



Garage #2 and Southern Property Line	75'-0"	69'-5"	69'-5"
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Location	Required Accessory Building Setback	Proposed Accessory Building Setback	Requested Variance
Carport IV & Building V	20'-0"	14'-11"	14'-11"
Carport IV & Building VI	20'-0"	18'-8"	18'-8"
Carport III & Building VI	20'-0"	18'-8"	18'-8"

Location	Required Drive Aisle Width	Proposed Drive Aisle Width	Requested Variance
Drive Aisle	14'-0"	11'-2"	11'-2"

Required Parking	Proposed Parking	Requested Variance
399 spaces required	370 spaces provided	29 spaces

Please do not hesitate to contact us if you have any questions or require additional information. We appreciate all of your help thus far, and look forward to the CZAB hearing on May 13<sup>th</sup>.

Regards,

  
Ryan D. Bailine, Esq.

cc: The Richman Group of Florida, Inc.  
Linda Christian, FRP  
Marissa A. Faerber, Esq.

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ZONING HEARINGS SECTION  
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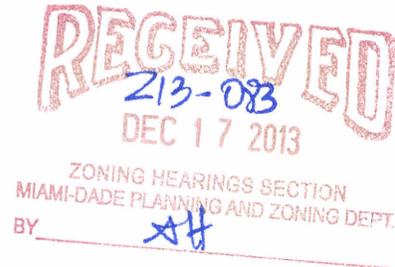
STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.

Ryan Bailine  
150 West Flagler Street, Suite 2200  
Miami, FL 33130  
Direct: (305) 789-4179  
Fax: (305) 789-2635  
Email: rbailine@stearnsweaver.com

December 17, 2013

**VIA HAND DELIVERY**

Mr. Eric Silva, Assistant Director  
Miami-Dade County Development Services  
Department of Regulatory and Economic Resources  
111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128



**Re: Second Amended Letter of Intent for Three Lakes Residences  
Public Hearing Application Z2013-000083 (the "Application")**

Dear Eric:

This firm represents The Richman Group of Florida, Inc. in connection with land use and zoning matters relating to the above-captioned Application. On September 17, 2013, we filed the Application, together with a Letter of Intent (the "Letter"), and supporting materials. After various discussions with your staff and our Development team, we are further amending the Application and Letter as noted below.

**I. Non-Use Variances**

The Applicant is seeking to further amend Section IV (a) of the Letter to remove one (1) Non-Use Variance for required interior setbacks pursuant to Sec. 33-207(2)(b), and include two (2) Non-Use Variances for accessory building setbacks pursuant to Sec. 33-20(b). Additionally, we have revised the Application to include a request for a Non-Use Parking Variance. Based on our previous discussions, it is our understanding there is a policy in the Planning and Zoning Department that prohibits covered carports from being counted towards satisfying on-site parking requirements under Chapter 33 of the Miami-Dade County Code (the "Code"). Although we are unaware of the particular provision(s) in the Code that create this restriction, we are requesting the additional Non-Use Parking Variance, at your suggestion, in the interest of time. The Non-Use Variances are as follows:



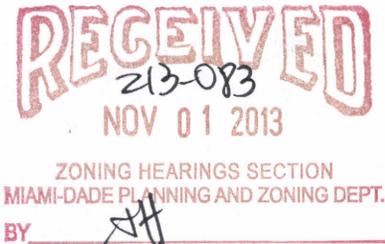
STEARNS WEAVER MILLER  
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Ryan Bailine  
150 West Flagler Street, Suite 2200  
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Direct: (305) 789-4179  
Fax: (305) 789-2635  
Email: rbailine@stearnsweaver.com

November 1, 2013

**VIA HAND DELIVERY**

Mr. Eric Silva, Assistant Director  
Miami-Dade County Development Services  
Department of Regulatory and Economic Resources  
111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128



**Re: First Amended Letter of Intent for Three Lakes Residences (the  
“Development”) Application Z2013-000083**

Dear Eric:

This firm represents The Richman Group of Florida, Inc. (“Richman”) in connection with land use and zoning matters relating to the above-captioned Development. On September 17, 2013, we filed the Application and Letter of Intent (the “Letter”) requesting: (i) site plan approval; (ii) a rezoning of the subject parcel; and (iii) the modification of a Declaration which limits development of the subject parcel to One-Hundred Four (104) town home units. A copy of the Letter is enclosed. Please accept this First Amended Letter of Intent (the “Amended Letter”) modifying the Letter dated September 17, 2013, as noted below.

**I. Rezoning**

The Applicant is modifying the Rezoning request described in Section III of the Letter. All supporting documentation listed in Section III of the Letter remains the same. The request is modified as follows:

**FROM**

Limited Apartment House District (“RU-4L”)

**TO**

High Density Apartment House District (“RU-4”)

**II. Non-Use Variances**

The Applicant is seeking to amend Section IV (a) of the Letter to remove one (1) of the Non-Use Variances. The remaining Non-Use Variances are as follows:

Location	Required Interior Setback	Proposed Interior Setback	Requested Variance
Club House & Building I	20'-0"	<del>13'-5"</del> 13'5" <i>ok</i>	<del>6'-7"</del> 13.5' ✓
Carport IV & Building V	20'-0"	11'-3"	<del>8'-9"</del> 11.3'
Carport IV & Building VI	20'-0"	<del>18'-4"</del> <i>ok</i>	<del>1'-8"</del> 18'4" -
Carport III & Building VI	20'-0"	18'-4"	<del>1'-8"</del> 18'4" -

**III. Declaration**

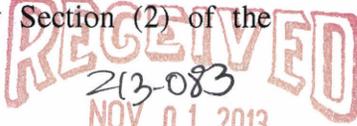
The Applicant amends Section IV (b) of the Letter to modify Section (2) of the Declaration, a copy of which is enclosed, as follows:

**FROM**

(2) **Residential Density Restriction.** The maximum number of dwelling units on the Twin lake Shores East Project shall be a total of 104 town home residential units.

**TO**

(2) **Residential Density Restriction.** The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 town home residential units.

  
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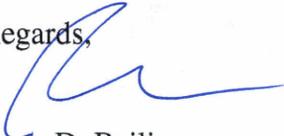
In addition to the two (2) modifications listed above, we are requesting a letter of interpretation from the Planning Department confirming multi-family residential uses are permitted on the Property. High density residential development is permitted within areas designated I/O on the FLUM when the parcel is: (i) Ten (10) acres or less and (ii) is bounded on Two (2) or more sides by existing residential development or zoning designations. In this instance, the Property is less than Ten (10) acres and is bounded on the North and West by Tuscany Village, an existing residential community. Moreover, the Property is bounded on Three (3) sides by high density residential zoning; the area to the North and West is zoned RU-3M and the area to the South is zoned Townhouse District ("RU-TH").

November 1, 2013

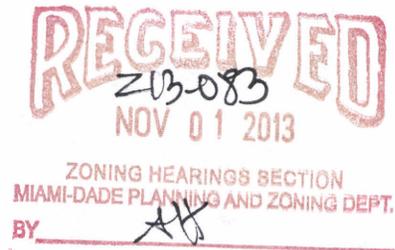
Page 3

Upon your review of the enclosed materials, please do not hesitate to contact us in the event you have any questions. We look forward to working with you and your staff as we move through the review, rezoning, and site plan approval processes.

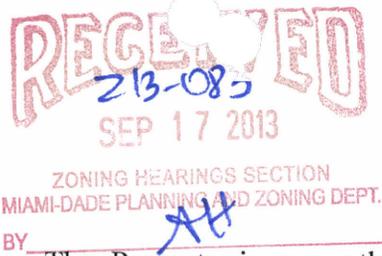
Regards,

  
Ryan D. Bailine

cc: The Richman Group of Florida, Inc.  
Marissa A. Faerber, Esq.  
Linda Christian, FRP







with the Property's current I/O land use designation. The Property is currently zoned a combination of RU-3 and BU-1A on the County's Official Zoning Map (the "Zoning Map"). For your ease of reference, copies of the FLUM and Zoning Map are attached as composite **Exhibit 'B'**".

## **II. The Development**

The Development will contain Two-Hundred and Forty (240) multi-family apartment units together with on-site parking. The proposed unit break-down is as follows: Eighty-Four (84) One (1) bedroom units; One-Hundred Thirty-Two (132) Two (2) bedroom units; and Twenty-Four (24) Three (3) bedroom units.

As detailed on the enclosed plans titled Three Lakes Residences, prepared by MSA Architects, dated September 17, 2013 (the "Site Plan"), the Development will contain Eight (8) residential buildings and Four Hundred Seven (407) on-site parking spaces. Also included in the development program is a club house (the "Club House") which will include indoor amenities and recreation space. One courtyard will contain a swimming pool, cabanas and outdoor living areas. A green space/tot lot is programmed for the other courtyard. Each of the residential buildings will contain Three (3) stories and the Club House will contain Two (2) stories.

## **III. The Rezoning**

Richman intends to rezone the Property from BU-1A and RU-3M to RU-4L (the "Rezoning") as part of the Site Plan Approval process for the Development. High density residential development is permitted within areas designated I/O on the FLUM when the parcel is: (i) Ten (10) acres or less and (ii) is bounded on Two (2) or more sides by existing residential development or zoning designations. In this instance, the Property is less than Ten (10) acres and is bounded on the North and West by Tuscany Village, an existing residential community. Moreover, the Property is bounded on Three (3) sides by high density residential zoning; the area to the North and West is zoned RU-3M and the area to the South is zoned Townhouse District ("RU-TH").

As noted above, the Rezoning is consistent with the multifamily residential character of the area. With each new development application, the Comp Plan instructs an analysis of whether the character of the area or parcel (s) proposed for development has changed over time. Here, the area around the Property has experienced dramatic changes in development patterns over the past Twenty (20) +/- years. Although much of the area is designated I/O on the FLUM, the majority of the developments are multifamily residential communities similar to the Development. The Kendall-Tamiami Airport and supporting retail commercial development has transformed this area of the County into an employment center. Due to increased employment opportunities, the desire to reduce commutes, and the availability of land appropriate for multifamily development, the area surrounding the Property contains predominately multifamily residential uses which satisfy the rising housing demands.

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The proposed RU-4L zoning designation is consistent with the area immediately adjacent to the Property. Because of the character of the area of the County, Staff is supporting a small-scale Land Use Plan Amendment (the "Amendment") for a parcel located just north of the Property, at the Northwest corner of SW 127<sup>th</sup> Avenue and SW 132 Street ("Hidden Lake"). The Amendment will facilitate development of Hidden Lake to include Two Hundred Fifteen (215) residential units; this translates into a density of Twenty-Five (25) units per acre. That density is greater than the density proposed for the Property; the Property is nearly 2.5+/- acres larger than Hidden Lake, but only proposes Twenty-Five (25) more residential units. A copy of the Hidden Lake Staff Analysis is enclosed as **Exhibit "C"**.

The RU-4L zoning designation is consistent with existing and proposed development in the immediate area, as well as the zoning designation of parcels in close proximity to the Property. Several parcels in the Three (3) mile radius surrounding the Property are zoned RU-4L. For your ease of reference, a portion of the Zoning Map depicting the Property and various surrounding RU-4L parcels is enclosed as **Exhibit "D"**.

The Rezoning is consistent with the goals, policies and objectives of the Future Land Use Element of the Comp Plan:

- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

*The Property is currently vacant and is surrounded by existing high density residential uses. Over the past two decades, this area has seen significant growth, including the development and expansion of the Kendall-Tamiami Airport. With the increase in employment opportunities, housing demands for the area are significant. Several high density residential communities were developed to meet the rising demands. In turn, the area experienced an increase in urban services and facilities to serve the growing residential uses.*

- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines or Urban Form contained in this Element.

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*The area has seen a dramatic increase in residential development over the past Twenty (20) +/- years. As such, the Rezoning will satisfy the County's goal of providing a variety of housing options in suitable locations. The Development is compatible with the character of the abutting parcels to the North and West.*

- LU-12D. The County shall consider developing strategies that promote infill development in specific areas.

*The Rezoning will facilitate infill development of a currently vacant parcel surrounded on Three (3) sides by residential uses. The changing character of the surrounding area, due to an increase in employment opportunities, makes the Property a prime location for high density multifamily housing.*

- LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

*The Development includes indoor recreational amenities and outdoor amenities including a swimming pool, dog park, green courtyard and tot lot. Further, the site design accommodates pedestrian circulation via sidewalks connecting each building to adjacent rights-of-way.*

**IV. Site Plan Approval**

**a. Non-Use Variances**

Richman is requesting approval of Five (5) minor non-use variances (the "Non-Use Variances") from the building setback requirement contained in the County's Land Development Code (the "Code"), Sec. 33-207.2. Richman is requesting a Non-Use Variance for the following interior setbacks:

Location	Required Interior Setback	Proposed Interior Setback	Requested Variance
Club House & Building I	20'-0"	5'-0"	15'-0"
Club House & Building VIII	20'-0"	15'-2"	4'-10"
Carport II &	20'-0"	11'-3"	8'-9"

Building V			
Carport II & Building VI	20'-0"	18'-4"	1'-8"
Carport I & Building VI	20'-0"	18'-4"	1'-8"

It is important to note that these Non-Use Variances are all internal to the Development. All exterior setback requirements are met or exceeded; Richman proposes nearly Three (3) times the required setback area for the North, South and East sides of the Property. Richman is also proposing a lushly landscaped Twenty-Five (25) foot buffer. In other words, the requested Non-Use Variances have no external effects on the surrounding area. The Development otherwise complies with all other Code requirements, including open space, maximum permitted density, height, intensity and required on-site parking.

**b. The Declaration of Restrictions**

As part of the "Twin Lake Shores East" Site Plan Approval in 2006, that Applicant, Tamiami Kendall Investment, Inc., entered into the Declaration with the County restricting the Property to One-Hundred Four (104) town home residential units. For your ease of reference, a copy of the Declaration is enclosed as **Exhibit "E"**. During the County's review process for the Rezoning, Richman will work with staff to proffer a substitute Declaration to allow development of up to Two Hundred Forty (240) residential units while still remaining sensitive to the surrounding area.

**V. Conclusion**

Richman is requesting approval of the enclosed Site Plan for the Development. Specifically, Richman is requesting that the County approve the Rezoning of the Property from BU-1A/RU-3M to RU-4L. In connection with the Rezoning, Richman is requesting the minor Non-Use Variances and modification of the Declaration.

Upon your review of the enclosed materials, please do not hesitate to contact us in the event you have any questions. We look forward to working with you and your staff as we move through the review, rezoning, and site plan approval processes.

Regards,



Ryan D. Bailine



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cc: The Richman Group of Florida, Inc.  
Marissa A. Faerber, Esq.  
Linda Christian, FRP

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**Exhibit "A"**



**My Home**  
Miami-Dade County, Florida

**miamidade.gov**



**Property Information Map**



Aerial Photography - 2012

0 — 189 ft

This map was created on 9/17/2013 11:05:49 AM for reference purposes only.

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**Summary Details:**

Folio No.:	30-5914-000-0200
Property:	
Mailing Address:	TAMIAMI KENDALL INVESTMENTS INC C/O ALBERTO J PARLADE 7050 SW 86 AVE MIAMI FL 33143-2400

**Property Information:**

Primary Zone:	3700 MULTI-FAMILY - 10-21 U/A
CLUC:	0081 VACANT LAND
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	10.99 ACRES
Year Built:	0
Legal Description:	14 55 39 11 ACML SE1/4 OF SEC1/4 LESS N448FT & LESS COMM SE COR OF SEC TH S 87 DEG W 525.83FT FOR POB CONT S 87 DEG W 791.82FT N 02 DEG W 913.10FT N 87 DEG E 796.90FT

**Assessment Information:**

Year:	2013	2012
Land Value:	\$2,763,908	\$2,763,908
Building Value:	\$0	\$0
Market Value:	\$2,763,908	\$2,763,908
Assessed Value:	\$1,632,806	\$27,500

**Classification/Benefit Information:**

Year:	2013	2012
Agricultural:	\$1,131,102	\$2,736,408

**Taxable Value Information:**

Year:	2013	2012
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$0/\$1,632,806	\$0/\$27,500
County:	\$0/\$1,632,806	\$0/\$27,500
School Board:	\$0/\$1,632,806	\$0/\$27,500

**Sale Information:**

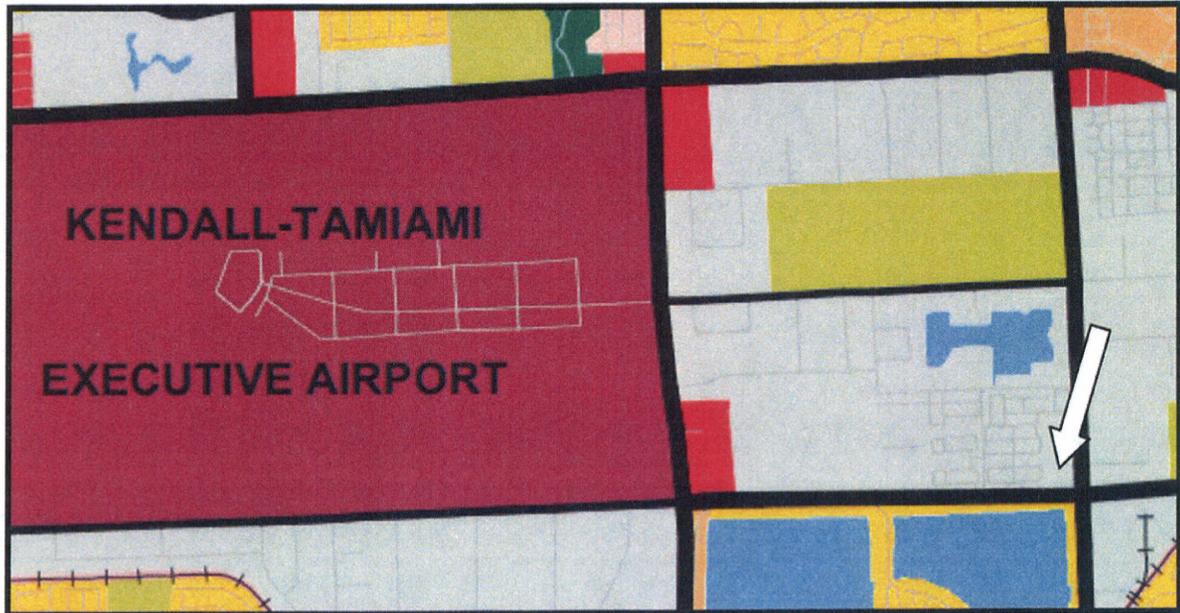
Sale Date:	4/2005
Sale Amount:	\$0
Sale O/R:	00000-0000
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed

**Exhibit "B"**

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## Future Land Use Map



	INDUSTRIAL AND OFFICE
	RESTRICTED INDUSTRIAL AND OFFICE
	BUSINESS AND OFFICE
	OFFICE/RESIDENTIAL
	INSTITUTIONS UTILITIES, AND COMMUNICATIONS
	PARKS AND RECREATION
	ZOO MIAMI ENTERTAINMENT AREA
	AGRICULTURE
	OPEN LAND
	ENVIRONMENTAL PROTECTION
	ENVIRONMENTALLY PROTECTED PARKS
	TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
	TERMINALS
	EXPRESSWAYS
	MAJOR ROADWAYS (3 OR MORE LANES)
	MINOR ROADWAYS (2 LANES)
	EXISTING RAPID TRANSIT / FUTURE RAPID TRANSIT

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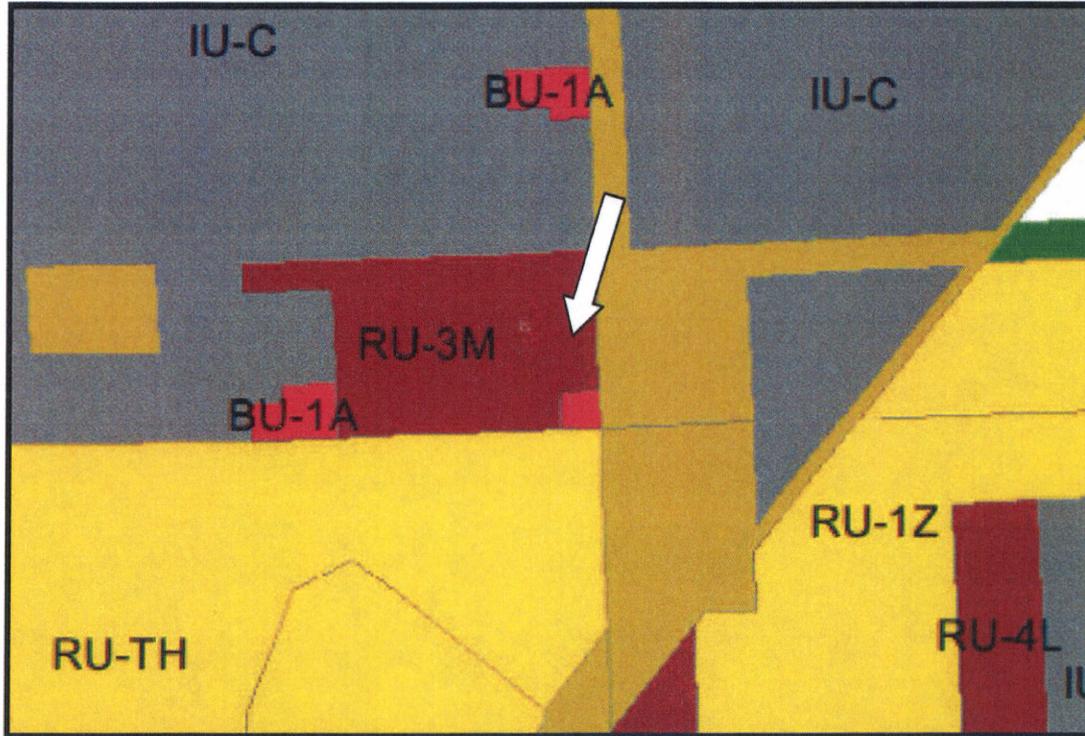
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# Zoning Map



LEGEND	
GENERAL CATEGORIZATION OF ZONING DISTRICT	
	AGRICULTURE
	COMMERCIAL
	URBAN CENTERS (CUC)
	ENVIRONMENTAL
	GENERAL USE
	INDUSTRIAL
	INDUSTRIAL-COMMERCIAL
	INSTITUTIONAL AND PUBLIC ADMINISTRATION
	OFFICE
	PARKS
	RESIDENTIAL COMMERCIAL
	RESIDENTIAL MULTI-FAMILY
	RESIDENTIAL OFFICE
	RESIDENTIAL SINGLE-FAMILY
	2015 URBAN EXPANSION AREA
	2011 URBAN DEVELOPMENT BOUNDARY
	COASTAL WATER

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**Exhibit "C"**

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requesting a change from Industrial and Office to Medium Density Residential. The total impact of this application, if approved, will be to extend the depletion year to approximately 2023.

**Industrial Land**

The Analysis Area for Application 2 (MSA 6.2) contained 627.00 acres of in-use industrial uses in 2013 and an additional 191.30 acres of vacant land zoned or designated for industrial uses. The annual average absorption rate for the 2013-2030- period is 22.44 acres per year. At the projected rate of absorption, reflecting the past absorption rates of industrial uses, the study area will deplete its supply of industrially zoned land in the year 2022 (See Table below). Additionally, the countywide industrial land supply is projected to be depleted beyond the year 2030.

Projected Absorption of Land for Industrial Uses  
Indicated Year of Depletion and Related Data  
Application 2 Analysis Area

Analysis Area	Vacant Industrial Land 2013 (Acres)	Industrial Acres in Use 2013	Annual Absorption Rate 2013-2030 (Acres)	Projected Year of Depletion
MSA 6.2	191.30	627.00	22.44	2022
Countywide	3,591.50	12,161.20	163.03	2035

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Research Section, March 2013.

**Environmental Conditions**

**Flood Protection**

County Flood Criteria, National Geodetic Vertical Datum (NGVD) + 9.0 Feet  
Stormwater Management Surface Water Management General Permit  
Federal Flood Zone AH-8/AE-8 and X-99

**Biological Conditions**

Wetlands Permits Required NO  
Native Wetland Communities NO  
Specimen Trees NO  
Natural Forest Communities NO  
Endangered Species Habitat NO

**Other Considerations**

Within Wellfield Protection Area NO  
Archaeological/Historical Resources NO  
Hazardous Waste NO

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**Drainage, Flood Protection and Stormwater Management**

This proposed amendment has been reviewed to ensure that resulting development can comply with the County's Stormwater Management (Drainage) Level of Service Standards (LOS). Stormwater management standards include a flood protection component and a water quality component. The County's water quality standard helps protect water quality by minimizing the pollutants carried offsite in rainwater. This standard requires all stormwater to be retained on-

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site utilizing a properly designed seepage or infiltration drainage system for a 5-year storm/1-day storm event; these systems are designed to filter the most harmful pollutants from rainwater draining from the site (CDMP Policy CON-5A).

The proposed use will require a Surface Water Management General Permit (SWMGP) from the Water Control Section of the Division of Environmental Resources Management (DERM) for the construction and operation of the required surface water management system if the impervious area is greater than 2.0 acres. This permit must be obtained prior to development of the site, final plat, and/or prior to obtaining a building permit approval. The flood protection standard helps to ensure that proposed development does not cause flooding on adjacent properties and roads. This standard requires that site grading and development accommodates full on-site retention of rainwater from the 25-year/3-day storm event.

#### Environmentally Endangered Lands Program

The subject parcels are located near existing Environmentally Endangered Lands (EEL) Preserves subject to the EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. The County has a vested interest in maintaining EEL areas as natural preserves. Development on parcels near EEL Preserves should avoid adverse impacts to the natural areas associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, erosion, alterations to hydrology and other such activities. Restrictions such as these should be considered in the design, planning and permitting for development near existing EEL Preserves.

The EEL Program maintains the habitats within the nearby EEL Preserves by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the listed and rare plant species harbored by this plant community. Such burning is generally performed once every three years. Land included in this application is within the potential smoke dispersion corridor. Consequently, the subject properties may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires on land that is managed by the EEL Program.

#### Tree Preservation and Natural Forest Communities

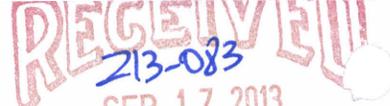
There are no tree resources issues on the subject properties. The subject properties are not designated Natural Forest Communities by Miami-Dade County. However, the subject properties are located near a county designated NFC. NFC's are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. NFC's are maintained by the use of periodic ecological prescribed burning. Such burning is generally performed once every three years. The subject properties lie within the potential smoke dispersion corridor and may be affected by the smoke from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual for a list of these controlled landscaping plants.

#### Air Quality Management

The County works to reduce human exposure to air pollution (CDMP Objective CON-1) and to reduce carbon dioxide levels (CDMP Policy CON-1J). Minimizing vehicle emissions through reduced traffic congestion, vehicle travel time and vehicle trips help to minimize air pollutants. The County requires air quality modeling for certain roadway segments, intersections, and parking facilities to reduce congestion. The County promotes mass transit as an alternative to the personal automobile (CDMP Policy TE-1A), and also supports bicycle use, and trips made






  
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**Level of Service Standard**

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 494.95 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site; Richmond Triangle Park, Sabal Chase Park, Walter A. White Park, and Rock Ridge Park are smaller than the required five acres (or larger) park. The nearest local park to the application site is Three Lakes Park, which is located approximately 0.6 miles from the application site.

**County Local Parks  
Within a 3-Mile Radius of Application Site**

Park Name	Acreage	Classification
Wild Lime Park	11.81	Community Park
Hammocks Community Park	21.51	Community Park
Devon Aire Park	12.43	Community Park
Deerwood Bonita Lakes Park	11.03	Community Park
Sgt. Joseph Delancy Park	10.46	Community Park
Colonial Drive Park	14.34	Community Park
Richmond Triangle Park	0.60	Mini Park
Sabal Chase Park	4.43	Neighborhood Park
Fairwood Park	7.93	Neighborhood Park
Calusa Club Estates Park	6.99	Neighborhood Park
Kings Meadow Park	5.44	Neighborhood Park
Sugarwood Park	7.82	Neighborhood Park
Arvida Park	7.55	Neighborhood Park
Oak Creek Park	5.03	Neighborhood Park
Kings Grant Park	6.42	Neighborhood Park
Walter A White Park	1.64	Neighborhood Park
Rock Ridge Park	4.54	Neighborhood Park
Three Lakes Park	15.72	Single Purpose Park
Kendall Soccer Park	43.14	Single Purpose Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2013.

**Application Impacts**

The existing CDMP land use designation does not permit residential development and therefore has no impact on local recreational open space. However, the proposed change would result in a potential population of 430 persons, resulting in an impact of an additional 1.18 acres of local parkland that would be accommodated by the 494.95-acre park surplus.

**Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 53 (Turnpike), located at 11600 SW Turnpike Highway. This station is equipped with a Rescue unit and is staffed with three (3) firefighter/paramedics 24 hours a day, seven days a week.



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schools. The students will be assigned to those schools identified in the "Concurrency Service Area (CSA) Schools" table below. At this time, the schools have sufficient capacity available to serve the application.

**Concurrency Service Area (CSA) Schools**

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Gloria Floyd Elementary	179	20	20	Yes	Current CSA
Richard Heights Middle	579	12	12	Yes	Current CSA
Miami Sunset Senior	299	15	15	Yes	Current CSA

Source: Miami-Dade County Public Schools, January 2013.

Miami-Dade County Department of Regulatory and Economic Resources, 2013.

Section 9 of the ILA discusses implementation of school concurrency, indicating the test for school concurrency is at the time of a final subdivision, site plan or functional equivalent, not at the time of application for land use. Miami-Dade County Public Schools is required to maintain the adopted LOS standard throughout the five-year planning period. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

**Aviation**

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that the proposed development complies with all applicable local, state and federal aviation regulations including Airport Zoning, Chapter 33, of the Code of Miami-Dade County. However, it is recommended that the applicant, prior to proceeding with design and approval, submit its plans to MDAD for review prior to proceeding with design and development.

**Roadways**

Application No. 2 is a ±8.63 gross acre (±7.72 net acre) site located on the northwest corner of the intersection of SW 127 Avenue and SW 132 Street in unincorporated Miami-Dade County. Access to the application site is from both SW 127 Avenue and SW 132 Street. SW 127 Avenue from SW 120 Street to SW 124 Street is a four-lane divided roadway and from SW 124 Street to SW 136 Street is a two-lane undivided roadway. SW 132 Street from SW 127 Avenue to SW 132 Avenue is a two-lane roadway. SW 127 Avenue provides connectivity to SW 120, SW 104 and SW 88 Streets to the north and to SW 136 Street to the south. SW 120 Street, a four-lane divided arterial, provides connectivity to the HEFT and SW 117 Avenue to the east and to SW 137 Avenue to the west. All these major north-south and east-west corridors provide connectivity to other areas of the County.

Roadway traffic conditions are evaluated by Level of Service (LOS), which is represented by one of the letters "A" through "F", with A generally representing the most favorable driving conditions and F representing the least favorable.

Existing Conditions

Exiting traffic conditions on the roadways adjacent to or in the vicinity of the application site, which is currently monitored by the County or the Florida Department of Transportation (FDOT), are as follows: SW 127 Avenue between SW 104 Street and SW 120 Street is operating at LOS D; SW 120 Street from SW 137 Avenue to SW 117 Avenue is operating at LOS D; the roadway segments of SW 137 Avenue from SW 120 Street to SW 136 Street and between SW 136 Street and SW 152 Street are operating at LOS C; and the roadway segments of SW 117



**Traffic Impact Analysis on Roadways Serving the Application Site**  
**Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service**

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Conc. LOS with Amend.
<b>"Medium Density Residential (13-25 DU/ac)" requested land use designation with 215 multi-family residential dwelling units</b>												
9814	SW 137 Avenue	SW 120 St. to SW 136 St.	6 DV	E	7000	3690	C	60	C	4	3754	C
9816	SW 137 Avenue	SW 136 St. to SW 152 St.	6 DV	E	5780	3393	C	413	C	18	3824	C
9784	SW 127 Avenue	SW 104 St. to SW 120 St.	4 DV	D	2670	1572	D	39	D	28	1639	D
9750	SW 117 Avenue	SW 104 St. to SW 136 St.	4 DV	D	3490	2890	C	134	C	11	3035	C
9752	SW 117 Avenue	SW 136 St. to SW 152 St.	4 DV	D	2910	2133	C	16	C	18	2167	C
9760	SW 120 Street	SW 137 Ave. to SW 117 Ave.	4 DV	D	3870	2528	D	190	D	29	2353	D
9762	SW 120 Street	SW 137 Ave. to SW 147 Ave.	4 DV	D	3340	2039	C	310	C	4	2747	C

Source: Compiled by Miami-Dade County Department of Regulatory and Economic Resources; Miami-Dade County Public Works and Waste Management Department and Florida Department of Transportation, February 2013.

Notes: DV= Divided Roadway; UD = Undivided roadway; LA = Limited access roadway.

\*County adopted roadway level of service standard applicable to the roadway segment: E+20% (120% capacity) for roadways serviced with transit service having 20 minutes headways inside the Urban Infill Area (UIA); E+50% (150% capacity) for roadway serviced with extraordinary transit such as I-95 Express Bus Route.

Application site assumes maximum residential development with 215 multi-family dwelling units under the requested "Medium Density Residential (13-25 DU/ac)" land use designation."

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- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities Density patterns should reflect the Guidelines for Urban Form contained in this Element.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.
- CHD-2B. Encourage well designed infill and redevelopment to reduce vehicle miles traveled and improve air quality.

# APPENDICES

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**Exhibit "E"**

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HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:  
Miguel Diaz de la Portilla, Esq.  
Adorno and Yoss, LLP  
2525 Ponce De Leon Boulevard  
Suite 400  
Miami, Florida 33134

AG/gt

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**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned, Robert Vinas as President of Tamiami Kendall Investment, Inc., (the "Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, which is legally described in the attached Exhibit "A," and hereinafter referred to as the "Twin Lake Shores East."

*NOW, THEREFORE*, in order to assure Miami-Dade County (or any successor municipal corporation) (the "County") of Miami-Dade County, Florida, that the representations made to them by the Owner during consideration of Public Hearing Z05-378 (the "Application") will be abided by the Owner, its successors or assigns freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

(1) **Controlling Site Plan.** The Twin Lake Shores East and 127<sup>th</sup> Avenue Project shall be developed substantially in accordance with the site plans entitled "Twin Lake Shores East" (SP-1, SP-2, L-1, and A-1 through A-10) as prepared by Bellon Millanes Architects and Planners, dated, signed and sealed March 15, 2006. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement (the "Plans").

(2) **Residential Density Restriction.** The maximum number of dwelling units on the Twin Lake Shores East Project shall be a total of 104 town home residential units.

(3) **Miscellaneous.**

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

(B) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County,

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

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

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

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

(J) Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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(K) Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

(L) Owner. The term Owners shall include the Owners, and their heirs, successors and assigns.

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## HEARING APPLICATION #2005000378

### LEGAL DESCRIPTION

A portion of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 14, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Tract A of COURTS AT TUSCANY, according to the plat thereof recorded in Plat Book 162, at Page 87, of the Public Records of Miami-Dade County, Florida, said point lying on the North Right-of-Way line of S.W. 136<sup>th</sup> Street; thence run the following courses and distances along the boundary line of said COURTS AT TUSCANY: N02°20'50"W for 874.91 feet; thence N87°39'09"E for 490.00 feet, said point lying 40.00 feet West of, as measured at right angles to, the East line of the said Southeast  $\frac{1}{4}$  of Section 14; thence departing the said boundary line of COURTS AT TUSCANY run S02°05'11"E along a line that is 40.00 feet West of, and parallel with, the said East line of the Southeast  $\frac{1}{4}$  of Section 14 for 620.45 feet; thence S87°39'09"W for 257.17 feet; thence S02°20'50"E for 255.00 feet to a point on the aforesaid North Right-of-Way line of S.W. 136<sup>th</sup> Street; thence S87°47'05"W along the said North Right-of-Way line of S.W. 136<sup>th</sup> Street for 230.00 feet to the Point of Beginning.

#### NOTES:

1. The above described parcel contains 361,730 square feet (8.3042 acres), more or less.
2. The bearings are based on an assumed direction of S02°05'11"E along the East line of the Southeast  $\frac{1}{4}$  of Section 14, Township 55 South, Range 39 East, Miami-Dade County, Florida.

#### Prepared by:

Jack Mueller & Associates, Inc.  
Consulting Engineers & Land Surveyors  
Certificate of Authorization No. LB0064  
9450 Sunset Drive ~ Suite 200  
Miami, Florida 33173-5428  
Phone: 305-279-5555

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