
9 an absolutely beautiful community, and I
10 concur with what many of my colleagues
11 here have indicated. I believe that a
12 great deal of wisdom needs to be applied
13 in making a decision on a topic that
14 affects the Urban Development Boundary, on
15 a topic that affects the Everglades, the
16 water supply, environmentally sensitive
17 land, and then, of course, safety issues
18 that have been raised here. I just think
19 it's a beautiful project in the wrong
20 location. That's -- I have no questions.

21 CHAIRMAN CASTILLO: Thank you.

22 Mr. Cervera.

23 VICE CHAIRMAN CERVERA: Thank you,
24 Mr. Chairman. I have a few concerns, Mr.
25 Chairman.

1 Anytime we propose any type of
2 development on Krome or west of Krome, we
3 have to consider emergency services, fire,
4 police, rescue. We have a lot of traffic
5 in our community. It takes quite a while
6 to get out there. And if somebody's life
7 is at stake, they're going to suffer
8 because of the distance. Granted, there's
9 a 14 or 15-minute response time, according
10 to the report from the fire department.
11 However, that's a best case scenario when
12 there is no traffic and when all
13 conditions are favorable.

14 It was mentioned before, a police
15 officer has to respond to this community
16 or any community close to this vicinity,
17 we're going to have the same problem.
18 It's going to take a while for an officer
19 to respond and for backup to arrive. And
20 that concerns me.

21 I'm also concerned with the
22 availability of services in the area.
23 These residents are going to require a
24 tremendous amount of services. We have no
25 services close to that community or to

1 that area.

2 And, last, and very important, is
3 schools. There are some schools that are
4 within driving distance, but it's also
5 going to be an issue driving to the
6 schools.

7 And in the interest of time, I have
8 other issues and other concerns, but I'm
9 not going to bring them up this evening.
10 A lot of them have been discussed, a lot
11 of them have already been proposed.

12 And with that, Mr. Chairman, I'm
13 going to leave it.

14 CHAIRMAN CASTILLO: Thank you, Mr.
15 Cervera.

16 Mr. Mayol, that was a great
17 presentation.

18 MR. MAYOL: Thank you.

19 CHAIRMAN CASTILLO: Thank you so
20 much.

21 MR. MAYOL: Thank you.

22 CHAIRMAN CASTILLO: Let's see, I take
23 a couple of notes for people who speak,
24 who spoke this evening. Major concern was
25 the deep of the lake. You already state

1 that will be 30 feet or 30-foot.

2 MR. MAYOL: No more than 30.

3 However, it has to be sloped. There's
4 safety shelves. So the deepest point will
5 be a maximum of 30 feet, however, that's
6 just an approximation, but we can tell you
7 it's not going to be any deeper than that.
8 In many areas, it will be shallower than
9 that.

10 CHAIRMAN CASTILLO: Okay. Another
11 concern, I know you spoke already, but I
12 would like to refresh again. The fill,
13 what are you going to use there, or move
14 to another place?

15 MR. MAYOL: It's going to be used to
16 fill the land. There will be excess and
17 that will be -- we're asking for, through
18 the conditions, that we be allowed to take
19 the surplus off-site.

20 CHAIRMAN CASTILLO: Okay. EQCB
21 already, agriculture and jobs.

22 Water concerns. This is a flood
23 zoning.

24 MR. MAYOL: This is -- the area,
25 according to DERM, is poorly drained.

1 CHAIRMAN CASTILLO: It's poorly
2 drained.

3 MR. MAYOL: But what DERM has
4 indicated is that we would be required to
5 either dig a lake, 28.5 percent of the
6 land would have to be a lake, or we would
7 have to set-aside I think close to
8 40 percent of the land for what is called
9 dry retention area. And basically what
10 you do is, you leave the land as natural
11 grade and you allow it to flood when it
12 rains.

13 CHAIRMAN CASTILLO: One question
14 that -- one thing that kept my attention,
15 what happened with that piece of land
16 there?

17 MR. MAYOL: It's not owned by the
18 applicant. I think that's some sort of
19 FPL -- the cut-out? No, it's not owned by
20 the applicant, this little piece here.

21 CHAIRMAN CASTILLO: Yeah. And the
22 last house over there doesn't face inside
23 the community. It's facing 136 -- no,
24 the other side.

25 MR. MAYOL: Oh, this one, yes. We

1 could not accommodate it on the internal
2 drive, and we felt that somebody might
3 want to live in a community like this
4 without having direct access to the lake
5 or the clubhouse.

6 CHAIRMAN CASTILLO: That's going to
7 be outside there.

8 Now, one of the things that mentioned
9 over here was the quality of life. One of
10 the things of quality of life, what I
11 recall mentioned here, was services.

12 MR. MAYOL: Yeah.

13 CHAIRMAN CASTILLO: Water, job and
14 security. You mentioned the things in the
15 pathway from the land from airport.

16 MR. MAYOL: Actually, if I can get
17 the map, I'll show you exactly where we
18 are. And while Mike gets the map, all of
19 the departments that provide services to
20 the area have reviewed the application,
21 including Fire-Rescue, including police,
22 and have indicated that they have no
23 objections.

24 This community will really not rely
25 on public services. And the school has

1 indicated they have no objections. We're
2 doing less units than we would be allowed.

3 This property, which is roughly
4 located in this area here, is not within
5 any area that would prohibit residential
6 uses.

7 This is the map of the Kendall
8 Tamiami Airport land use map. This is the
9 box -- this red box, actually, is a no
10 school zone. So it could not be used for
11 a school, but we could have residential
12 uses, and, in fact, we can have
13 residential uses under the existing zoning
14 today. And the Aviation Department has
15 issued no objections.

16 What Mr. Sotero and I discussed is
17 the fact that planes are flying in the
18 area, and he did not want future owners in
19 this area to object to any future
20 expansion of the Tamiami landing strip,
21 and, therefore, we offered that language,
22 which became a proffered condition
23 tonight.

24 CHAIRMAN CASTILLO: Okay, thank you
25 so much. I have no more further

1 questions, but I have a statement to make.

2 The landscape from our community is
3 changing. And so the agriculture, as Mr.
4 Percivel pointed out, other person who are
5 living there, live in the community,
6 because that land, I don't think so they
7 can go back to agriculture. Because it's
8 not intent from the owners, from the
9 previous owners, they done with these
10 things.

11 I find the project is a wonderful
12 project. I like the way that you lay out
13 these things. I don't like the way when
14 -- with the lake -- without the lake. I
15 believe so that putting 92 more houses, it
16 can be more encroaching that happened
17 there, than the 52.

18 Saying that, I am in favor of this
19 project. I would take a motion at this
20 moment.

21 COUNCILMAN REICHBAUM: Mr. Chair, I
22 guess I'll break the silence.

23 CHAIRMAN CASTILLO: That's good.

24 COUNCILMAN REICHBAUM: 'Cause I don't
25 know why we sit here all the time.

1 I would like to make a motion to
2 approve the project with conditions, if
3 that's acceptable to Mr. Mayol.

4 MR. MAYOL: Yes, sir.

5 CHAIRMAN CASTILLO: Okay, this is a
6 floor -- this is a motion on the floor
7 from Mr. Reichbaum to approve this with
8 conditions.

9 Staff, any --

10 MR. VITAL: If I may.

11 CHAIRMAN CASTILLO: Yes.

12 MR. VITAL: That would be approval of
13 Requests Number 2, 3, 4 and 5, and to
14 withdraw Requests 1 and 6, with the
15 proffered covenant and the proffered
16 conditions.

17 COUNCILMAN REICHBAUM: What he said.

18 CHAIRMAN CASTILLO: What he said. I
19 don't know how to repeat it.

20 Okay, this is a motion on the floor
21 to approve this application with the
22 proffered covenant and conditions.

23 Who second?

24 COUNCILMAN WANDER: Mr. Chairman,
25 I'll second.

1 CHAIRMAN CASTILLO: This is a motion
2 on the floor from Mr. Reichbaum to approve
3 the application with the proper covenant
4 and conditions, second by Mr. Wander.

5 Any further discussion?

6 Mr. Salvat, call the roll, please.

7 THE CLERK: Councilman Reichbaum?

8 COUNCILMAN REICHBAUM: Yes.

9 THE CLERK: Councilwoman Suarez?

10 COUNCILWOMAN SUAREZ: No.

11 THE CLERK: Councilwoman Vazquez?

12 COUNCILWOMAN VAZQUEZ: No.

13 THE CLERK: Councilman Wander?

14 COUNCILMAN WANDER: Yes.

15 THE CLERK: Vice Chairman Cervera?

16 VICE CHAIRMAN CERVERA: No.

17 THE CLERK: Councilwoman Davis?

18 COUNCILWOMAN DAVIS: Yes.

19 THE CLERK: Chairman Castillo?

20 CHAIRMAN CASTILLO: Yes.

21 THE CLERK: Motion fails 4/3.

22 MR. MAYOL: If I may make a
23 statement.

24 CHAIRMAN CASTILLO: Yes.

25 MR. MAYOL: It fails if you -- if you

1 agree with staff that we need five votes.
2 It does not fail if you think we need a
3 simple majority. I don't know that your
4 Assistant County Attorney and I will ever
5 agree on that.

6 In the interest of time, I'd like to
7 ask Mr. Cervera, Councilwoman Vazquez,
8 Councilwoman Suarez if there are any
9 issues that I can address that may change
10 your perception of this application
11 tonight. I don't have another opportunity
12 to talk to you, so that's why I'm using
13 this public forum.

14 COUNCILWOMAN SUAREZ: I don't dislike
15 the -- you know, this architectural design
16 is very pretty. I wish I could have money
17 to buy one of those houses.

18 MR. MAYOL: So do I.

19 COUNCILWOMAN SUAREZ: But I live --
20 my community, we live in this area, and I
21 really, really believe we have to protect
22 our agriculture area. And I can put --
23 you know, imagine start building from
24 Krome Avenue west. That's my concern.
25 That's my concern. Of course, you know,

1 if we're thinking about building the lake
2 and all this stuff is another issue, but I
3 really, really -- I don't feel
4 comfortable, and, you know, be in favor of
5 the application, thinking that my -- the
6 residents that, really, I don't think they
7 would like that. I really believe that.
8 It's nothing -- everything, whatever, I
9 like everything, it's very pretty, very
10 fancy and very good presentation, but a
11 lot of explanation is just that. I think
12 if we start building from Krome Avenue
13 west, we're going to destroy our -- there
14 is no -- everything is going to be build,
15 build, building, building all over the
16 place. I just -- I go over Krome Avenue
17 almost twice a month. I like to enjoy --
18 and not only me, I think my residents, you
19 know, the community who live here around,
20 to go around and see those places. You
21 can go and get tomatoes or get whatever
22 they're growing. That's my concern,
23 really. I just -- I don't have anything
24 against anything here.

25 MR. MAYOL: Thank you.

1 COUNCILWOMAN SUAREZ: I'm sorry.

2 MR. MAYOL: No. Then I would ask Mr.
3 Sanchez, I don't know if a motion to defer
4 would be appropriate at this time.

5 MR. SANCHEZ: I think at this point
6 you could move for -- let me think about
7 that for a moment.

8 COUNCILWOMAN DAVIS: I have a
9 question.

10 CHAIRMAN CASTILLO: Just a minute.

11 Mr. Sanchez, what were you going to
12 say?

13 MR. SANCHEZ: I was saying a motion
14 for approval has failed. So the
15 application has not been approved.

16 THE CLERK: Yeah, the item is still
17 on the table. You either need to deny or
18 defer the matter.

19 CHAIRMAN CASTILLO: Okay, looking for
20 another motion.

21 COUNCILWOMAN DAVIS: Mr. Chairman.

22 CHAIRMAN CASTILLO: Mrs. Davis.

23 COUNCILWOMAN DAVIS: That's Miss.

24 Keeps the options open. That's quite all
25 right, sir.

1 I would like to make a motion to
2 defer until -- I don't know if we -- if
3 there's a set time, if that's till the
4 next meeting. But before I make my
5 motion, am I allowed to make one more
6 comment?

7 CHAIRMAN CASTILLO: Yes. Come on,
8 it's free.

9 COUNCILWOMAN DAVIS: Thank you.

10 One of my concerns is denial of this
11 motion likely puts in play the fact that
12 anyone can start building there very
13 easily and require very little. And I
14 think that one of the things the community
15 has to look at is this is our only
16 opportunity to actually control what gets
17 built there, because there's already --
18 everything is already in place for
19 individuals to go forward on that property
20 in any number of ways. And I hope that my
21 colleagues will take careful consideration
22 and have the time to review those things
23 so that we can have this kind of control.

24 And with that, I'll just say my
25 motion is to defer to whatever the

1 appropriate time is that we do this sort
2 of thing.

3 CHAIRMAN CASTILLO: When will be the
4 next meeting?

5 MR. VITAL: Next meeting date is July
6 8th.

7 CHAIRMAN CASTILLO: July 8th. That's
8 enough time that you go back to the
9 community and talk to them?

10 MR. MAYOL: Yeah. My hope will be
11 that -- that gives us about 30 days. I
12 heard some concerns from Councilman
13 Cervera about services, and safety, some
14 concerns about development west of Krome.
15 And so that would allow me the opportunity
16 to maybe come up with some ways to address
17 those concerns that you have raised
18 tonight.

19 CHAIRMAN CASTILLO: Okay. Are you
20 going to make a motion?

21 COUNCILWOMAN DAVIS: Okay. So I
22 would like to make a motion to defer this
23 application until the July 8th meeting.

24 MR. MAYOL: Perfect.

25 CHAIRMAN CASTILLO: There's a motion

1 on the floor to defer this application to
2 July 8th meeting.

3 Who second?

4 COUNCILMAN REICHBAUM: I'll second
5 it.

6 CHAIRMAN CASTILLO: There's a motion
7 on the floor by Ms. Davis to defer this
8 application to the next meeting, second by
9 Mr. Reichbaum.

10 Any further discussion?

11 COUNCILMAN WANDER: Yes.

12 CHAIRMAN CASTILLO: Mr. Wander.

13 COUNCILMAN WANDER: One of the issues
14 that was brought up was county services.

15 MR. MAYOL: Yes.

16 COUNCILMAN WANDER: I was a little
17 surprised when I saw that Fire-Rescue had
18 dedicated that to station -- the Hammocks
19 station.

20 MR. MAYOL: Right.

21 COUNCILMAN WANDER: Station -- I
22 forget the number, 36, 36?

23 COUNCILMAN REICHBAUM: Probably 56.
24 I think it's 56.

25 COUNCILMAN WANDER: And not 56, which

1 is on Sunset.

2 COUNCIL MEMBER REICHBAUM: Right.

3 COUNCILMAN WANDER: Seems it might
4 have been a quicker trip out to that area.

5 Also, the police department I believe
6 is undergoing a real alignment of their
7 policing districts because of the number
8 of incorporation movements that have come
9 aboard. Just last week, Doral came aboard
10 as a self-sustaining city, and probably a
11 100 police officers came back to the
12 unincorporated areas. Eventually Palmetto
13 Bay, which I know has 44 officers, they'll
14 eventually come back. And there is a
15 substation on 184 -- I believe it's 184
16 Street. When I retired, they were
17 installing trailers, but they were
18 planning on putting something more
19 permanent, west of Krome I'm talking
20 about. So that might be something to take
21 a look at and check on police response
22 time.

23 MR. MAYOL: Perfect.

24 COUNCILMAN WANDER: And future plans
25 on fire stations also, because I know

1 there's some in the works. So I'd like to
2 know those answers, okay?

3 Thank you.

4 MR. MAYOL: Thank you.

5 CHAIRMAN CASTILLO: Anyone else?

6 Please call the roll.

7 THE CLERK: Motion for deferral to
8 July 8, 2008.

9 Councilwoman Suarez?

10 COUNCILWOMAN SUAREZ: No.

11 THE CLERK: Councilwoman Vazquez?

12 COUNCILWOMAN VAZQUEZ: No.

13 THE CLERK: Councilman Wander?

14 COUNCILMAN WANDER: Yes.

15 THE CLERK: Vice Chairman Cervera?

16 VICE CHAIRMAN CERVERA: No.

17 THE CLERK: Councilwoman Davis?

18 COUNCILWOMAN DAVIS: Yes.

19 THE CLERK: Councilman Reichbaum?

20 COUNCILMAN REICHBAUM: Yes.

21 THE CLERK: Chairman Castillo?

22 CHAIRMAN CASTILLO: Yes.

23 THE CLERK: Motion passes 4/3.

24 CHAIRMAN CASTILLO: Thank you so
25 much.

1 MR. MAYOL: Thanks so much. Have a
2 good night.

3 CHAIRMAN CASTILLO: Any motion to
4 adjourn this meeting. This meeting is
5 adjourned.

6 (Thereupon, the meeting was
7 adjourned).

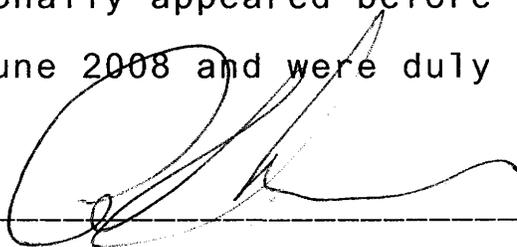
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CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF DADE)

I, Alan Levine, Notary Public, State of Florida, certify that all witnesses before Board 11 personally appeared before me on this 11th day of June 2008 and were duly sworn.



ALAN LEVINE, NOTARY PUBLIC

STATE OF FLORIDA

