

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steve Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY

AGENDA

Wednesday, November 15, 2006

7:00 PM

South Dade Government Center
10710 SW 211 Street, Room 203
Cutler Bay, Florida 33189

I. CALL TO ORDER, ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS, DELETIONS, AND DEFERRALS

IV. CONSENT AGENDA

A. October 18, 2006 – Minutes

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST

OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1M(A) (MODIFIED SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

VI. ADJOURNMENT.

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, October 18, 2006

7:00 PM

South Dade Government Center
10710 SW 211 Street, Room 203
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:10 p.m. Present were the following:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Manager Steven Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

II. PLEDGE OF ALLEGIANCE: There was no pledge of allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA:

A. Vice Mayor MacDougall made a motion approving the minutes of the meeting of October 4, 2006. The motion was seconded by Councilmember Sochin and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33G "SERVICE CONCURRENCY MANAGEMENT PROGRAM" TO PROVIDE FOR PROVISIONS RELATING TO PROPORTIONATE FAIR-SHARE MITIGATION FOR TRANSPORTATION; CREATING SECTION 33G-5.1 "PROPORTIONATE FAIR-SHARE MITIGATION FOR TRANSPORTATION;"

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Chad Friedman, Interim Town Attorney, gave an oral report and recommended approval of the ordinance.

The mayor opened the public hearing. There were no speakers present.

Councilmember Meerbott made a motion adopting staff's recommendation. The motion was seconded by Councilmember Bell and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. **ADJOURNMENT:** The meeting was officially adjourned at 7:20 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 15th day of November, 2006.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



MEMORANDUM

To: Steven Alexander, Town Manager

From: Don O'Donniley, AICP, Planning Director *DAO*

Date: November 15, 2006

**Re: SS Falls Investments LLC
Rezone From EU-1 to EU-M**

Application No. 06-13

REQUEST:

EU-1 (One-Acre Estate District) to EU-M (Modified Estate District)

Parcel Information and Legal Description:

The request encompasses two parcels totaling approximately 4.38 acres in size bounded by SW 187th Terrace to the north, SW 82nd Avenue to the east, SW 188th Street to the south and the east property lines of the residences abutting SW 83rd Place.

Or as further described:

The East ½ of the South 323 feet of the South ½ of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW ¼ of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10.

Size: 2.07 acres

Location: 8201 SW 188th Street, Town of Cutler Bay

Folio: 36-6003-001-0131

SS Falls
06-13
11/15/06

and

The West ½ of the South 323 feet of the South ½ of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest ¼ of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida

Size: 2.31 acres

Location: 8295 SW 188th Street, Town of Cutler Bay

Folio: 36-6003-001-0140

BACKGROUND AND ANALYSIS:

Background

SS Falls Investments LLC filed a request for a District Boundary Change (Rezoning) from EU-1 to EU-M for the eastern parcel on October 4, 2005. Subsequent to that action the applicant purchased the western parcel (Warranty Deed attached) and has amended the application to include said parcel.

The last action on these parcels was in 1969 when they were rezoned from EU-1C (Single-Family Two and one Half Acre Estate District) to EU-1.

The surrounding properties are zoned EU-M, except to the southwest which is zoned EU-2 but is part of the East Ridge Retirement Village. Both the east and west parcels are improved with single family residences as are the properties to the north, east and west. The property to the south is currently undeveloped.

Analysis

1. Consistency with the Comprehensive Development Master Plan

The Adopted 2005 and 2015 Land Use Plan designates the subject properties as **Estate Density Residential**. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

This application is **consistent** with the Town Comprehensive Development Master Plan and the Land Use designation of the surrounding properties.

2. Zoning

The following Sections of the Town Zoning Code are relevant to this request.

Chapter 33 Zoning Code of the Town of Cutler Bay

Article XX. EU-M, ESTATE MODIFIED DISTRICT

Section 224. Uses permitted

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-M District, unless otherwise provided for, except for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servants' quarters only, not over one (1) story in height.
- (2) Noncommercial boat piers on slips for docking of private watercraft under same conditions as in an RU-1 District.
- (3) A group home shall be permitted in a dwelling unit provided:
 - (a) That the total number of resident clients on the premises not exceed six (6) in number.
 - (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of said licensure no later than the time of home occupancy.
 - (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.
- (4) Reserved.

Section 225. Area, frontage and depth of lots

- (a) In any area zoned EU-M the minimum area of each site or lot shall be not less than fifteen thousand (15,000) square feet, having a minimum frontage of one hundred twenty (120) feet, and a minimum depth of one hundred fifteen (115) feet.
- (b) Where lots in a subdivision have been platted or a lot has been deeded and recorded with a minimum frontage of less than one hundred twenty (120) feet, but having a frontage of at least one hundred (100) feet and an area of at least fifteen thousand (15,000) square feet prior to July 18, 1957, the site shall be deemed conforming, if the property concerned was zoned LRU prior to July 18, 1957.

Section 311. Town of Cutler Bay Town Council – Authority and Duties

[The following summarizes the intent of this Section as it relates to factors in considering a rezoning]

The Town Council shall take into consideration, among other things, the extent to which:

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for the Town of Cutler Bay, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

The application is consistent with the CDMP.

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

The approval of this request will not have an adverse impact on the environmental and natural resources of the Town.

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town of Cutler Bay;

The approval of this request will not have an adverse impact on the economy of the Town.

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

The approval of this request will not have an adverse impact on the majority of the necessary public facilities.

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

The approval of this request will not have an adverse impact on the necessary public transportation facilities.

This request is **consistent** with the current zoning of the surrounding properties.

At the time of application for site development the applicant shall be required to adhere to the minimum lot size requirements, unless a variance from the Town Code is requested and approved. Currently, based on the parcel size of 4.38 acres, approximately 10 dwelling units would be allowed.

3. Environmental Resources Management

Potable Water Supply and Wastewater Disposal:

Public water and sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to said systems shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle additional flows. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available.

Stormwater Management:

A Surface Water Management Individual Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant shall contact DERM (305-372-6789) for further information regarding permitting procedures and requirements.

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

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

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

Wetlands:

Although the subject property is located within a designated wetland basin, the subject property does not contain jurisdictional wetlands as defined by Chapter 24-5 of the Code. Therefore a Class IV Wetland Permit will not be required.

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

Tree Preservation:

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

Enforcement History:

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

Concurrency Review Summary:

A concurrency review for this application has been completed and it has been determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to any comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code.

4. Public Works

Public Works has no objection to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

The application meets the traffic concurrency criteria for an initial development order. It will generate approximately 19 PM daily peak hour period vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these trips does not exceed the acceptable level of service of the following roadways:

<u>Station</u>	<u>Location</u>	<u>LOS</u> <u>(Present)</u>	<u>LOS</u> <u>(w/ Appl.)</u>
9174	SW 87 Ave. s/o SW 184 St.	B	B
9592	Old Cutler Rd. sw/o SW 184 St.	B	B
9594	Old Cutler Rd. sw/o Franjo Rd.	B	B
9114	Caribbean Blvd. e/o HEFT	E	E

This request constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

5. Schools

Policy 1.6 of the Educational Element of the Town's Comprehensive Development Master Plan states that: "School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions which could impact the school district, as provided for in Chapter 236.193(2)F.S."

Also, pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development

would result in an increase in the schools' FISH percent utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

The proposed residential development will impact: Whispering Pines Elementary School (119% utilization), Cutler Ridge Middle (87% utilization) and Miami Southridge Senior (128% utilization).

Additionally, at its April 13, 2005 meeting the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on April 24, 2006, to discuss the impact of the proposed development on public schools. However, the applicant advised that he is unable to proffer any additional mitigation other than the applicable impact fees as required by the Educational Facilities Impact Fee Ordinance. For each additional dwelling unit over and above the two existing units an impact fee of \$2,400.00 (for an average 2,000 square foot unit) will be assessed.

In accordance with the Review Criteria established by the Board, the School District is requesting that the application be denied, or that it be deferred until such time as the applicant is able to address the impact of the proposed residential development on public schools in the area.

RECOMMENDATION:

Approval

CONDITIONS:

None



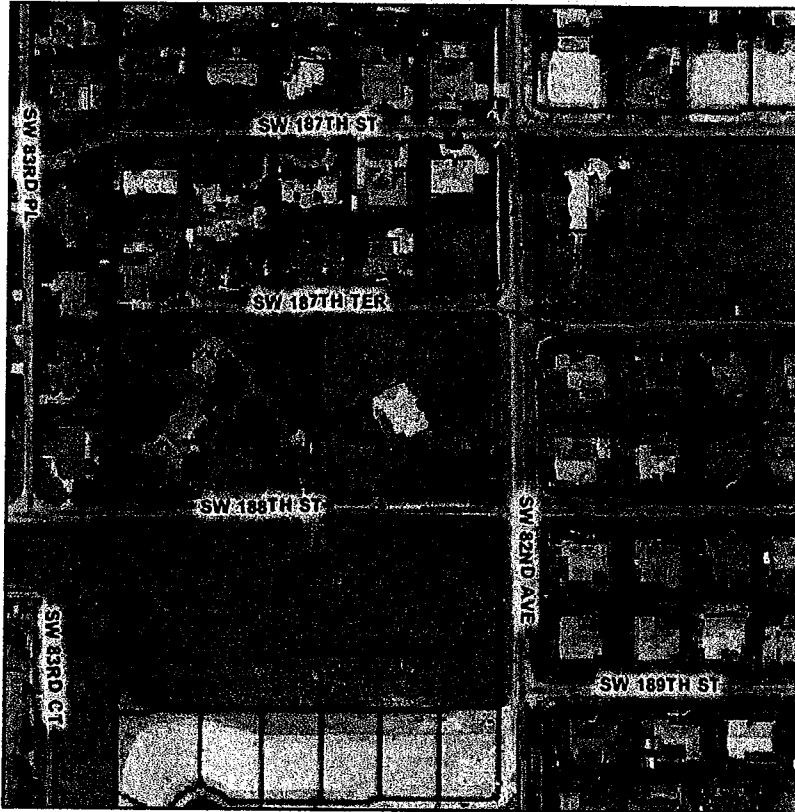
Subject Property →

My Home
Miami-Dade County, Florida

miamidade.gov



Property Information Map



Digital Orthophotography - 2005

0 — 133 ft

This map was created on 9/11/2006 11:33:45 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	36-6003-001-0131
Property:	8201 SW 188 ST
Mailing Address:	SS FALLS INVESTMENTS LLC 10720 SW 135 TERR MIAMI FL 33176-6060

Property Information:

Primary Zone:	2300 ESTATE RESIDENTIAL
CLUC:	0001 RESIDENTIAL- SINGLE FAMILY
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	3,403
Lot Size:	90,169 SQ FT
Year Built:	1994
Legal Description:	3 56 40 2.07 AC M/L PERRINE GRANT SUB PB 4- 10 E1/2 OF S323FT OF S1/2 OF LOT 8 IN NW1/4 LESS E35FT & S25FT LOT SIZE IRREGULAR OR 19648-0059 032001 4

Sale Information:

Sale O/R:	24353-0304
Sale Date:	3/2006
Sale Amount:	\$1,400,000

Assessment Information:

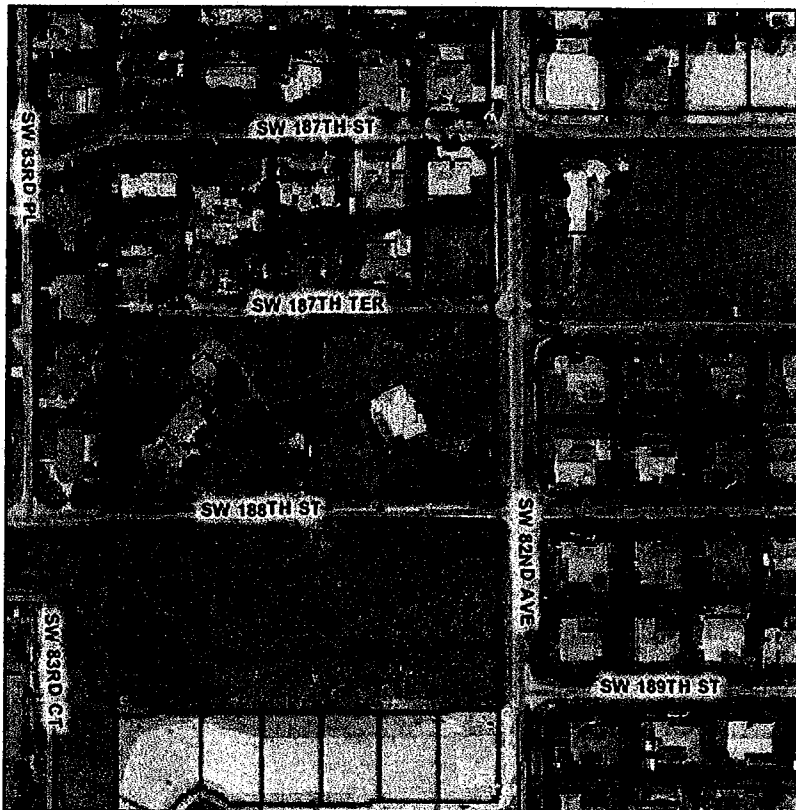
Year:	2006
Land Value:	\$434,700
Building Value:	\$303,236
Market Value:	\$737,936
Assessed Value:	\$737,936
Total Exemptions:	\$0
Taxable Value:	\$737,936
Past Assessment:	30-6003-001-0131

My Home
Miami-Dade County, Florida



miamidade.gov

Property Information Map



Digital Orthophotography - 2005

0 ——— 133 ft

This map was created on 9/11/2006 11:34:15 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	36-6003-001-0140
Property:	8295 SW 188 ST
Mailing Address:	PATRICK MORNANE &W LARRIE L 8295 SW 188 ST MIAMI FL 33157-7338

Property Information:

Primary Zone:	2600 ESTATE-2 1/2 ACRES
CLUC:	0002 MULTIFAMILY-DUPLEX
Beds/Baths:	6/4
Floors:	2
Living Units:	2
Adj Sq Footage:	6,222
Lot Size:	100,624 SQ FT
Year Built:	1953
Legal Description:	3 56 40 2.31 AC PERRINE GRANT SUB PB 4-10 W1/2 OF S323FT OF S1/2 OF TR 8 LESS S25FT NW1/4 OR 21166-4760 022003 4 F/A/U 30-6003-001-0140

Sale Information:

Sale O/R:	18168-4184
Sale Date:	6/1998
Sale Amount:	\$365,000

Assessment Information:

Year:	2006
Land Value:	\$485,100
Building Value:	\$416,222
Market Value:	\$901,322
Assessed Value:	\$809,553
Homestead Exemption:	\$25,000
Total Exemptions:	\$25,000
Taxable Value:	\$784,553
Past Assessment:	30-6003-001-0140

Hearing Number: 06-013

Applicant Name: SS Falls

Location: 8201 and 8295 SW 188th Street

Size of property: 4.38 acres

Request: Rezoning from EU-1 (One-Acre Estate District) to EU-M (Modified Estate District)

Hearing Location: South Dade Government Center, 2nd Floor, 10710 SW 211 Street

Hearing Date: November 15, 2006

Hearing Time: 7:00 p.m.

Plans are on file with the Town and may be examined at Town Hall. These plans may be modified at the public hearing.

SS Falls

The East ½ of the South 323 feet of the South ½ of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW ¼ of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10.

Size: 2.07 acres

Location: 8201 SW 188th Street, Town of Cutler Bay

Folio: 36-6003-001-0131

The West ½ of the South 323 feet of the South ½ of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest ¼ of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida

Size: 2.31 acres

Location: 8295 SW 188th Street, Town of Cutler Bay

Folio: 36-6003-001-0140

ORDINANCE NO. 06- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 33 "Zoning," of the Town Code of Ordinances (the "Town Code"), SS Falls Investments LLC (the "Applicant") has applied to the Town of Cutler Bay (the "Town"), for approval of a rezoning from EU-1 (One-Acre Estate District) to EU-M (Modified Estate District), for the adjoining properties legally described in Exhibit "A" (the "Property") (Application 06-13); and

WHEREAS, staff recommended approval of the requested rezoning in its report dated November 15, 2006; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

WHEREAS, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Approval of Rezoning. Pursuant to Chapter 33 "Zoning" of the Town Code, the Property, described in Exhibit "A," is hereby rezoned from EU-1 (One-Acre Estate District) to EU-M (Modified Estate District).

Section 3. Recording. The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2006.

PASSED AND ADOPTED on second reading this _____ day of _____, 2006.

PAUL VROOMAN
Mayor

Attest: _____
ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A.
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul Vrooman _____

Vice Mayor Edward MacDougall _____

Council Member Timothy J. Meerbott _____

Council Member Ernest Sochin _____

Council Member Peggy Bell _____

Exhibit A

Legal Description

The East $\frac{1}{2}$ of the South 323 feet of the South $\frac{1}{2}$ of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW $\frac{1}{4}$ of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10;

and

The West $\frac{1}{2}$ of the South 323 feet of the South $\frac{1}{2}$ of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest $\frac{1}{4}$ of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida



R. Don O'Donniley, AICP
Planning Director

MEMORANDUM

To: Steven Alexander, Town Manager

From: Don O'Donniley, Planning Director *DDO*

Date: November 9, 2006

Re: Request of Cutler Ridge Evangelical Lutheran Church for a rezone on 4 Acres from AU, Agricultural District, to RU-1M(a), Modified Single-Family Residential District (Application 06-012)

Applicant: Cutler Ridge Evangelical Lutheran Church

Application No.: 06-012

REQUEST:

The applicant, Cutler Ridge Evangelical Lutheran Church is requesting to change the zoning on property from AU, Agricultural District to RU-1M(a), Modified Single-Family Residential District. The property is located at the 20851 SW 97th Avenue and consists of 4.28 acres.

RECOMMENDATION:

It is recommended that the Town Council **approve** this request for a zone change from AU to RU-1M(a).

BACKGROUND:

In 1966, subject to resolution 3-ZAB-427-66, the subject property was allowed, (a) a Special Exception to permit a church and Sunday School, summer bible school, and an elementary school and (b) Unusual Use to permit a kindergarten. The site is currently occupied by a single story church building.

Consistency with the Comprehensive Development Master Plan.¹

The proposal is **consistent** with the Comprehensive Development Master Plan (CDMP) which designates this property for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

NEIGHBORHOOD CHARACTERISTICS:

	Zone	Use	Land Use Designation	Density	Min. Lot Size
Subject Property					
	AU	Church	Low Density Residential	2.5 to 6 dua	N/A
Surrounding Properties					
North	RU-1	SF Residential	Low Density Residential	2.5 to 6 dua	7,500 sf
South	RU-1	SF Residential	Low Density Residential	2.5 to 6 Dua	7,500 sf
East	RU-1	SF Residential	Low Density Residential	2.5 to 6 Dua	7,500 sf
West	RU-1	Gulfstream Elementary School	Low Density Residential	2.5 to 6 dua	7,500 sf
Proposed Zone					
	RU-1M(a)	SF Residential	Low Density Residential	2.5 to 6 dua	5,000 sf

The subject property is located at 20851 SW 97 Avenue. The surrounding properties to the north, south and east are all single family residences zoned RU-1. The property to the west is an elementary school with a zoning designation of RU-1. While the land use designation of Low Density Residential allows for both RU-1M(a) and RU-1 zones, and the density range of 2.5 to 6 dwelling units per acre is the same for each of these zones, the RU-1 zone requires larger lots sizes than the RU-1M(a). If this parcel were to develop at the same zone as the surrounding properties, the minimum lot size standards of the RU-1 zone would allow a maximum of 18 units. The minimum lot size standars of the RU-1M(a) zone would allow a maximum of 25 units.

SITE AND BUILDINGS REVIEW:

¹ The Miami-Dade County Comprehensive Development Master Plan functions as the Town's Comprehensive Plan.

Should the requested zone change be approved, any future development proposals shall be in accordance with the proposed RU-1M(a) zoning district regulations which require a minimum lot frontage of 50' and a minimum area of 5,000 square feet. Site development standards, building and setback requirements will be reviewed as part of all future development applications.

PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311 (F) In evaluating an application for a **district boundary change** the Town Council shall take into consideration, among other factors the extent to which:

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

The parcel is designated as Low Density Residential, the RU-1M(a) zoning designation may be placed on land designated residential on the Future Land Use Map.

- (2) *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*

The approval of this request will not have an adverse effect on the environment.

- (3) *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*

The approval of this requested rezone will have no impact on the economy.

- (4) *The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*

This proposed change would not adversely affect population density such that the demand for water, sewers and other public facilities and services would be adversely affected.

- (5) *The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*

A memorandum from Miami-Dade Public Works Department states that this application meets traffic concurrency criteria and will generate 22 additional PM daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the area roadways which are currently operation at the following levels:

<u>Road Segment</u>	<u>LOS Present</u>	<u>LOS w/Project</u>
Old Cutler Rd. sw/o Franjo Rd.	B	B
SW 85 Ave. se/o Old Cutler Rd.	D	D
Caribbean Blvd e/o HEFT	E	E
SW 216 St e/o HEFT	B	B

ANALYSIS:

The subject property is located on SW 97th Avenue approximately 400 feet north of Old Cutler Road. SW 97th Avenue splits and becomes SW 97th Court at the southern tip of this modified rectangular shaped lot, where SW 97th Avenue is currently missing a segment before it intersects with Old Cutler Road. As part of the future development of this property, the missing segment of SW 97th Avenue would have to be constructed to complete the road north of Old Cutler Road. The neighborhood in this area is characterized by single family residential developed under RU-1 zoning district regulations. The applicant is seeking to rezone the property from AU Agricultural District to RU-1M(a), Modified Single-Family Residential District. Access to the development will be provided through the extension of SW 97th Avenue to complete this section of a County section line road. This applicant has submitted a conceptual site plan indicating the development of the site. Should the requested zone change be approved, any future development proposal shall be in accordance with the proposed RU-1M(a) zoning district regulations which require a minimum lot frontage of 50' and a minimum area of 5,000 square feet. **Site development standards, building and setback requirements will be reviewed as part of the site plan review. The Department of Environmental Resources Management (DERM) has no objections to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum dated September 28, 2005. The Miami-Dade County Public Works Department has no objections to this application. Their memorandum states that the land requires platting and that the**

road dedications and improvements will be accomplished through the recording of the plat. The Public Work's memorandum further indicates that this application meets traffic concurrency criteria and will generate 22 additional PM daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the area roadways. The Miami-Dade Fire Rescue Department has no objection to this application.

Policy 1.6 of the Educational Element of the Town's Comprehensive Development Master Plan states that: "School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions which could impact the school district, as provided for in Chapter 236.193(2)F.S."

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

The Miami-Dade Public Schools (MDCPS) has indicated that the proposed zoning will bring an estimated 15 additional students into the area's public schools including Gulfstream Elementary School, Centennial Middle School, and Miami Southridge Senior High School. The area schools that are anticipated to be impacted by this development are currently operating at 97%, 128% and 138% , two of which are beyond the Florida Inventory of School Houses (FISH) capacity of 115%. The student population increase as a result of this development will increase the FISH capacity levels to 98%, 129% and 138% respectively. MDCPS met with the applicant to discuss the impact of the proposed development on public schools. According to the MDCPS memorandum dated November 2, 2006, the applicant has voluntarily proffered a mitigation plan, however, such a proffer was not consistent with the School Board's approved mitigation options.

The School Board is requesting that the application be denied, or that it be deferred until such time as the applicant is able to address the impact of the proposed residential development on public schools in the area.

The approval of the rezone to RU-1M(a) would permit the applicant to provide additional housing for the community. The Land Use Plan map of the Comprehensive Development Master Plan designates this site for Low-Density Residential use permitting a maximum of 6 units per acre on this 4.28 acre property, for a total of 25 units. The proposed RU-1M(a) zoning will allow the applicant to develop no more than 25 single family residential units in accordance with the design standards and regulations that pertain to that zone.

The requested zone change to RU-1M(a) could be considered incompatible due to the lot size standards allowing a density that is higher than the surrounding RU-1 zone, however, it is a compatible use with the existing single family homes in the surrounding area and

consistent with the Land Use Plan designation of the Comprehensive Development Master Plan. Staff is of the opinion that the rezoning of the subject property to RU-1M(a) will be compatible with the existing and developed RU-1 zoned parcels of the surrounding area.

RECOMMENDATION:

Approval.

CONDITIONS:

None.

ORDINANCE NO. 06- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1M(A) (MODIFIED SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 33 "Zoning," of the Town Code of Ordinances (the "Town Code"), Cutler Ridge Evangelical Lutheran Church (the "Applicant") has applied to the Town of Cutler Bay (the "Town"), for approval of a rezoning from AU (Agricultural District) to RU-1M(a) (Modified Single-Family Residential District), for the property legally described in Exhibit "A" (the "Property") (Application 06-012); and

WHEREAS, staff recommended approval of the requested rezoning in its report dated November 3, 2006; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

WHEREAS, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Approval of Rezoning. Pursuant to Chapter 33 "Zoning" of the Town Code, the Property, described in Exhibit "A," is hereby rezoned from AU (Agricultural District) to RU-1M(a) (Modified Single-Family Residential District).

Section 3. Recording. The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2006.

PASSED AND ADOPTED on second reading this _____ day of _____, 2006.

PAUL VROOMAN
Mayor

Attest: _____
ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A.
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul Vrooman _____

Vice Mayor Edward MacDougall _____

Council Member Timothy J. Meerbott _____

Council Member Ernest Sochin _____

Council Member Peggy Bell _____

EXHIBIT "A"

EV LUTHERAN CHURCH

PARCEL 1:

A PORTION OF THE S.W. $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SAID SECTION 9 AND RUN NORTH 89 DEGREES 37 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ FOR 361.79 FEET, THENCE RUN SOUTH 0 DEGREE 38 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 9 FOR 463.65 FEET; THENCE RUN SOUTH 47 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL TO AND 390-0 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1616 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 304.58 FEET; THENCE RUN SOUTH 89 DEGREES 37 MINUTES 14 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ FOR 133.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SOUTHWEST $\frac{1}{4}$, THENCE RUN FORTH 0 DEGREES 38 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST $\frac{1}{4}$ FOR 665.96 FEET TO THE POINT OF BEGINNING.

LESS

THAT PORTION OF THE N.W. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$ OF THE S.W. $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 9, THENCE RUN N88°55'43" E ALONG THE NORTH LINE OF THE S.W. $\frac{1}{4}$ OF SAID SECTION 9, FOR 40.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE S.W. $\frac{1}{4}$ OF SECTION 9, THENCE RUN S1°20'32"E ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE S.W. $\frac{1}{4}$ OF SAID SECTION 9, FOR 371.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE NORTHEAST; THENCE RUN SOUTH AND SHOUTHEASTERLY ALONG SAID CIRCULAR ARC HAVING A RADIUS OF 1,001.75 FEET AND CENTRAL ANGEL 17°08'08" FOR AN ARC DISTANCE OF 299.59 FEET TO A POINT ON THE SOUTH LINE OF THE N.W. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$ OF THE S.W. $\frac{1}{4}$ OF SAID SECTION 9, THENCE RUN S88°57'16"N ALONG THE SOUTH LINE OF THE N.W. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$ OF THE S.W. $\frac{1}{4}$ OF SAID SETION 9 FOR 84.48 FEET TO THE SOUTHWEST CORNER OF THE N.W. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$ OF THE S.W. $\frac{1}{4}$ OF SAID SECTION 9, THENCE RUN N1°20'32"W ALONG THE WEST LINE OF THE S.W. $\frac{1}{4}$ OF SAID SECTION 9 FOR 665.9 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOT 1 IN BLOCK 17, OF "CUTLER RIDGE SECTION FOUR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK60, PAGE 23 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Hearing Number: 06-012

Applicant Name: Cutler Ridge Evangelical Lutheran Church

Location: 20851 SW 97th Avenue

Size of property: 4.28 acres

Request: Rezoning from AU, Agricultural District to RU-1M(a), Modified Single-Family Residential District

Hearing Location: South Dade Government Center, 2nd Floor, 10710 SW 211 Street

Hearing Date: November 15, 2006

Hearing Time: 7:00 p.m.

Plans are on file with the Town and may be examined at Town Hall. These plans may be modified at the public hearing.

LAW OFFICES OF
Javier L. Vazquez, P.A.

8061 N.W. 155 Street • Miami Lakes, Florida 33016
Phone: (305) 825-7080 • Fax: (305) 825-6523
e-mail: javivaz@bellsouth.net

April 24, 2006

Diane O'Quinn Williams
Director, Dept. of Planning and Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, Florida 33128

Re: Revised Letter of Intent – Cutler Ridge Evangelical Lutheran Church
Application #05-287

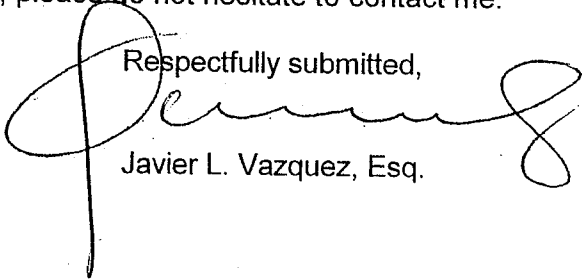
Dear Ms. O'Quinn,

The undersigned has been retained in connection with the above-referenced matter. Please accept this letter as our **revised** letter of intent in support of the above-referenced application (the "Application"). The original submittal by Jerry Proctor, Esq., of Bilzin, Sumberg, LLP, is a request for a district boundary change from AU to RU-1.

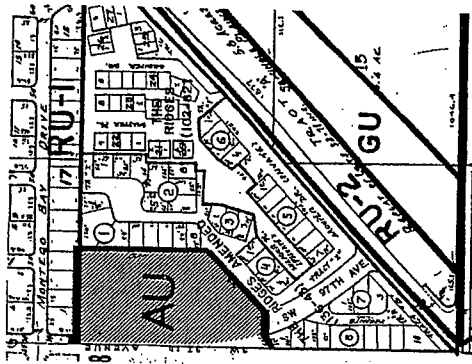
Our revised request is for a DBC from AU to RU-1M(a) to allow for the development of 25 single family homes. The applicant is submitting plans with this letter, which plans the applicant is willing to tie to the approval of this request by way of a Declaration of Restrictions running with the land. Our request continues to be consistent with the CDMP designation of Single Family Residential and is compatible with the surrounding neighborhood. Consideration should also be given to the fact that the proposed development fronts and accesses to and from a section line road, being SW 97th Avenue.

We respectfully request your recommendation of approval in this matter. In the meantime, should you have any questions, please do not hesitate to contact me.

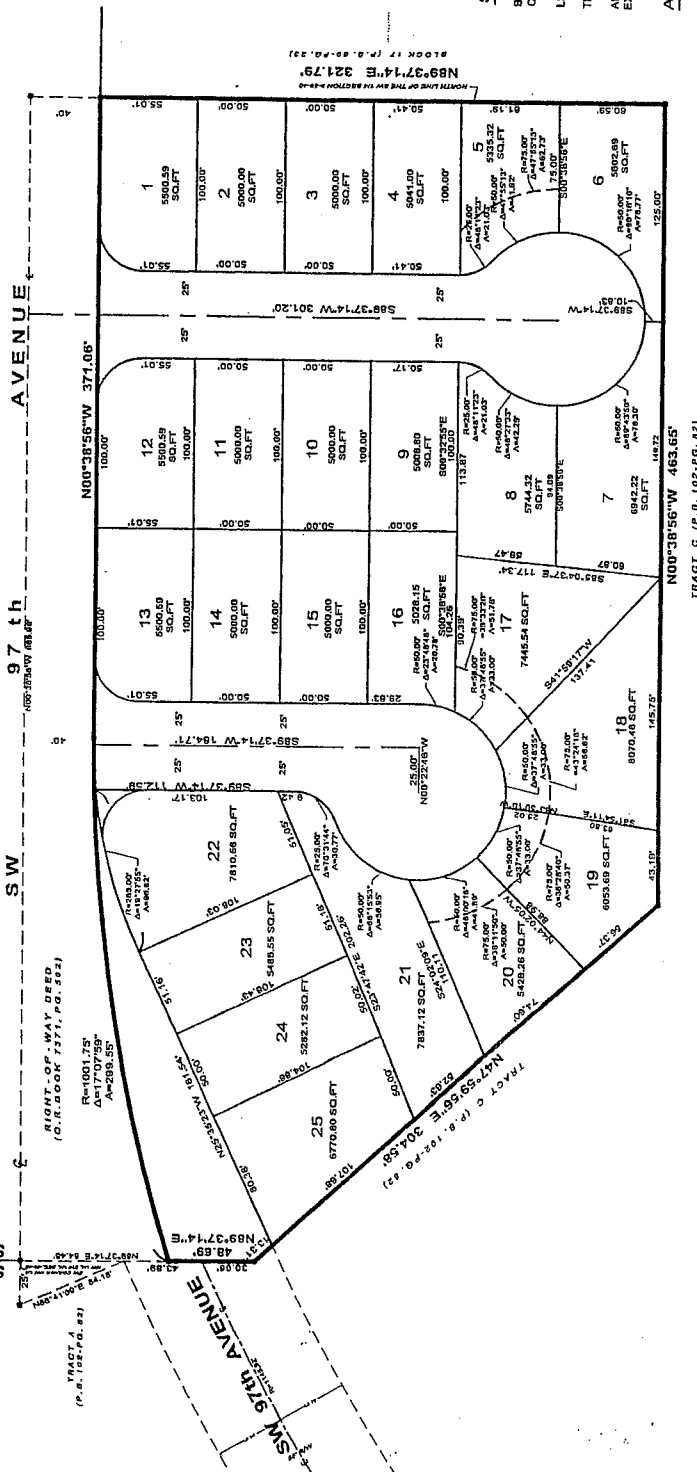
Respectfully submitted,


Javier L. Vazquez, Esq.

SITE PLAN



A PORTION OF THE SW 1/4
OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST



LEGAL DESCRIPTION:

A PORTION OF THE SW 1/4 OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SAID SECTION 9 AND RUN NORTH 89°37'14" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 FOR 381.29 FEET, THENCE RUN SOUTH 67°39'56" EAST ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 9 FOR 458.58 FEET, THENCE RUN SOUTH 47°59'56" WEST, ALONG A LINE PARALLEL TO AND 330 FEET NORTHWESTERLY OF THE NORTHWESTERLY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1618 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 334.58 FEET, THENCE RUN SOUTH 89°37'14" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST 1/4 FOR 131.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SAID SOUTHWEST 1/4, THENCE RUN NORTH 00°38'58" WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST 1/4 FOR 665.96 FEET TO THE POINT OF BEGINNING.

LESS
THAT PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEING AT THE WEST 1/4 CORNER OF SAID SECTION 9, THENCE RUN NORTH 89°54'53" EAST ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 9, FOR 400 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE SW 1/4 OF SAID SECTION 9, THENCE RUN SOUTH 01°20'32" EAST ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE SW 1/4 OF SAID SECTION 9, FOR 371.08 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE WEST, HAVING A RADIUS OF 17°08'08" FOR AN ARC DISTANCE OF 399.59 FEET TO A POINT ON THE SOUTH LINE OF THE NW 1/4 OF THE SW 1/4 OF THE SAID SECTION 9, THENCE RUN NORTH 01°20'32" WEST ALONG THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF THE SAID SECTION 9, THENCE RUN NORTH 01°20'32" WEST ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 9 FOR 685.09 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S REPORT:

BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE CENTRELINE OF SW 87th AVENUE WHICH BEARS N 0°38'56" W.

LEGAL DESCRIPTION SHOWN HEREON WAS FURNISHED BY THE CLIENT.

THIS SITE PLAN WAS PREPARED FROM INFORMATION FURNISHED BY THE CLIENT.

AREA AND DIMENSIONS OF CORNER LOTS ARE TO THE INTERSECTION OF BLOCK LINES EXTENDED, UNLESS OTHERWISE SHOWN.

ABBREVIATIONS:

CL - DENOTES CENTER LINE
SQ. FT. - DENOTES SQUARE FEET

DEVELOPMENT INFORMATION:

EXISTING ZONING DISTRICT: AU
PROPOSED ZONING DISTRICT: RU-1MA
TOTAL No. BLOCKS = 1
TOTAL No. LOTS = 25

THIS IS NOT A BOUNDARY SURVEY.

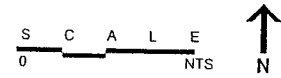
MANUEL G. VERA AND ASSOCIATES, INC.
ENGINEERS, LAND SURVEYORS AND PLANNERS
13960 S.W. 47th STREET MIAMI, FLORIDA 33175 PH: (305) 251-1285 FAX: (305) 251-1285

PROPOSED SITE PLAN

DATE	DRAWN BY	SCALE	F.B. - PG.	JOB NO.
03/15/06	P.A.	1" = 50'		05-05-101

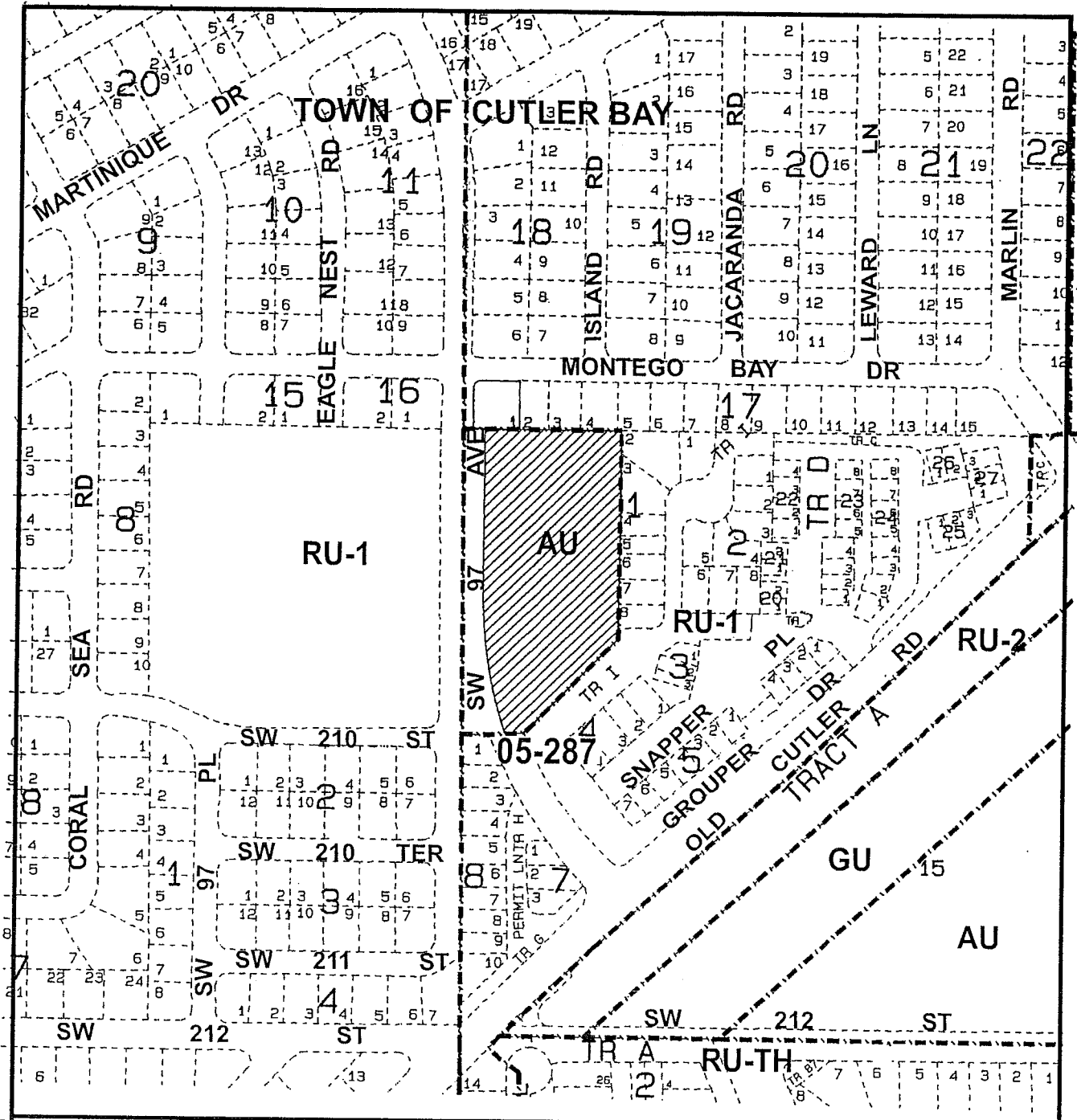


MIAMI-DADE COUNTY
AERIAL



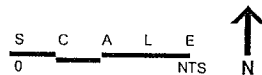
Section: 09 Township: 56 Range: 40
Process Number: 05-287
Applicant: CUTLER RIDGE EV LUTHERAN CHURCH
Zoning Board: TCB
District Number: 8
Drafter ID: JEFFER
Scale: NTS





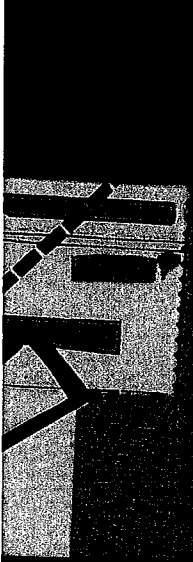
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 09 Township: 56 Range: 40
 Process Number: 05-287
 Applicant: CUTLER RIDGE EV LUTHERAN CHURCH
 Zoning Board: TCB
 District Number: 8
 Drafter ID: JEFFER
 Scale: 1:200'



 SUBJECT PROPERTY





CLASH POINT 1900

BILZIN SUMBERG BAENA PRICE & AXELROD LLP

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

MIAMI • TALLAHASSEE

JERRY B. PROCTOR, ESQ.
Direct Dial (305) 350-2361
Direct Facsimile (305) 351-2250
E-mail: jproctor@bilzin.com

August 22, 2005

Ms. Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning and Zoning
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: District Boundary Change Application
Property: 20851 S.W. 97th Avenue
Folio Number: 30-6009-000-0160

Dear Ms. O'Quinn Williams:

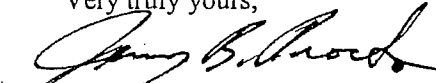
Please accept the attached application for a district boundary change of the property located at 20851 S.W. 97th Avenue (the "Property"). The firm represents Charles Tochtermann, prospective purchaser of the Property.

The Applicant hereby requests a district boundary change of their 4+/- acre site from Agricultural ("AU") to Single Family Residential ("RU-1"). This request is compatible with the character of the surrounding area. RU-1 uses surround the Property to the north, south, east and west. The Applicants propose to develop the Property as residential commensurate with RU-1 district requirements.

The request is also in accordance with the Comprehensive Development Master Plan (the "CDMP"). The CDMP designates the area for Single Family Residential. This classification permits a density of 2.5 to 6 units per acre. The proposed development will provide a density in compliance with the Single Family Residential requirements. Accordingly, the request is compatible with the CDMP.

Thank you for your consideration of this application.

Very truly yours,


Jerry B. Proctor

JBP:id

cc: Charles Tochtermann
Alexandra Deas, Esq.

REQUEST FOR LEGAL DESCRIPTION CHECK (Part A)

Appl. No.: Z _____

Sec: _____ Twp: _____ Rge: _____

Processor: _____

CZAB # _____ : BCC _____

TYPE OR PRINT ALL INFORMATION – ALL FOLIO NUMBERS REQUIRED

1. FOLIO NUMBER(S) OF SUBJECT PROPERTY (List all folio numbers comprising the subject property)

30-6009-000-0160 _____

2. NAME OF APPLICANT (Property Owner or Lessee with Owner's Sworn-to-Consent)

Cutler Ridge EV Lutheran Church

3. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If application contains requests for multiple zone changes, provide the legal description for each area. Attach separate sheet(s), as needed.

See Exhibit "A"

4. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

20851 S.W. 97th Avenue

5. SIZE OF PROPERTY _____ "X" _____ (in acres): 4+/-

(divide total sq. ft. by 43,560 to obtain acreage)

6. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),

provide complete legal description of said contiguous property. (If attaching separate sheet, clearly label as contiguous property)

N/A

--	--	--

Sec. Twp. Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: _____

Date Received _____

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed "Owner's Sworn-to-Consent" and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

_____ Cutler Ridge EV Lutheran Church _____

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: _____ 20851 Gulfstream Road _____

City: _____ Miami _____ State: _____ FL _____ Zip: _____ 33189 _____ Phone#: _____

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): _____ Same as above _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone#: _____

4. **CONTACT PERSON'S INFORMATION:**

Name: _____ Jerry Proctor, Esq. _____

Company: _____ Bilzin Sumberg Baena Price & Axelrod LLP _____

Mailing Address: _____ 200 South Biscayne Boulevard, Suite 2500 _____

City: _____ Miami _____ State: _____ FL _____ Zip: _____ 33131 _____

Phone#: _____ 305.350.2361 _____ Fax#: _____ 305.351.2250 _____ E-mail: _____ jproctor@bilzin.com _____

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

_____ See Exhibit "A" _____

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

20851 S.W. 97th Avenue

7. SIZE OF PROPERTY (in acres): 4+/- (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: Lease term: ___ years
(month & year)

9. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

10. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify potential purchaser or lessee and complete "Disclosure of Interest" form)

Charles Tochtermann

11. PRESENT ZONING CLASSIFICATION: AU

12. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

District Boundary Changes (DBC) [Zone class requested]: RU-1

Unusual Use:

Use Variance:

Alternative Site Development:

Special Exception:

Modification of previous resolution/plan:

Modification of Declaration or Covenant:

13. Has a public hearing been held on this property within the last year & a half? no yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

14. Is this hearing as a result of a violation notice? no yes. If yes, give name to whom the violation notice was served: and describe the violation:

15. Describe structures on the property: Church

16. Is there any existing use on the property? no yes. If yes, what use and when established?

Use: Religious Year:

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the [] owner [] tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

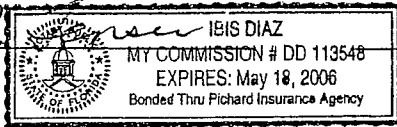
Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____ Commission Expires: _____

CORPORATION AFFIDAVIT

I/we Harold J. Lenser being first duly sworn, depose and say that I am the _____ of the aforesaid limited liability company, and as such, have been authorized to file this application for public hearing; and that said limited liability company is the [] owner [] tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: Harold J. Lenser
(Corp. Seal)



Sworn to and subscribed to before me this 23 day of August, 2005

Notary Public: IBIS DIAZ
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

WE, the undersigned, being first duly sworn, depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the [] owner [] tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____ Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me this ____ day of _____, 2003.

Notary Public: _____ Commission Expires: _____

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF _____

Public Hearing No. _____

COUNTY OF _____

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

- Affiant is the president, vice-president or CEO of the _____
Corporation, with the following address:

- The corporation owns the property which is the subject of the proposed hearing.
- The subject property is legally described as: _____

- Affiant is legally authorized to file this application for public hearing.
- Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Obi Diaz
Signature

Obi Diaz
Print Name

Signature

Print Name

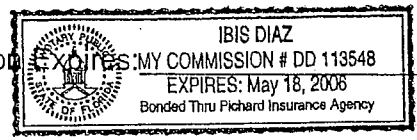
Harold J. Jensen
Affiant's signature

Harold J. Jensen
Print Name

Sworn to and subscribed before me on the 23 day of August, 2005. Affiant
is personally known to me or has produced Fla. Dev. License 2526350140060 as identification.

Obi Diaz
Notary
(Stamp/Seal)

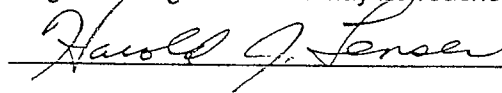
My Commission _____



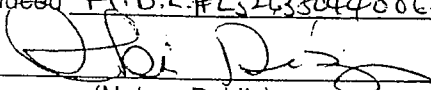
RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

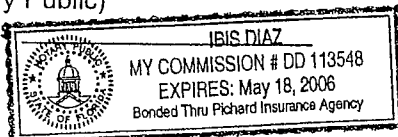


Sworn to and subscribed before me this 23 day of August, 2005 Affiant is personally known to me or has produced F.I.D.L.# L52635044006-0 as identification.



(Notary Public)

My commission expires



OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiants are the fee owner of the property which is the subject of the proposed hearing.

2. The subject property is legally described as:

3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the ____ day of _____, 2003. Affiant is personally known to me or has produced _____ as identification.

Notary
(Stamp/Seal)

My Commission Expires: _____

**OWNERSHIP AFFIDAVIT
FOR
TRUSTEE**

STATE OF _____

Public Hearing No. _____

COUNTY OF _____

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the Trustee of the _____, with the following address: _____
2. The Trust is the fee simple owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as: _____
4. Under the terms of the trust, Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

_____ Trust
By: _____, Trustee

Signature

Affiant's Signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____, 2003. Affiant is personally known to me or has produced _____ as identification.

(Stamp/Seal)
Commission Expires: _____

PH # _____

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

NAME AND ADDRESS _____ Percentage of Stock _____

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS _____ Percentage of Stock _____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS _____ Percentage of Stock _____

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable) _____ Percentage of Stock _____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

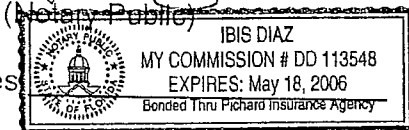
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *David J. Jensen*

Sworn to and subscribed before me this 23 day of August, 2005. Affiant is personally known to me or has produced as identification. FL DL # LSCC-358-44-024-0

[Handwritten signature]



My commission expires _____

* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT "A"

EV LUTHERAN CHURCH

PARCEL 1:

A PORTION OF THE S.W. ¼ OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SAID SECTION 9 AND RUN NORTH 89 DEGREES 37 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST ¼ FOR 361.79 FEET, THENCE RUN SOUTH 0 DEGREE 38 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 9 FOR 463.65 FEET; THENCE RUN SOUTH 47 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL TO AND 390.0 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1616 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 304.58 FEET; THENCE RUN SOUTH 89 DEGREES 37 MINUTES 14 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST ¼ FOR 133.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SOUTHWEST ¼, THENCE RUN FORTH 0 DEGREES 38 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST ¼ FOR 665.96 FEET TO THE POINT OF BEGINNING.

LESS

THAT PORTION OF THE N.W. ¼ OF THE N.W. ¼ OF THE S.W. ¼ OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST ¼ CORNER OF SAID SECTION 9, THENCE RUN N88°55'43" E ALONG THE NORTH LINE OF THE S.W. ¼ OF SAID SECTION 9, FOR 40.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE S.W. ¼ OF SECTION 9, THENCE RUN S1°20'32"E ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE S.W. ¼ OF SAID SECTION 9, FOR 371.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE NORTHEAST; THENCE RUN SOUTH AND SHOUTHEASTERLY ALONG SAID CIRCULAR ARC HAVING A RADIUS OF 1,001.75 FEET AND CENTRAL ANGEL 17°08'08" FOR AN ARC DISTANCE OF 299.59 FEET TO A POINT ON THE SOUTH LINE OF THE N.W. ¼ OF THE N.W. ¼ OF THE S.W. ¼ OF SAID SECTION 9, THENCE RUN S88°57'16"N ALONG THE SOUTH LINE OF THE N.W. ¼ OF THE N.W. ¼ OF THE S.W. ¼ OF SAID SETION 9 FOR 84.48 FEET TO THE SOUTHWEST CORNER OF THE N.W. ¼ OF THE N.W. ¼ OF THE S.W. ¼ OF SAID SECTION 9, THENCE RUN N1°20'32"W ALONG THE WEST LINE OF THE S.W. ¼ OF SAID SECTION 9 FOR 665.9 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOT 1 IN BLOCE 17, OF "CUTLER RIDGE SECTION FOUR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK60, PAGE 23 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.