



VILLAGE OF PINECREST
Village Council Meeting

Village Council
Cindy Lerner, Mayor
James E. McDonald, Vice Mayor
Cheri Ball
Doug Kraft
Bob Ross

Yocelyn Galiano, ICMA-CM
Village Manager

Guido H. Inguanzo, Jr., CMC
Village Clerk

Mitchell Bierman
Village Attorney

REGULAR MEETING AGENDA

TUESDAY, OCTOBER 18, 2016, 6:00 P.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY
PINECREST, FLORIDA

- I. CALL TO ORDER/ROLL CALL OF MEMBERS
- II. PLEDGE OF ALLEGIANCE
- III. CONSENT AGENDA:

PURSUANT TO ORDINANCE 2014-6, ITEMS MAY BE REMOVED FROM THE CONSENT AGENDA BY A MEMBER OF THE VILLAGE COUNCIL. AN ITEM REMOVED FROM THE CONSENT AGENDA WILL THEN BE DISCUSSED AND ACTED ON SEPARATELY IMMEDIATELY FOLLOWING THE CONSIDERATION OF THE CONSENT AGENDA. MEMBERS OF THE PUBLIC MAY COMMENT ON CONSENT AGENDA ITEMS PRIOR TO THE VILLAGE COUNCIL'S CONSIDERATION OF THE CONSENT AGENDA.

A. MINUTES:

1. SEPTEMBER 13, 2016 (REGULAR)
2. SEPTEMBER 20, 2016 (SPECIAL)

TAB 1

B. RESOLUTIONS:

1. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT, ON BEHALF OF THE VILLAGE, WITH MIAMI-DADE COUNTY, FLORIDA FOR THE MULTI-AGENCY GANG TASK FORCE; PROVIDING FOR AN EFFECTIVE DATE.

TAB 2

- IV. AGENDA/ORDER OF BUSINESS
- V. SPECIAL PRESENTATIONS



12645 Pinecrest Parkway, Pinecrest, Florida 33156
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VI. ORDINANCES:

A. FIRST READING: NONE

B. SECOND READING (PUBLIC HEARING):

1. AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA; AMENDING THE 2015-2016 OPERATING AND CAPITAL OUTLAY BUDGET (3rd QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

TAB 3

2. AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING TEXT AMENDMENTS AND UPDATES TO THE GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE OF PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL REQUIRED REVIEWING AGENCIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 4

VII. REPORTS AND RECOMMENDATIONS:

A. VILLAGE COUNCIL:

1. FEE WAIVER FOR SULTAN OF STRINGS AT BANYAN BOWL (MAYOR)
2. INFRASTRUCTURE IMPROVEMENTS (MAYOR)

TAB 5

B. VILLAGE MANAGER:

1. COMMUNIQUÉ TO COUNCIL:
 - a. OCTOBER 2016 FOLLOW-UP REPORT
 - b. MONTHLY DEPARTMENTAL REPORTS
 - c. CERTIFICATE FOR EXCELLENCE IN FINANCE REPORTING
 - d. 2016-17 PINECREST GARDENS SPONSORSHIPS

TAB 6

2. SERVICE LINE WARRANTY PROGRAM

TAB 7

3. 70th AVENUE (10300 BLOCK) WIDENING

C. VILLAGE CLERK

D. VILLAGE ATTORNEY

E. COMMITTEES

VIII. RESOLUTIONS:

A. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, TERMINATING PARTICIPATION IN THE HOMELESS TRUST'S ADOPT-A-HOMELESS METER DONATION PROGRAM; PROVIDING FOR AN EFFECTIVE DATE. (COUNCILMEMBER ROSS)

TAB 8

B. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE; PROVIDING FOR AN EFFECTIVE DATE. (MAYOR)

TAB 9

C. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER AND VILLAGE CLERK TO COORDINATE WITH CIVIC INCITE, LLC, TO MAKE THE PUBLIC NOTICES AND VILLAGE COUNCIL AGENDAS FOR THE VILLAGE OF PINECREST MORE EASILY ACCESSIBLE TO THE PUBLIC; PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE. (MAYOR)

TAB 10

D. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING SUPPORT OF A MIAMI-DADE COUNTY INITIATIVE TO SECURE FUNDING TO ASSIST WITH THE ELIMINATION OF SEPTIC SYSTEMS; PROVIDING FOR AN EFFECTIVE DATE.

TAB 11

IX. PLANNING (8:00 P.M. TIME CERTAIN):

THESE PUBLIC HEARINGS ARE QUASI-JUDICIAL PROCEEDINGS AND SHALL BE CONDUCTED PURSUANT TO SECTIONS 2-201 - 2-204 OF THE CODE OF ORDINANCES. ALL PERSONS ADDRESSING THE VILLAGE COUNCIL SHALL BE SWORN-IN PRIOR TO GIVING TESTIMONY AND MAY BE SUBJECT TO CROSS EXAMINATION. ALL PERSONS ADDRESSING THE VILLAGE COUNCIL SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD.

A. HEARING #2016-1018-1

TAB 12

APPLICANT: MIMI OLIVEIRA

LOCATION: 10601 AND 10661 PINECREST PARKWAY

REQUEST: AN APPEAL OF THE ZONING BOARD'S JULY 27, 2016 APPROVAL OF GFB ENTERPRISES, LLC AND BFI PINECREST, LLC REQUEST FOR VARIANCES FROM THE HEIGHT REQUIREMENTS OF DIVISION 4.3(E)6B OF THE LAND DEVELOPMENT REGULATIONS TO PERMIT A MAXIMUM BUILDING HEIGHT OF 52.35 FEET (64.75 FEET NGVD) FOR THE PLANNED "ELEVATOR OVERRIDE" PORTION OF A PROPOSED AUTOMOBILE SALES BUILDING INSTEAD OF 45 FEET (57.4 FEET NGVD) AS OTHERWISE PERMITTED

B. HEARING #2016-1018-2

TAB 13

APPLICANT: REBECA PAREDES

LOCATION: 8000 SOUTHWEST 122 STREET

REQUEST: CONDITIONAL USE TO ALLOW OUTDOOR LIGHTING OF HER TENNIS COURT PURSUANT TO THE REQUIREMENTS OF THE DIVISION 5.25 OF THE LAND DEVELOPMENT REGULATIONS AND IN COMPLIANCE WITH THE REQUIREMENTS AND STANDARDS FOR A CONDITIONAL USE PERMIT AS PROVIDED IN DIVISION 3.3

C. HEARING #2016-1018-3

TAB 14

APPLICANT: GREC PINECREST, LLC AND BINDOR TOWNHOMES, INC.

LOCATION: 7520 SOUTHWEST 100 STREET

REQUEST: APPROVAL OF A FINAL SUBDIVISION PLAT ("VILLAS AT PINECREST") FOR THE COMBINATION OF TWO PARCELS (LOTS 1 AND 2 OF BLOCK 1 OF CORRECTED PLAT OF FLAGLER GROVE ESTATES SECTION ONE)

X. SCHEDULE OF FUTURE MEETINGS:

MEETING DATES AND TIMES ARE SUBJECT TO CHANGE. PLEASE VISIT WWW.PINECREST-FL.GOV FOR CURRENT SCHEDULE, [REGISTER](#) TO RECEIVE MEETING NOTICES VIA E-MAIL OR FOLLOW US ON TWITTER [@PINECRESTFL](#).

- A. VILLAGE COUNCIL
TUESDAY, DECEMBER 13, 2016, 6:00 P.M.

XI. ADJOURNMENT

LIVE STREAMING VIDEO OF THIS MEETING IS AVAILABLE AT WWW.PINECREST-FL.GOV/LIVE.

ANYONE WISHING TO OBTAIN A COPY OF AN AGENDA ITEM MAY CONTACT THE VILLAGE CLERK AT (305) 234-2121, DOWNLOAD THE COMPLETE AGENDA PACKET FROM WWW.PINECREST-FL.GOV OR VIEW THE MATERIALS AT VILLAGE HALL DURING REGULAR BUSINESS HOURS.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE VILLAGE CLERK AT (305) 234-2121 NOT LATER THAN FOUR BUSINESS DAYS PRIOR TO SUCH PROCEEDING.

PURSUANT TO SEC. 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, ALL PERSONS, FIRMS OR CORPORATIONS EMPLOYED OR RETAINED BY A PRINCIPAL WHO SEEKS TO ENCOURAGE THE PASSAGE, DEFEAT, OR MODIFICATIONS OF (1) ORDINANCE, RESOLUTION, ACTION OR DECISION OF THE VILLAGE COUNCIL; (2) ANY ACTION, DECISION, RECOMMENDATION OF ANY VILLAGE BOARD OR COMMITTEE; OR (3) ANY ACTION, DECISION OR RECOMMENDATION OF VILLAGE PERSONNEL DURING THE TIME PERIOD OF THE ENTIRE DECISION-MAKING PROCESS ON SUCH ACTION, DECISION OR RECOMMENDATION WHICH WILL BE HEARD OR REVIEWED BY THE VILLAGE COUNCIL, OR A VILLAGE BOARD OR COMMITTEE SHALL REGISTER WITH THE VILLAGE BEFORE ENGAGING IN ANY LOBBYING ACTIVITIES ON FORMS PREPARED BY THE VILLAGE CLERK AND SHALL STATE UNDER OATH HIS OR HER NAME, BUSINESS ADDRESS, THE NAME AND BUSINESS ADDRESS OF EACH PERSON OR ENTITY WHICH HAS EMPLOYED SAID REGISTRANT TO LOBBY, AND THE SPECIFIC ISSUE ON WHICH HE OR SHE HAS BEEN EMPLOYED TO LOBBY. A COPY OF THE LOBBYIST REGISTRATION FORM IS AVAILABLE FROM THE OFFICE OF THE VILLAGE CLERK OR ONLINE AT WWW.PINECREST-FL.GOV/CLERK.

PURSUANT TO FLORIDA STATUTE 286.0114, THE VILLAGE COUNCIL PROVIDES THE PUBLIC WITH A REASONABLE OPPORTUNITY TO BE HEARD ON ALL MATTERS ON THIS AGENDA.

PURSUANT TO FLORIDA STATUTE 286.0105, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING SHALL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



TAB I

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VILLAGE OF PINECREST
Village Council Meeting

REGULAR MEETING MINUTES

TUESDAY, SEPTEMBER 13, 2016, 6:00 P.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY
PINECREST, FLORIDA

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 6:00 p.m. Present were the following:

Councilmember Cheri Ball
Councilmember Doug Kraft
Councilmember Bob Ross
Vice Mayor James E. McDonald
Mayor Cindy Lerner

Village Manager Yocelyn Galiano
Village Clerk Guido Inguanzo
Village Attorney Chad Friedman

II. PLEDGE OF ALLEGIANCE: The mayor led the Pledge of Allegiance.

III. CONSENT AGENDA: The following items were presented per the Council's consent agenda policy pursuant to Ordinance 2014-6:

- Minutes of July 5, 2016 (Regular)
- Minutes of August 3, 2016 (Special)
- Minutes of August 24, 2016 (Workshop)



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- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE USE OF FORFEITURE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND; PROVIDING FOR AN EFFECTIVE DATE. (2016-40)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED A BID TO A1 PROPERTY SERVICES FOR THE PINECREST GARDENS MAIN BUILDING RE-ROOFING PROJECT; PROVIDING FOR AN EFFECTIVE DATE. (2016-41)

Councilmember Ross made a motion approving the consent agenda items. The motion was seconded by Vice Mayor McDonald and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The following item was withdrawn from the consent agenda by Councilmember Ross and considered separately by the Council:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED A BID TO LUNACON CONSTRUCTION GROUP FOR THE PINECREST COMMUNITY CENTER RENOVATION & ADDITION PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ball made a motion adopting the resolution. The motion was seconded by Vice Mayor McDonald. Resolution 2016-42 was adopted by a 4 - 1 voice vote. The vote was follows: Councilmembers Ball, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes; Councilmember Kraft voting No.

IV. AGENDA/ORDER OF BUSINESS: There were no changes to the agenda.

V. SPECIAL PRESENTATIONS: The vice mayor, on behalf of the Council, presented a proclamation designating September 13, 2016 as Edward M. Ghezzi Day in appreciation of Mr. Ghezzi's contributions to the community on the occasion of his 94th birthday.

VI. BUDGET HEARING: The Council discussed the following matters relating to the 2016-2017 Operating and Capital Budget at 6:00 p.m. time certain:

The manager made a presentation regarding the millage rate and proposed budget.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE OF THE VILLAGE OF PINECREST FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); SETTING A DATE FOR A FINAL PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE; PROVIDING FOR PUBLICATION OF PUBLIC NOTICE; PROVIDING FOR AN EFFECTIVE DATE.

The clerk announced that the proposed tentative millage rate of 2.3 was 5.6985% greater than the roll-back rate of 2.176.

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

Vice Mayor McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Ball. Resolution 2016-39 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The clerk announced that the public hearing to adopt the final millage rate is scheduled for September 20, 2016.

The clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. Harry Speizer, 10001 Southwest 70 Avenue, addressed the Council.

Councilmember Ross made a motion eliminating one full-time sworn officer position and reassigning the designated Federal task force officer back to patrol duty. The motion was seconded by Councilmember Ball and failed on a 2 – 3 voice vote. The vote as follows: Councilmembers Ball and Ross voting Yes; Councilmember Kraft, Vice Mayor McDonald and Mayor Lerner voting No.

The Council, by unanimous consent, authorized the inclusion of a 4% (2% COLA and 2% merit) salary increase for the manager and clerk in the proposed budget.

Vice Mayor McDonald made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Ross and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The clerk announced the second reading of the ordinance and final budget hearing for September 20, 2016.

VII. ORDINANCES: The clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA; AMENDING THE 2015-2016 OPERATING AND CAPITAL OUTLAY BUDGET (3rd QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ross made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Ball and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The clerk announced the second reading of the ordinance for October 18, 2016.

VIII. REPORTS AND RECOMMENDATIONS: Councilmember Ross discussed the enforcement of Ordinance 2016-2, relating to regulations for the removal of abandoned or redundant utility poles, and FPL's failure to comply. Public Works Director Mark Spanioli provided an update to the Council regarding FPL's compliance and the revocation of permits pursuant to the ordinance.

Councilmember Ross discussed recent correspondence from the Village to property owners adjacent to canals regarding canal embankment maintenance.

The mayor discussed a request for the waiver of fees for the use of Pinecrest Gardens' Banyan Bowl for a fundraiser benefiting David Nardone to be held on September 25, 2016. Vice Mayor McDonald made a motion approving the request. The motion was seconded by Councilmember Kraft and adopted by unanimous consent.

The manager submitted the following communiqués to the Council:

- September 2016 Follow-up Report
- Monthly Departmental Reports
- Community Greenhouse Gas Inventory Update (August 2016)
- Coral Pine Park Preserve Burn Correspondence (August 29, 2016)
- Public Schools 2015-16 Performance Grades Correspondence (August 26, 2016)
- 2016-17 Events and Performances Calendar
- CITT's Local Action Plan for Safer Streets Correspondence (August 1, 2016)

The manager presented the proposed scope of work for a Village-wide Transportation Master Plan to be conducted in 2016-17.

The clerk submitted the names of the mayor's appointments to the 2016-17 Youth Advisory Council requiring Council confirmation pursuant to Resolution 2012-46. Councilmember Kraft made a motion ratifying the appointments. The motion was seconded by Vice Mayor McDonald and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The clerk advised the Council that the Pinecrest Branch Library has been designated by the Miami-Dade County Elections Department as an Early Voting Site for the November 8th presidential election.

The clerk submitted a copy of the following proclamation issued by the mayor pursuant to Resolution 96-32:

- St. Louis Catholic Church Day (September 11, 2016)

IX. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, APPROVING ADMINISTRATIVE ORDER 2016-1 RELATING TO STORMWATER UTILITY FEES; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ball made a motion adopting the resolution. The motion was seconded by Vice Mayor McDonald. Resolution 2016-43 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

X. PLANNING: There were no planning matters considered by the Council.

XI. SCHEDULE OF FUTURE MEETINGS: The following schedule of future meetings was presented to the public:

- VILLAGE COUNCIL (SPECIAL)
TUESDAY, SEPTEMBER 20, 2016, 6:00 P.M.
- VILLAGE COUNCIL
TUESDAY, OCTOBER 18, 2016, 6:00 P.M.

XII: ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

Respectfully submitted:

*Guido H. Inguanzo, Jr., CMC
Village Clerk*

*Approved by the Village Council
this 18th day of October, 2016:*

*Cindy Lerner
Mayor*

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (FLORIDA STATUTES).

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VILLAGE OF PINECREST
Village Council Meeting

SPECIAL MEETING MINUTES
TUESDAY, SEPTEMBER 20, 2016, 6:00 P.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY
PINECREST, FLORIDA

The special meeting was called to order by the mayor at 6:00 p.m. Present were the following:

Councilmember Cheri Ball
Councilmember Doug Kraft
Councilmember Bob Ross
Vice Mayor James E. McDonald
Mayor Cindy Lerner

Village Manager Yocelyn Galiano
Assistant Village Clerk Priscilla Torres
Village Attorney Mitchell Bierman

Chief of Police Samuel Ceballos led the Pledge of Allegiance.

The Council held the final budget hearing pursuant to state law at 6:00 p.m. time certain.

The Council discussed the following resolution relating to the millage rate:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE VILLAGE OF PINECREST FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.



*Village Council Special Meeting
September 20, 2016*

The clerk announced that the proposed tentative millage rate of 2.3 was 5.6985% greater than the roll-back rate of 2.176.

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

Councilmember Kraft made a motion adopting the resolution. The motion was seconded by Councilmember Ball. Resolution 2016-44 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The Council discussed the following ordinance, on second reading, relating to the adoption of the 2016-2017 Budget:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. Karen Ross, 6701 Southwest 94 Street, and Al Kramer, 7120 Southwest 95 Street, addressed the Council.

Vice Mayor McDonald made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Kraft. Ordinance 2016-7 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

State Representative Jose Javier Rodriguez, vice chair of the Miami-Dade Legislative Delegation and a graduate of Miami Palmetto Senior High School, addressed the Council regarding priorities for the upcoming election and legislative session.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, CO-DESIGNATING A PORTION OF KENDALL DRIVE AS RABBI HERBERT BAUMGARD ROAD; DIRECTING THE VILLAGE MANAGER TO ERECT APPROPRIATE MARKERS; PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing pursuant to Section 26-31 of the Code of Ordinances. The following addressed the Council: Daniel Baumgard, 12780 Southwest 71 Avenue; Bob Hersh, 6700 Southwest 88 Terrace; and Rabbi Jeremy Barras, 12400 Southwest 75 Avenue.

Councilmember Ross made a motion adopting the resolution. The motion was seconded by Vice Mayor McDonald. Resolution 2016-45 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The Council discussed the Village's continuing participation in the National League of Cities' Service Line Warrant program.

The meeting was adjourned at 7:10 p.m.

Respectfully submitted:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved by the Village Council
this 18th day of October, 2016.

Cindy Lerner
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (FLORIDA STATUTES).

TAB 2

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RESOLUTION NO. 2016-

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT, ON BEHALF OF THE VILLAGE, WITH MIAMI-DADE COUNTY, FLORIDA FOR THE MULTI-AGENCY GANG TASK FORCE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Manager is hereby authorized to execute the attached agreement, on behalf of the Village, with Miami-Dade County, Florida for the Multi-agency Gang Task Force.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of October, 2016.

Cindy Lerner, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency

Mitchell Bierman
Village Attorney

Consent Agenda

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**Integrity • Respect
Service • Fairness**

Miami-Dade Police Department

Office of the Director

Police Legal Bureau

9105 NW 25th Street • Room 3069

Miami, Florida 33172-1500

T 305-471-2550

miamidade.gov

September 30, 2016

Chief Samuel Ceballos, Jr.
Village of Pinecrest Police Department
12645 South Dixie Highway
Pinecrest, Florida 33156

Dear Chief Ceballos:

Subject: Mutual Aid Agreement for the Multi-Agency Gang Task
Force

Enclosed is the Mutual Aid Agreement that specifies the policies and procedures for joint operations and other activities of the Multi-Agency Gang Task Force, often referred to as MAGTF. This Agreement will facilitate proactive gang enforcement operations between our respective agencies.

We are providing you with four documents to sign. Please return two documents to our office with original signatures from your agency so that we may finalize this Mutual Aid Agreement and ensure that the Task Force operations are not impacted.

We look forward to working together on this important law enforcement partnership. If you have any questions regarding this matter, please contact Ms. Susan Windmiller at (305) 471-3197.

Sincerely,

Janet Lewis
Commander

Enclosure



Samuel Ceballos, Jr.
Chief of Police
police@pinecrest-fl.gov

MEMORANDUM
Department of Police

DATE: October 7, 2016
TO: Yocelyn Galiano, ICMA-CM, Village Manager
FROM: Samuel Ceballos, Jr., Chief of Police 
RE: Multi-Agency Gang Task Force Mutual Aid Agreement

I am requesting authorization to enter into a Multi-Agency Gang Task Force (MAGTF) Mutual Aid Agreement with Miami-Dade County. This agreement is separate from and more specific in purpose than the agreement for cooperation and operational assistance already in place. We have previously participated in MAGTF under the prior Law Enforcement Mutual Aid Agreement between the Village and Miami-Dade.

The Pinecrest Police MAGTF participants are members of our detective bureau who benefit from these collaborative efforts, through the identification of gang members and increased awareness of their criminal activity in our area.

MAGTF was created to conduct joint proactive gang related operations and criminal investigations, including apprehension and prosecution of gang members who operate both within and outside of the participating jurisdictions. The law enforcement community understands that gang members do not operate with regard to jurisdictional boundaries, thus the apprehension and prosecution of those involved in criminal activity can help reduce crime both inside of Pinecrest and elsewhere in Miami-Dade.



**MUTUAL AID AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
THE VILLAGE OF PINECREST
FOR THE
MULTI-AGENCY GANG TASK FORCE**

WHEREAS, it is the responsibility of the governments of Miami-Dade County and the Village of Pinecrest to ensure the public safety of their citizens by providing adequate levels of police services; and

WHEREAS, Miami-Dade County and the Village of Pinecrest have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a Mutual Aid Agreement; and

WHEREAS, this Mutual Aid Agreement is entered into by Miami-Dade County, by and through its department, the Miami-Dade Police Department and the Village of Pinecrest, by and through its department, the Village of Pinecrest Police Department. For readability and brevity, this Mutual Aid Agreement will herein be referred to as the "MAA", Miami-Dade County will be referred to as the "COUNTY", the Village of Pinecrest will be referred to as the "AGENCY", and when referred to collectively the COUNTY and AGENCY will be referred to as the "PARTIES", and where referred to singularly, the COUNTY or AGENCY may be referred to as a "PARTY"; and

WHEREAS, the purpose of this MAA is to allow the AGENCY to assist the COUNTY with its Multi-Agency Gang Task Force, referred to as MAGTF, which was created to conduct proactive gang enforcement operations and investigate criminal activity, apprehend, and prosecute those who are outside of the jurisdictional boundaries of the AGENCY as both PARTIES recognize that criminals do not operate with regard to jurisdictional boundaries; and

WHEREAS, the apprehension and prosecution of these criminals should reduce crime both inside and outside AGENCY limits regardless of where these criminals are ultimately apprehended; and,

WHEREAS, this MAA is separate from, and more specific in purpose than, the "Law Enforcement Mutual Aid Agreement for Voluntary Cooperation and Operational Assistance," signed by COUNTY and AGENCY representatives and due to expire on January 1, 2015 (Attachment 1).

NOW, THEREFORE, BE IT KNOWN that the COUNTY and the AGENCY, and the undersigned representatives, invoke mutual aid and voluntary cooperation between the Director of the Miami-Dade Police Department and the Chief of Police of the Village of Pinecrest Police Department by signing this MAA, for the purposes described herein pursuant to the Florida Mutual Aid Act, ss. 23.12 - 23.22, Florida Statutes, and in consideration for mutual promises to render valuable aid, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions.

SECTION I. DEFINITIONS

1. Chief executive official: Either the Mayor of the COUNTY, or the Government Executive (highest ranking official) of the AGENCY, who has the authority to contractually bind the respective law enforcement agency and has executed this Agreement, upon the approval of the governing body of each of the PARTIES. Subsequent to the execution by the executive officials, this Agreement shall be filed with the Clerk of the Court for the COUNTY, and the Clerk of the AGENCY. This MAA may be amended at any time by filing subsequent Amendment(s), which will be subject to the same approval process, and shall thereafter become a part of this MAA.
2. Miami-Dade Police Department head: The Director of the Miami-Dade Police Department, or the Director's designee; and the Chief of Police of the Village of Pinecrest Police Department, or the Chief's designee.

3. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

SECTION II. TERMS AND PROCEDURES

1. Operations:

- a. The AGENCY agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the COUNTY as required to assist the COUNTY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other violent crimes, outside of the jurisdictional boundaries of the AGENCY, however, the AGENCY shall not be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.
- b. The agency heads, or their designees, shall establish procedures for giving control of the mission definition to the COUNTY, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this MAA to the COUNTY.

2. Powers, Privileges, Immunities, and Costs:

- a. All employees of the Village of Pinecrest Police Department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the City pursuant to a request for aid made in accordance with this MAA, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties for the party by which they are normally employed.
- b. The party having financial responsibility for the law enforcement agency providing services, personnel, vehicles, equipment, or facilities pursuant to the provisions of this MAA shall bear any loss or damage to same and shall pay any and all expenses

- incurred in the maintenance and operation of same.
- c. The AGENCY shall compensate all of its employees rendering aid pursuant to this MAA and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
 - d. All exemption from ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any PARTY when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extra territorially under the provisions of this MAA. The provisions of this MAA shall apply with equal effect to paid and auxiliary employees.
3. Indemnification: Each PARTY participating in the Multi-Agency Gang Task Force pursuant to this MAA agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this MAA, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this agreement.
 4. Forfeitures: Investigators operating pursuant to this MAA may encounter property subject to forfeiture pursuant to the Florida Contraband Forfeiture Act, Florida Statutes. Such property may be seized, forfeited, and equitably distributed among the PARTIES in proportion to the amount of investigation and participation performed by each law enforcement agency, less the costs associated with the forfeiture action. The COUNTY shall have the exclusive right to control and maintain the property, including, but not limited

to, the complete discretion to bring the action, or to dismiss the action, or to negotiate a settlement. All seizures (currency, narcotics, evidence or other property) will remain in the control and custody of Miami-Dade Police officers and will be impounded in accordance with COUNTY procedures. The AGENCY must request its share of seized property in writing when the initial seizure documentation is provided to the Miami-Dade Police Department, Police Legal Bureau, or the AGENCY will be barred from claiming any portion of the seized property that may be ultimately forfeited.

5. Conflicts: Any conflicts between this MAA and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.

SECTION III. COMMAND AND SUPERVISORY RESPONSIBILITY

1. Command: The personnel and equipment that are assigned by the AGENCY shall be under the immediate command and direct supervision of a supervising officer designated by the Director of the Miami-Dade Police Department, or his/her designee.
2. Conflicts: Whenever an officer is rendering assistance pursuant to this MAA, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the COUNTY, then such rule, regulation, policy, general order or procedure of the AGENCY shall control, and shall supersede the direct order.
3. Complaints: Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this MAA, the Director or Chief of Police, or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Director or Chief of Police or designee should ascertain at a minimum:

- The identity of the complainant;
- An address where the complainant can be contacted;
- The specific allegation; and;
- The identity of the employee(s) accused without regard as to agency affiliation.

If it is determined during the investigation of a complaint that the accused is an employee of the AGENCY, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the AGENCY for administrative review. The COUNTY may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the COUNTY violated any of the COUNTY's policies or procedures.

SECTION IV. PROVISIONS FOR MUTUAL AID AND VOLUNTARY AND OPERATIONAL ASSISTANCE

1. In compliance with and under the authority of this MAA heretofore entered into by the COUNTY and the AGENCY, it is hereby declared that COUNTY is requesting assistance from the AGENCY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other crimes, outside of the jurisdictional boundaries of the AGENCY.
2. A deputy sheriff or police officer of either the COUNTY or the AGENCY shall be considered to be operating under the provisions of this MAA when participating in law enforcement activities that are preplanned and approved by each respective agency head or appropriately dispatched for the purposes of this MAA.
3. The AGENCY agrees to provide personnel to the COUNTY to achieve the purposes of this MAA. AGENCY personnel will only be assigned to participate in operations and investigations governed by this MAA after receiving approval from the COUNTY through the Miami-Dade Police Department.

4. The COUNTY and the AGENCY will furnish their own vehicles and will be responsible for the expenses, maintenance and any liability incurred with respect to the use of their respective vehicles.
5. RECORDS AND REPORTS: All investigative reports and arrest reports will be maintained by the COUNTY. With respect to any other records that either PARTY may maintain, each PARTY agrees to comply with public records laws. More specifically, each PARTY will:
 - a. Keep and maintain public records that ordinarily and necessarily would be required by the PARTY in order to perform the services required by this MAA.
 - b. Provide the public with access to public records at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
 - d. Meet all requirements for retaining public records and transfer, at no cost, to the other PARTY.
6. PROSECUTION: The criteria for the decision whether to have any particular case prosecuted in the State or Federal system will be based on which level of prosecution and venue would provide the greatest benefit to the overall objectives of the investigation. In all cases, timely notification will be made to the appropriate prosecuting authority.
7. SCHEDULE OF WORK HOURS: Work hours may vary to meet operational needs.
8. INFORMANTS: Funds to pay any confidential informants for information relating to criminal activity will be supplied by the confidential informants' controlling police department. Informants will be paid in accordance with the specific department's rules and regulations.
9. RELEASE OF INFORMATION TO THE PRESS: At no time will any employee of either PARTY release to or discuss with any member of the press any aspect of operations or any aspect of the direction, focus, or general purpose of the investigation without first

consulting with the appropriate supervisor of the Miami-Dade Police Department. Subsequent to the consultation, officers acting pursuant to the MAA will discuss any information release with the affected investigators and/or prosecutors to assure that the integrity of the investigation will not be jeopardized. In most, if not all cases, the release of any information, no matter how generic, will be made jointly with the participation of both PARTIES and pursuant to Florida Statutes Chapter 119 and any other applicable statutes governing the disclosure of public records.

SECTION V. EFFECTIVE DATE

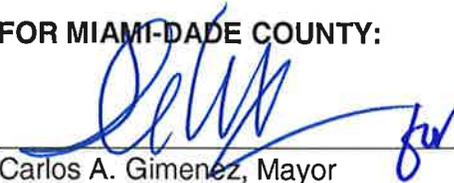
This Agreement shall be in effect from the date of signing and will continue year to year. Under no circumstances may this MAA be renewed, amended, or extended except in writing.

SECTION VI. CANCELLATION

This Agreement may be cancelled by either PARTY upon thirty (30) days written notice to the other PARTY. Cancellation will be at the discretion of the chief executive official of the PARTIES hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized officers on the day and year written below.

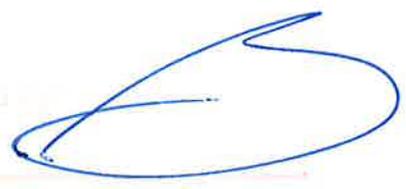
FOR MIAMI-DADE COUNTY:



Carlos A. Gimenez, Mayor 9/27/16
Date

A 

Juan J. Perez, Director 9/23/2016
Miami-Dade Police Department Date



MAYOR



TAB 3

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ORDINANCE NO. 2016-8

**AN ORDINANCE OF THE VILLAGE OF
PINECREST, FLORIDA; AMENDING THE
2015-2016 OPERATING AND CAPITAL
OUTLAY BUDGET (3rd QUARTER);
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the 2015-2016 Operating and Capital Budget was adopted pursuant to the Village Charter and state law and was based upon estimates of revenues and expenses in various categories; and

WHEREAS, the Village Manager is recommending that the Village Council approve a transfer of funds for the 2015-2016 Operating and Capital Budget and said action requires a budget amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. The Operating and Capital Budget of the Village of Pinecrest for Fiscal Year 2015-2016 is hereby amended as follows:

Revenue Source	Amount	Expenditure Item	Description
General Fund Balance	\$10,000	General Government, Repairs and Maintenance	Improvements/Repairs to the air conditioning system in the Council Chamber
General Fund Balance	\$5,000	Village Clerk's Office, Legal Advertisement	Higher than anticipated legal advertisement expenditures
Stormwater Utility Fund - Retained Earnings	\$375,000	Stormwater Utility Fund, Contractual Services	Construction of projects identified in the adopted Stormwater Master Plan
General Fund Balance	\$33,000	Information Technology, Contractual Services	Outsourced contract services for restoration of the Village's IT system

Section 2. This ordinance shall become effective upon adoption on second reading.

PASSED on first reading this 13th day of September, 2016.

PASSED AND ADOPTED on second reading this 18th day of October, 2016.

Cindy Lerner, Mayor

ATTEST:

Guido H. Inguanzo, Jr., CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

Motion on Second Reading by:
Second on Second Reading by:

Vote:

TAB 4

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ORDINANCE NO. 2016-9

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING TEXT AMENDMENTS AND UPDATES TO THE GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE OF PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL REQUIRED REVIEWING AGENCIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on February 9, 1999, the Village Council adopted the Village's Comprehensive Development Master Plan (CDMP) pursuant to Ordinance 99-04; and

WHEREAS, the Village Council has subsequently amended the CDMP to address requirements of the Evaluation and Appraisal Report completed in 2005, to update the Capital Improvements Element, to include updates in conjunction with completion of a ten-year water supply facilities work plan, and to include a Climate Change Element; and

WHEREAS, the Village Council has updated the Comprehensive Plan's supporting background data and analysis; and

WHEREAS the Village Council wishes to amend and update the CDMP based on the updated background data and analysis, and to reflect current goals of the Village Council; and

WHEREAS, after having received input and participation by interested members of the public and staff, the Village Council found the proposed update to the Comprehensive Development Master Plan to be consistent with the Village Council's current goals including goals of the Village's Strategic Plan; and

WHEREAS amendments to the Comprehensive Development Master Plan were prepared in accordance with Chapter 163.3177 Florida Statutes; and

WHEREAS, the Local Planning Agency (LPA) has reviewed the proposed amendments to the Village of Pinecrest Comprehensive Development Master Plan at a public hearing on August 3, 2016 and has forwarded the proposed amendments to the Village Council with a recommendation for approval; and

WHEREAS, the Village Council held a public hearing on August 3, 2016 prior to transmitting the proposed amendments to the Florida Department of Economic Opportunity and other required review agencies; and

WHEREAS, the Village Council of the Village of Pinecrest, Florida held a second public hearing on October 18, 2016; and

WHEREAS, said public hearings were advertised in accordance with Chapter 163.3184 and Chapter 166.041, Florida Statutes; and

WHEREAS, the Village Council hereby finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt the amendments to the Comprehensive Development Master Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

Section 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

Section 2. Amendment and Adoption.

The amendments to the Goals, Objectives and Policies of the Comprehensive Development Master Plan, attached hereto and incorporated herein as Exhibit "A", are hereby adopted.

Section 3. Inclusion in the Comprehensive Plan.

It is the intention of the Village Council and it is hereby ordained that the amendments to the Village of Pinecrest Comprehensive Plan made by this Ordinance as set forth in Exhibit "A" shall become part of the Village of Pinecrest Comprehensive Development Master Plan, and that the sections of this Ordinance may be renumbered and relettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

Section 4. Transmittal.

The Village Clerk is hereby directed to transmit the proposed amendments to the Comprehensive Development Master Plan and supporting Data and Analysis, which is attached hereto as Exhibit "B", to the Department of Economic Opportunity of the State of Florida and other appropriate public agencies, and upon adoption of this Ordinance is further directed to ensure that this Ordinance and all other necessary documents are forwarded to the Florida Department of Economic Opportunity and other agencies in accordance with Section 163.3184(3), Florida Statutes.

Section 5. Conflicts.

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Severability.

If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the Village of Pinecrest that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED on first reading and transmitted to the Florida Department of Economic Opportunity and other required review agencies.

PASSED AND ADOPTED on second reading this 18th day of October,
2016.

Cindy Lerner, Mayor

ATTEST:

Guido H. Inguanzo, Jr., CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM
Department of Building and Planning

DATE: October 11, 2016

TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen Olmsted, AICP, LEED-GA *SRO*
Planning Director

RE: Comprehensive Development Master Plan
Background Data and Analysis; Goals, Objectives, and Policies - Update

On August 3, 2016, the Village Council approved proposed amendments to the Village's Comprehensive Development Master Plan at first reading following consideration by the Local Planning Agency (LPA) at public hearings on July 5, 2016 and August 3, 2016. Proposed changes to the Comprehensive Development Master Plan include revisions and updates to both the supporting Background Data and Analysis and to the Goals, Objectives, and Policies. Proposed amendments to the Goals, Objectives, and Policies are shown in strike-through and underlined text. The Background Data and Analysis is new text and is not shown in strike-through and underline format. Amended plan documents are attached.

Following consideration at first reading, staff made minor changes to the draft documents as requested by the Village Council and subsequently transmitted the proposed amendments to the Florida Department of Economic Opportunity (DEO) and required agencies for review and comment pursuant to Florida Statutes. DEO completed its evaluation and issued its review letter on September 7, 2016. A copy of the report, including comments of other review agencies is attached for the Village Council's consideration.

In its review letter, the Department of Economic Opportunity included an advisory suggestion recommending that the Village consider adoption of an amendment in the future to establish coastal resilience strategies. Redevelopment Management Associates (RMA) has advised the Village that the comment is a recommendation provided to all communities. The Village of Pinecrest has already adopted several related strategies in the Climate Change Element of its Comprehensive Development Master Plan, so no additional amendments are necessary at this time. Comments from other review agencies received by the Village of Pinecrest do not indicate the need for any additional amendments.



During agency review of the proposed amendments to the Village's Comprehensive Development Master Plan, the State Department of Education indicated that the Village's adopted Educational Element had not been included in the updated plan. Though an update to the Educational Element was not required per the Interlocal Agreement with Miami-Dade County at this time, the Educational Element, originally adopted by the Village Council in 2011, has since been incorporated into the document with minor changes shown in strike-through and underline format. The amendments are minor and non-substantive in nature and intended to achieve uniformity and closer consistency with Miami-Dade County's Educational Element, and to correct minor formatting issues. The proposed revisions were provided to the State Department of Education and Miami-Dade County Public Schools for review. No comments or requests for further amendment have been received.

Completion of the draft update to the Comprehensive Plan has occurred over the course of the past several months with participation by individual members of the Village Council, the Village Manager, Department Directors, and others. The consultants interviewed individual members of the Village Council and Zoning Board. A survey questionnaire was mailed to 1,500 Pinecrest households to solicit public input. A total of 466 surveys were returned and a summary of the survey results has been provided in the Background Data and Analysis. Additionally, members of the Transportation Advisory Committee, residents, and owners and representatives of businesses adjacent to Pinecrest Parkway (US-1) were invited to participate in a planning workshop meeting that was held on June 2, 2016.

A public hearing for final consideration of all proposed amendments to the Comprehensive Plan at second reading is scheduled for Tuesday, October 18, 2016. Staff and Ms. Jean Dolan and Mr. Alex David of the RMA team will provide a presentation of the draft plan amendments including changes made since first reading. Following approval by the Village Council at second reading, RMA will transmit the adopted amendments to DEO and other required review agencies as required by state statute for compliance review, after which the plan will become effective.

If you have questions or require additional information, please advise.

Attachments:

Florida Department of Economic Opportunity – Review and Comments Letter
Review Agency Comment Letters
Comprehensive Development Master Plan - Proposed Amendments

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

September 7, 2016

The Honorable Cindy Lerner
Mayor, Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Dear Mayor Lerner:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Pinecrest, Amendment No. 16-1ESR, which was received on August 9, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

Consistent with Section 163.3168(3), F.S., the Department is providing the following technical assistance comment offered as a suggestion for strengthening the comprehensive plan.

Given the Village of Pinecrest's proximity to the coast the Village could consider revising the amendment prior to adoption, or amending the comprehensive plan in the future, to establish coastal resiliency strategies that respond to coastal flooding and related conditions. Legislative guidance for the preparation of these strategies includes providing a redevelopment component in the comprehensive plan that outlines the principles used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise [Section 163.3178(2)(f)F.S.].

Pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Village of Pinecrest. If other reviewing agencies provide comments, we recommend the Village of Pinecrest consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

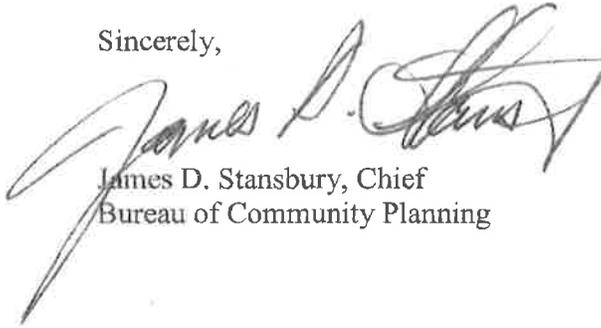
The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Pennington, at (850) 717-8524, or by email at dan.pennington@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

James D. Stansbury, Chief
Bureau of Community Planning

JS/dp

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Isabel Cosio Carballo, Executive Director, South Florida Regional Council
Stephen R. Olmsted, AICP, Planning Director, Village of Pinecrest

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

1000 NW 111 Avenue
Miami, FL 33172

**JIM BOXOLD
SECRETARY**

September 6, 2016

Mr. Stephen R. Olmsted, AICP
Planning Director
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Dear Mr. Olmsted:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Village of Pinecrest - #16-1ESR*. The District has reviewed the amendment package per *Chapter 163* of the *Florida Statutes* and has found no impacts to transportation resources of State importance.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth Jeffries", is written over a light blue horizontal line.

Kenneth Jeffries
Transportation Planner

Cc: Harold Desdunes, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity
Isabel Moreno, South Florida Regional Council
Karen Hamilton, South Florida Regional Council

Stephen Olmsted

From: Plan_Review (Shared Mailbox) <Plan.Review@dep.state.fl.us>
Sent: Wednesday, August 31, 2016 1:58 PM
To: Stephen Olmsted; DCPexternalagencycomments
Subject: Pinecrest 16-1ESR Proposed

To: Stephen Olmsted, Planning Director

Re: Pinecrest 16-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

***Please note the new contact information below.**

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400



Stephen Olmsted

From: Manning, Terese <tmanning@sfwmd.gov>
Sent: Monday, August 22, 2016 11:43 AM
To: Stephen Olmsted
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Adam Antony Biblo (adam.biblo@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; Mark R. Woerner (mwoerner@miamidade.gov); 'jdolan10@comcast.net'
Subject: Pinecrest Proposed Comprehensive Plan Amendment #16-1ESR

Dear Mr. Olmsted:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Village of Pinecrest (Village). The amendment package includes map and text amendments to update all elements of the Village's Comprehensive Plan. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the Village and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

Stephen Olmsted

From: Kathe Lerch <klerch@sfrpc.com>
Sent: Monday, September 12, 2016 3:17 PM
To: Kathe Lerch; mayor@miamidade.gov; josterholt@miamidade.gov; rowega@miamidade.gov; mwoerner@miamidade.gov; luigi.boria@cityofdoral.com; Julian.Perez@cityofdoral.com; The Honorable Cindy Lerner; Stephen Olmsted; pbober@hollywoodfl.org; pizzim@miamilakes-fl.gov; schaad@miamilakes-fl.gov; Idelmonte@hollywoodfl.org
Cc: 'lawrence.venture@homestead.af.mil'; 'tmanning@sfwmd.gov'; 'Lois.bush@dot.state.fl.us'; 'tracy.suber@fldoe.org'; 'FWCConservationPlanningServices@myfwc.com'; 'gerry.oreilly@dot.state.fl.us'; 'Deena.Woodward@DOS.MyFlorida.com'; 'compplans@freshfromflorida.com'; Biblo, Adam A; 'DCPexternalagencycomments@deo.myflorida.com'
Subject: RE: REVISED SFRC Meeting Sept 12, 2016 Agenda Item III.D Adoptd/Propsd SLPA#: Miami-Dade County SLPA #16-1ESR; Doral 16-1ER; Hollywood #16-1ESR; Pinecrest #16-1ESR; Miami Lakes #16-1ESR
Attachments: AgendaSept16_IVD.pdf



At the September 12, 2016 Council Meeting, the South Florida Regional Council approved the attached reports, finding the proposed and adopted amendments to be generally consistent with the *Strategic Regional Policy Plan* for South Florida.

Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 985-4416 or isabelc@sfrpc.com.

Town of Miami Lakes SFRC Agenda #III.D, SLPA #16-1ESR;

Mayor CC

Michael Pizzi Brandon Schaad, AICP

pizzim@miamilakes-fl.gov; schaadb@miamilakes-fl.gov;

Miami-Dade County SFRC Agenda #III.D, SLPA #16-1ESR;

Mayor CC

Carlos A. Gimenez Garrett Rowe, Mark Woerner, B. Jack Osterholt

mayor@miamidade.gov; josterholt@miamidade.gov; rowega@miamidade.gov; mwoerner@miamidade.gov;

City of Doral SFRC Agenda #III.D, SLPA #16-1ER;

Mayor CC

Luigi Boria Leslie DelMonte

luigi.boria@cityofdoral.com; Idelmonte@hollywoodfl.org;

City of Hollywood SFRC Agenda #III.D, SLPA #16-1ESR;

Mayor CC

Peter J. Bober Leslie DelMonte

pbober@hollywoodfl.org; ldelmonte@hollywoodfl.org;

Village of Pinecrest SFRC Agenda #III.D SLPA #16-1ESR;

Mayor CC

Cindy Lerner Stephen R. Olmsted, AICP

clerner@pinecrest-fl.gov; solmsted@pinecrest-fl.gov;

Kathe Lerch

Administrative Assistant

South Florida Regional Council

3440 Hollywood Blvd., Suite 140

Hollywood, FL 33021

954-985-4416



MEMORANDUM

AGENDA ITEM #IV.D

DATE: SEPTEMBER 12, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Council staff has not identified adverse effects to regional resources and facilities or extra-jurisdictional impacts that would result from the following map and text amendments.

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the tables below generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.



South Florida Regional Council
3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
954.985.4416 Phone, 954.985-4417 FAX
www.sfregionalcouncil.org

PROPOSED AMENDMENTS

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Miami-Dade County 16-1ESR (received 08-04-16)	v	N/A	09-12-16	07-20-16	8-0 (5-absent)
<p>The proposed amendment to the Miami-Dade County Comprehensive Development Master Plan seeks the following Text and Land Use Plan Map (LUP) changes. This amendment is related to the concurrent Notice of Proposed Change (NOPC) to the Beacon Lakes Development of Regional Impact (DRI).</p> <ul style="list-style-type: none"> ▪ The re-designation of approximately 48 gross acres on the Southwest Parcel on the CDMP Adopted 2020 and 2030 LUP map from “Business and Office” to “Restricted Industrial and Office.” ▪ The re-designation of approximately 63 gross acres on the East Parcel on the LUP map; from “Restricted Industrial and Office” to “Business and Office.” ▪ The release of an existing Declaration of Restrictions. ▪ The addition of an amended and restated proffered covenant. <p>The above changes allow for the swapping of proposed development between the Southwest and recently acquired East parcels, allowing for a more compatible and efficient distribution of uses within the DRI. The new covenant includes the expanded east boundary of the DRI, the swapping of land uses, and the restriction of residential land uses on the East Parcel.</p> <p>The DRI site is generally located in unincorporated Miami-Dade County between NW 137 Avenue to the west, NW 25 Street to the north, SR 836 Extension to the south, and the Homestead Extension of the Florida Turnpike to the east. The Southwest Parcel is located on the NE corner of NW 137 Avenue and NW 12 Street within the existing DRI. The East Parcel is situated on the NW corner of the Homestead Extension of the Florida Turnpike and NW 12 Street.</p> <p>This amendment does not create any adverse impacts to state or regional resources and facilities.</p>					
Village of Pinecrest 16-1ESR (received 08-26-16)	v	N/A	09-12-16	08-03-16	5-0
<p>The proposed text amendments to the Village of Pinecrest Comprehensive Plan include revisions to the Goals, Objectives and Policies to reflect legislative changes and updated data and analysis; current planning issues in the community; and relevant projects.</p> <p>These revisions will ensure the Village’s plan is consistent with recent legislative changes; reflective of regional planning efforts; and addresses emerging issues such as climate change.</p> <p>This amendment does not create any adverse impacts to state or regional resources and facilities.</p>					

ADOPTED AMENDMENTS

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
City of Doral 16-1ER (received 08-31-16)	N/A	√	09-12-16	8-23-16	5-0
<p>The adopted amendment to the City of Doral Comprehensive Plan revises the Goals, Objectives and Policies (GOP) of the City of Doral’s Comprehensive Plan to reflect current conditions in the Future Land Use, Transportation, Housing, Infrastructure, Parks and Recreation, Educational Facilities, Intergovernmental Coordination, and Capital Improvement sections of the plan. The amendment introduces new flood management policies, and incorporates a new Green Element to encourage sustainable land use and design, preservation of natural resources, expanded mobility and connectivity, and provision of incentives for smart buildings and places that incorporate renewable energy into design.</p> <p>This amendment was previously reviewed by the Council at the June 2016 meeting and was determined to not create any adverse impacts to state or regional resources/facilities.</p> <p>The City of Doral made text changes to plan elements’ Objectives and Policies based on input from review agencies.</p> <p>The additional revisions do not create any adverse impacts to state or regional resources and facilities.</p>					
City of Hollywood 16-1ESR (received 08-29-16)	N/A	√	09-12-16	5-18-16	7-0
<p>The adopted amendment to the City of Hollywood Comprehensive Plan changed the land use designation of a portion of the 18-hole golf course of the Hillcrest Golf and Country Club from Open Space and Recreation to Irregular Residential (11.5 units/acre) to allow for low density residential development.</p> <p>This amendment was previously reviewed by the Council at the May 2016 meeting and was determined to not create any adverse impacts to state or regional resources/facilities.</p> <p>The City of Hollywood adopted the amendment as proposed.</p> <p>This amendment does not create any adverse impacts to state or regional resources and facilities.</p>					

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Town of Miami Lakes 16-1ESR (received 09-06-16)	N/A	√	09-12-16	07-26-16	6-0 (1 absent)

The adopted amendment revises the Town of Miami Lakes Comprehensive Plan's Transportation Capital Improvements Element to address transportation and mobility by incorporating the Town's recently adopted 2016-2026 Strategic Plan, the 2015 Transportation Summit planning process, the Greenways and Trails Master Plan, and the Commute Trip Reduction Plan.

This amendment was previously reviewed by the Council at the June 2016 meeting and was determined to not create any adverse impact to state or regional resources/facilities.

The Town of Miami Lakes amendment was adopted with text changes based on input from the Florida Department of Transportation (FDOT). The revisions ensure that potential impacts of any Future Land Use Map (FLUM) amendments on Strategic Intermodal System facilities would be addressed.

The additional revisions do not create any adverse impacts to state or regional resources and facilities.

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Alana S. Perez
Pinecrest Gardens Director
gardens@pinecrest-fl.gov

MEMORANDUM
Pinecrest Gardens

DATE: October 11, 2016
TO: Yocelyn Galiano, ICMA-CM, LEED GA, Village Manager
FROM: Alana Perez, Pinecrest Gardens Director
RE: Sultans of String Benefit Concert

This memo will serve to inform you that there has been a request for a Banyan Bowl rental fee waiver by the Syrian American League, a registered 501 C3 (attached), represented by Hadi Yaziji and his wife, Enma Saiz. Their request is to host a concert benefitting children who are living in areas of war-torn Syria and who are caught up in Syria's growing humanitarian crisis. The Sultans of String (a Toronto based renowned World Music ensemble) have agreed to perform free of charge on Thursday, January 12, 2017 at 8:00 p.m.

Without the waiver the show would cost them \$500 to rent the Banyan Bowl (the 501 C3 rate that is 50% less than the regular rate of \$1000), plus \$350 front-of-house costs that cover the ticketing booth and Banyan Bowl production staff and a \$250 out-of-pocket expense for a professional sound engineer, (a professional group of this stature would oblige any venue to provide a professional sound engineer), for a total of \$1100.

Should Council vote to grant the waiver we would still require a payment of \$250 for the professional sound engineer which is not an "in-house" staff position.



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INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **SEP 24 2012**

THE SYRIAN AMERICAN LEAGUE INC
C/O ROBERT A KOSICKI
101 EISENHOWER PKY BRACH EICHLER
ROSELAND, NJ 07068

Employer Identification Number:
45-4680036
DLN:
17053164377022
Contact Person:
JAMES A BRANDES ID# 31150
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b) (1) (A) (vi)
Form 990 Required:
Yes
Effective Date of Exemption:
February 28, 2012
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c) (3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c) (3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c) (3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

From: Bob Ross
Sent: Friday, October 7, 2016 12:16 PM
To: Guido H. Inguanzo, Jr. (OVC)
Subject: Fw: Request to Waive Fees

Guido,

Could you please add this information to that already on the agenda?

Bob Ross

On Friday, October 7, 2016 12:11 PM, Hadi Yaziji wrote:

Thank you Bob. Cindy emailed me directly this morning to let me know about this.

Here's the info regarding 501 (c3) group: I am a member of the Syrian American Forum: a group of Americans with Syrian descent (mostly physicians) who advocate peaceful transition to democracy in Syria while maintaining territorial integrity and rights of minorities. The non-profit arm of the group is called Syrian American League, which is a registered non-profit group. Alana and Jerry have the documentation (letter from IRS).

We also have another non-profit route we can take, which is the church. I'm a member of the Assyrian-American church and they are non-profit too, but I don't have their IRS letter. Maybe I can get it before the meeting, but at least we have one non-profit group that I'm also a member of and we have the proper documentation in the system already.

All the best,

Hadi

On Oct 7, 2016, at 12:05 PM, Bob Ross wrote:

Hadi,

I learned that the mayor had already put your request on the agenda for our October meeting. If there's anything you'd care to add about the 501c3 organization, that can be included with the request if you can provide it by Monday.

Bob Ross

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Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
1	8/24/2016	Village Council	Miscellaneous School Route Safety Signage and SW 57 Avenue Sidewalk Project	Public Works Department
Status	<p>January 2017: Expect to submit cost estimates and sidewalk plan to the Village Council for consideration.</p> <p>November 2016: Public Works Director will prepare a preliminary layout for the proposed sidewalk and send out letters to affected residents to comment on the proposed positioning of the sidewalk.</p> <p>October 30, 2016: Expect to receive right-of-way survey. Department will conduct a review of signage needs and price out the cost of installation.</p> <p>October 7, 2016: Staff has requested survey information for the remaining portion of sidewalk work to be considered.</p> <p>August 24, 2016: The Village Council removed funding for the Phase 2 Safe Routes to School project from the FY 2016-17 Budget and instructed the Village Manager to investigate the possibility of addressing the signage needs around the schools and sidewalk along SW 57 Avenue without procuring the services of an engineer. The Village Manager was instructed to survey the roadway, advise affected residents of a proposed sidewalk and return at a later Council meeting with estimated cost of construction to the portion of the sidewalk from 96th to 88th Street.</p>			
Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
2	7/12/2011	Village Council	Old Cutler Road Bike Path	Office of the Village Manager
Status	<p>March 2017: Anticipated completion of construction.</p> <p>December 2016: Anticipate completion within the Village's limit.</p> <p>October 7, 2016: project is on schedule.</p> <p>September 8, 2015: Construction started at SW 136th St (in Pinecrest), east of SW 67th Avenue, going north along Old Cutler Road.</p> <p>February 3, 2015: Board of County Commissioner's awarded the project contract to Arce Engineering and Construction.</p> <p>January 2015: Will appear before the CITT Board for funding allocation.</p> <p>November 12, 2014: The Village Manager received notification that the Miami-Dade Public Works Department anticipates commencing the project in January 2015 as opposed to October 2014 (as originally scheduled).</p> <p>October 7, 2014: The Village Manager corresponded with the Miami-Dade County Public Works department and requested an update on the status of this project.</p> <p>July 16, 2014: Village Manager requested a status update on the project from Miami-Dade County.</p> <p>January 28, 2014: Mr. Cotarelo advised that as the project will be funded in part with Federal monies the process of bidding out the project is more extensive. The Federal government requires FDOT's review of bid documents prior to the commencement of a competitive bid process, and again prior to the award to the lowest responsive and responsible bidder. Additionally, the balance of funds come from the Charter County Transportation Surtax (PTP), which require that the eventual award be approved by the Board of County Commissioners, the Citizen's Transportation Trust, and their respective committees. As such, these additional levels of review and approval create a procurement process appreciably longer than the typical.</p> <p>January 27, 2014: The County offered additional clarification on project delays.</p> <p>January 21, 2014: Received an update from Antonio Cotarelo, County Engineer, Public Works Department. County finished construction of</p>			

Phase 1 of the Old Cutler Trail in January of 2012. That project was 7.10 miles long from SW 216 Street to SW 136 Street. Phase 2 of the Old Cutler Trail is from SW 136 Street to the Cartagena Circle; 4.79 miles long. Part of the funding for Phase 2 is from the FDOT (Transportation Enhancement Program -TEP funds); and those funds became available in December 2013. The County has completed the plans for Phase 2 and is in the process of putting the project out to bid in coordination and compliance with FDOT grant requirements. The project consists of reconstructing the bike path to a minimum 8' wide and relocate further away from the traffic lanes where possible; constructing curb and gutter, install remedial drainage as necessary, resurface segments that are to remain, prune tree roots and place root barriers to prevent future damage, and install regulatory signage for bicycles and pedestrians. Estimated Construction Cost: \$1,579,58.1

January 17, 2014: The Village Manager contacted Deputy Mayor Hudak to inquire as to the status of the project that would repair the bike path along Old Cutler Road from SW 136 Street north to Old Cartagena Road (Northern entrance to Coco Plum).

September 26, 2012: Village Manager met with Mr. Borrego to discuss several county related matters including this project.

April 20, 2012: Village Manager met with Eddie Borrego of Commissioner Bell's Office to update on the project.

April 6, 2012: Village Manager Galiano made a second request for copies of the final plans. Request was forwarded to Jeff Cohen, Assistant Chief of Traffic Engineering. Mr. Cohen forwarded the request to the Highway Division. Mr. Ona provided 30% completed set of construction plans for the project.

March 29, 2012: Village Manager Galiano requested copies of the plans for the Phase 2 Reconstruction of the Old Cutler Bike Path from Ms. Esther Calas, County Director of Public Works.

September 16, 2011: Village Manager met with Eddie Borrego of Commissioner Bell's Office to request assistance with expediting the Bike Path project.

September 8, 2011: Mr. Whittaker of Commissioner Suarez' Office advised the Village Manager that the project would not be able to be accelerated.

September 7, 2011: Mr. Leo Ona of the Highway Division advised Mr. Whittake from Commissioner Suarez' Office that as the funds for the project was administered through the MPO, the project timeline would not be able to be accelerated.

September 2, 2011: Mr. Joel Trujillo wrote Mr. Rene Idarraga of the County's Public Works Department to advise if the project could be expedited. Mr. Idarraga wrote Leo Ona, in the Highway Division requesting a response whether the project timeline could be moved up.

August 31, 2011: Mr. Homer Whittaker of Commissioner Suarez' office wrote Mr. Joel Trujillo with the County requesting confirmation of the information provided by the Village in the August 22, 2011 and asking if the project could be completed sooner than planned.

August 22, 2011: Village Manager Galiano wrote a letter to Commissioner Suarez regarding the Bike Path project relaying the Village's interest in completing this project sooner than planned and requesting assistance from the Commissioner in expediting the project.

August 17, 2011: The Village Manager provided the information regarding the anticipated project timeline to the Village Council.

August 5, 2011: The Village Manager requested the timeline for completion of the Phase 2 project. Assistant Chief of the Highway Division, Mr. Marin advised that part of the funding necessary for the project would be available through the MPO Transportation Improvement Program as follows: \$321,000 during Fiscal Year 2012-2013 and \$998,000 during Fiscal Year 2013-2014. Mr. Marin indicated that construction of this phase would begin in late Fiscal Year 2012-2013.

July 26, 2011: Village Manager wrote Mr. Cohen to follow-up on the timing of the Phase 2 Old Cutler Bike Path Reconstruction Project. Assistant Chief of the Highway Division, Octavio Marin provided Village Manager Galiano with a copy of the preliminary plans.

July 20, 2011: Mr. Cohen advised the Village Manager that the County had a follow-up Old Cutler Bike Path project that would continue to Cocoplum Circle.

July 19, 2011: Village Manager Galiano contacted County's representative Jeff Cohen with the Public Works Department to investigate the

	<p>possibility of extending the reconstruction of the bike path. July 12, 2011: The Village Council directed the Village Manager to contact the County to inquire about the possibility of extending reconstruction of the bike path on Old Cutler Road, north of SW 136 Street. May 9, 2011: Village Manager Lombardi was forwarded a copy of the preliminary project plans.</p>			
Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
3	9/23/2014	Village Council	Community Center Expansion	Office of the Village Manager and Parks and Recreation Department
Status	<p>April 2018: Anticipate construction to be completed. October 21, 2016: Ground breaking ceremony. October 17, 2016: Construction scheduled to commence. September 13, 2016: Contract awarded to Lunacon Construction Group. July 15, 2016: Released Invitation to Bid for the construction of the project. June 14, 2016: Village Council reviewed options for the indoor playground location and instructed staff to finalize design of the expansion accordingly. May 10, 2016: Village Council discussed options for inclusion of the indoor playground concept to the final design of the expansion and instructed staff to develop one additional option that would repurpose the multipurpose room that is immediately adjacent to the existing music room. April 30, 2016: Plans (excluding indoor playground addition) are 100% completed. Plans are currently under review in the Building and Planning Department. April 22, 2016: Village Manager received a proposal from Mr. Heisenbottle for the design of the 2,000 sq. ft. indoor playground area. April 21, 2016: Village Manager, Public Works Director Spanioli and Parks and Recreation Director Matthews met with Heisenbottle staff to review indoor playground area concept. April 12, 2016: Staff presented the final proposed floor plan for the Community Center Expansion to the Village Council. March 22, 2016: Mr. Heisenbottle submitted the revised drawings with the indoor playground adjacent to the café area. March 18, 2016: Staff worked with Architect Heisenbottle to re-draw the floor plan to include the enclosure of the proposed outdoor playground area will be presented to the Village Council at a future meeting. March 8, 2016: Mr. Spanioli developed a memorandum for indoor playground relocation on the plans. February 17, 2016: The Village Manager instructed the Public Works Director to halt completion of the construction plans for the Community Center and to ask the Architect to prepare a proposal and construction estimates for enclosing the outdoor playground. February 16, 2016: Village Council instructed the Village Manager to develop construction plans that would enclose the outdoor playground planned for the Community Center expansion project. February 9, 2016: Public Works Director and Parks and Recreation Director will meet with Consulting Architect Hiesenbottle to finalize the construction plans. September 23, 2015: Schematic drawings and survey completed. July 2015: Commencement of design of Phases 1 and 2 of the Community Center Expansion project. Anticipate the design phase will take approximately 9 months to complete. July 7, 2015: Anticipate the Village Council will approve the negotiated contract. April 22, 2015: Village Manager met with Mr. Heisenbottle to negotiate a proposal for the project. Anticipate receipt of a final proposal by May</p>			

	<p>2015.</p> <p>April 14, 2015: Council authorized the Village Manager to negotiate an agreement with the top ranked firm as recommended by the Selection Committee.</p> <p>March 2015: Presentations from respondents to the Request for Qualifications will be held by the Selection Committee.</p> <p>February 10, 2015: The 2nd reading ordinance authorizing the issuance of the bond for the improvements is approved.</p> <p>January 15, 2015: The Village received 11 responses to the Request for Qualifications that was published on December 1, 2014. The selection committee is in the process of reviewing the qualifications and scoring each company. Based on the scores, a ranked order will be presented to the Village Council and the top three companies will be invited to present before the Village Council in March.</p> <p>January 13, 2015: The Village Council adopted the required ordinance for the required bond in the amount not to exceed \$6 Million on first reading.</p> <p>September 23, 2014: The Village Council approved the FY 2014-2015 Budget which allocated \$5 Million towards the expansion of the Community Center.</p>			
Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
4	9/23/2014	Village Council	Coral Pine Park Improvements	Office of the Village Manager and Parks and Recreation Department
Status	<p>March 2017: Anticipate 100% completion of the project.</p> <p>January 2017: Anticipate substantial completion of the Coral Pine Park Tennis Center building. Installation of the playground equipment will commence.</p> <p>Mid October 2017: Preliminary plans and cost estimates for the work will be completed. Depending on cost, the project may need to be scheduled for approval by the Village Council if exceeds \$50,000 threshold.</p> <p>October 2017: Road widening plans are in the process of being developed.</p> <p>September 2016: Landscaping installation will commence along the western side of the park. Coordination of the ground cover installation will occur with Treemendous Miami as a volunteer project.</p> <p>August 30, 2016: Completion of the drainage facilities along SW 70 Avenue and park was achieved. In addition, clearing of the landscaping in preparation for the new landscape to be installed along the western boundary of the project.</p> <p>May 31, 2016: Village Council held the ground breaking ceremony.</p> <p>May 23, 2016: Construction commenced.</p> <p>May 16, 2016: Construction will commence on the drainage improvements and berm along west side of the park.</p> <p>April 12, 2016: Village Council will consider authorization of the contract for the drainage project on the west side of Coral Pine Park.</p> <p>March 30, 2016: Mr. Spanioli met with residents abutting the park to review the landscape plan.</p> <p>March 15, 2016: Village Manager provided a communique to the Village Council regarding modifications to the finished floor of the new building.</p> <p>March 7, 2016: Parks and Recreation Director Matthews and Public Works Director Spanioli met with area residents to review the building, drainage and landscape plans for the project.</p> <p>February 26, 2016: Permit review in the Building and Planning Department commenced.</p> <p>February 12, 2016: Anticipate deliver of 90% completed plans.</p> <p>January/February 2016: Expect completion of the construction plans that will include sustainable/energy efficiency components to the new building.</p>			

	<p>November 10, 2015: Award of the design/build contract is expected to come before the Village Council for approval.</p> <p>July 6, 2015: Advertise the design/build contract.</p> <p>June 24, 2015: Village met with design consultant and provided comments regarding the specifications for the design build project.</p> <p>February 13, 2015: Village Council approved the bond on 2nd reading.</p> <p>January 30, 2015: Met with AECOM regarding construction plans proposal.</p> <p>December 2015: Staff commenced the process of developing the bid documents with the assistance of AECOM (the Master Plan consultant), to move forward with a bid for design/build contract. The bid documents will include 30% design of the facilities, and allow for a design/build company to finalize the construction drawings (i.e. plumbing, electrical, mechanical, HVAC, structural, etc.)</p> <p>September 23, 2014: The Village Council approved the FY 2014-2015 Budget which allocated \$900 K towards the construction of a new tennis concession building, new playground and miscellaneous landscape improvements for Coral Pine Park.</p>			
Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
5	9/23/2014	Village Council	Kendall Drive Median Beautification Project	Office of the Village Manager and Public Works Department
Status	<p>November 2016: Anticipate Council award of construction project.</p> <p>October 15, 2016: Issue an Invitation to Bid for construction of the project.</p> <p>June 2016: Anticipate substantial completion of the project design. Awaiting decision from Miami-Dade Public Works with regards to the crosswalk pavers.</p> <p>May 2016: Landscape Architect developed responses for the comments from Miami-Dade. Expect to resubmit the plans with revisions by early May pending approval of pavers for crosswalks by the County Public Works Department.</p> <p>March 18, 2016: Landscape Architect received first round of comments from Miami-Dade County Public Works Department.</p> <p>March 2016: Plans are still being reviewed by Miami-Dade County.</p> <p>January 2016: County review of plans</p> <p>December 2015: Completion of design</p> <p>October 13, 2015: O'leary Design and Associates provided options for lighting along the corridor and entrance signage concepts.</p> <p>July 7, 2015: O'leary Design and Associates will provide a presentation to the Village Council regarding the project concepts.</p> <p>March 17, 2015: Design contract was awarded to O'leary Design and Associates by the Village Council.</p> <p>February 10, 2015: Recommendation for ranked list was submitted to the Village Council. Village Council will authorize the Village Manager to negotiate a contract for the design of the Kendall Drive Median Beautification Project with O'Leary Design Associates.</p> <p>January 30, 2015: Scores from the members of the selection committee are due to the Administrative Services Manager. A ranked list will be developed based on the scores and submitted as a recommendation to the Council.</p> <p>January 14, 2015: The Selection Committee members received copies of the submittals and must review and score by January 30th.</p> <p>December 16, 2014: The Village received 9 proposals in response to the Request for Qualifications for landscape architects.</p> <p>September 23, 2014: The Village Council approved the FY 2014-15 Budget which allocated \$175,000 for design and construction of the improvements.</p>			

Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
6	10/1/2015	Village Council	Cypress Hall Renovation	Office of the Village Manager and Building and Planning Department
Status	<p>January 2017: Anticipate completion of the construction.</p> <p>September 28 and October 3, 2016: Village Manager, Assistant Village Manager and Pinecrest Garden Director met with contractor to review the details of the terrazzo floor design.</p> <p>September 15, 2016: ATT work completed.</p> <p>September 13, 2016: Roof repair contract for Cypress Hall awarded to AI property Service Agreement</p> <p>August 30, 2016: Village Manager, Assistant Village Manager and Pinecrest Garden Director met with contractor to review the details of the project and discuss the floor finishes. Staff has been working with ATT for the removal of some existing facilities within the Cypress Hall space that has delayed some of the construction.</p> <p>July 2016: Demolition of the Cypress Hall space commenced.</p> <p>July 8, 2016: Pre-construction meeting will be held to review schedule of values and determine final project timeline.</p> <p>June 14, 2016: Council awarded construction contract.</p> <p>June 2016: Staff will review the results of the Invitation to Bid and prepare a recommendation for award of building contract to number one ranked company.</p> <p>May 6, 2016: Invitation to bid will be issued.</p> <p>May 4, 2016: Received new plans with column moved, screen doors and warming ovens from project architect Buckler. New revised plans will be submitted to the Building and Planning Department for review.</p> <p>May 3, 2016: Village Manager instructed Building Official Llanos to obtain a third quote for the electrical demolition work prior to awarding the contract.</p> <p>April 28, 2016: Village Manager met with Ms. Bravo, Ms. Jeffries and Director Perez to review the interior layout. Village Manager instructed architect to move a column that is in the middle of the room.</p> <p>April 20, 2016: Building Official Llanos received two quotes for the electrical demolition work, third vendor declined.</p> <p>April 15, 2016: Village Manager met with program content coordinator Carola Bravo and Pinecrest Gardens Director Alana Perez to review the interior plans for the Cypress Hall space. Suggestions were made to tweak the layout of furniture for anticipated space programming needs.</p> <p>March 31, 2016: Village Manager instructed Building Official Llanos to obtain three quotes for demolition of the electrical in the Cypress Hall space to expedite ability of contractor to commence construction of the space as soon as possible after design is completed, permitted and ITB is awarded by the Village Council.</p> <p>March 2016: Plans have been completed for the renovation of Cypress Hall and are currently in the plans review process. Once the plans have been permitted, the Village will issue an Invitation to Bid for the construction of the project.</p> <p>October 30, 2015: Drawings for the renovation of Cypress Hall commenced.</p>			
Item No.	Action Initiation Date	Councilmember or Staff Member	Topic of Follow-up	Department Assigned
7	10/1/2016	Village Council	Pinecrest Gardens Covered Walkway Project	Office of the Village Manager
Status	<p>January 2017: Anticipate project completion.</p> <p>October 11, 2016: meeting scheduled to address the electrical conduits and boxes along the covered walkway.</p>			

October 4, 2016: Assistant Village Manager continues to meet on a weekly basis with contractor, architect, building official and PG personnel to address any design or construction issue.

September 28, 2016: Assistant Village Manager held meeting with contractor and PG personnel to coordinate events with the remaining work.

September 26, 2016: The structural work is completed in the following areas - main entrance, lower gardens, swan lake and banyan bowl.

September 1, 2016: The project is 50% completed.

June 29, 2016: Most all the wood beams and studs have been erected at Swan Lake location.

June 22, 2016: Columns in the lower garden have been completed. Stone work continues. First wood beam erected at Swan Lake.

June 15, 2016: Wood beams and studs are delivered to the project site for the lower gardens and swan lake areas. Stone work at lower gardens is underway.

June 10, 2016: The 8 new columns are currently under construction. The demolition of the swan lake area commences.

May 11, 2016: Additional columns along the walkway project were checked and determined to be in good standing with the necessary reinforced concrete cores and footings in place.

May 4, 2016: A visual inspection of the existing eight columns in the lower garden revealed the absence of the necessary reinforced column cores. Structural engineer instructed the contractor to replace the eight columns.

April 26, 2016: Contractor discovered that the existing columns in the lower garden do not have required steel reinforcement.

April 18, 2016: Construction commenced.

April 6, 2016: Pre-construction meeting was held.

March 15, 2016: Construction bids for the project were solicited and six bids were received. Bejar Construction was awarded the construction project by the Village Council.

February 18, 2016: Proposals were solicited for Architectural/Engineering Inspection services for the project. Four (4) qualified proposals were received and reviewed. The Village awarded the service contract to Trelles Caborrocas Architects.

December 21, 2015: A restricted covenant was recorded with Miami-Dade County that shall run with the title to the facility for 10 years providing for conditions of the agreement between the State and Village.

December 18, 2016: The solicitation of bids for the demolition and construction for the new covered walkway was released.

November 11, 2016: The Village Manager executed the agreement with the State for the acceptance of the \$500,000 grant.

November 10, 2016: Village Council adopted Resolution 2015-46 authorizing the Village Manager to enter into an agreement with the State for the Cultural Affairs Grant in the amount of \$500,000.

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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 001 - General Fund									
REVENUE									
Department 000 - .	21,644,720.00	41,513.00	21,686,233.00	1,281,899.20	.00	21,067,368.99	618,864.01	97	20,342,432.46
REVENUE TOTALS	\$21,644,720.00	\$41,513.00	\$21,686,233.00	\$1,281,899.20	\$0.00	\$21,067,368.99	\$618,864.01	97%	\$20,342,432.46
EXPENSE									
Department 000 - .	2,857,490.00	.00	2,857,490.00	1,852,791.85	.00	2,856,992.80	497.20	100	2,425,022.20
Department 511 - Village Council	230,630.00	.00	230,630.00	2,723.22	.00	203,499.63	27,130.37	88	224,084.18
Department 512 - Administrative	930,960.00	5,000.00	935,960.00	112,540.77	.00	917,331.00	18,629.00	98	933,957.78
Department 513 - Finance Department	369,350.00	.00	369,350.00	34,115.59	.00	355,076.70	14,273.30	96	338,900.83
Department 514 - Village Attorney	420,000.00	.00	420,000.00	92.50	.00	408,407.99	11,592.01	97	431,578.23
Department 519 - General Government	1,620,830.00	84,513.00	1,705,343.00	120,889.98	.00	1,475,137.31	230,205.69	87	1,631,416.54
Department 521 - Police Department	9,487,400.00	100,830.00	9,588,230.00	890,025.32	.00	8,258,021.24	1,330,208.76	86	7,907,429.97
Department 524 - Building, Planning & Zoning -BPZ	1,814,850.00	47,900.00	1,862,750.00	254,770.60	8,774.00	1,912,755.98	(58,779.98)	103	1,905,404.55
Department 539 - Public Works	724,520.00	.00	724,520.00	64,080.37	.00	723,993.35	526.65	100	668,244.91
Department 572 - Parks and Recreation	2,287,610.00	.00	2,287,610.00	184,681.67	.00	2,280,812.25	6,797.75	100	2,240,208.71
Department 575 - Pinecrest Gardens	2,110,160.00	.00	2,110,160.00	169,570.33	.00	1,891,649.76	218,510.24	90	1,924,853.24
EXPENSE TOTALS	\$22,853,800.00	\$238,243.00	\$23,092,043.00	\$3,686,282.20	\$8,774.00	\$21,283,678.01	\$1,799,590.99	92%	\$20,631,101.14
Fund 001 - General Fund Totals									
REVENUE TOTALS	21,644,720.00	41,513.00	21,686,233.00	1,281,899.20	.00	21,067,368.99	618,864.01	97	20,342,432.46
EXPENSE TOTALS	22,853,800.00	238,243.00	23,092,043.00	3,686,282.20	8,774.00	21,283,678.01	1,799,590.99	92	20,631,101.14
Fund 001 - General Fund Totals	(\$1,209,080.00)	(\$196,730.00)	(\$1,405,810.00)	(\$2,404,383.00)	(\$8,774.00)	(\$216,309.02)	(\$1,180,726.98)		(\$288,668.68)



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 101 - Stormwater Utility Fund									
REVENUE									
Department 000 - .	969,590.00	.00	969,590.00	2,346.20	.00	967,428.43	2,161.57	100	676,890.84
REVENUE TOTALS	\$969,590.00	\$0.00	\$969,590.00	\$2,346.20	\$0.00	\$967,428.43	\$2,161.57	100%	\$676,890.84
EXPENSE									
Department 538 - Stormwater	577,010.00	545,000.00	1,122,010.00	160,468.76	700.00	1,155,491.55	(34,181.55)	103	841,338.42
EXPENSE TOTALS	\$577,010.00	\$545,000.00	\$1,122,010.00	\$160,468.76	\$700.00	\$1,155,491.55	(\$34,181.55)	103%	\$841,338.42
Fund 101 - Stormwater Utility Fund Totals									
REVENUE TOTALS	969,590.00	.00	969,590.00	2,346.20	.00	967,428.43	2,161.57	100	676,890.84
EXPENSE TOTALS	577,010.00	545,000.00	1,122,010.00	160,468.76	700.00	1,155,491.55	(34,181.55)	103	841,338.42
Fund 101 - Stormwater Utility Fund Totals	\$392,580.00	(\$545,000.00)	(\$152,420.00)	(\$158,122.56)	(\$700.00)	(\$188,063.12)	\$36,343.12		(\$164,447.58)



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 102 - Transportation Fund									
REVENUE									
Department 000 - .	1,441,820.00	.00	1,441,820.00	41,647.53	.00	523,373.91	918,446.09	36	1,086,262.20
REVENUE TOTALS	\$1,441,820.00	\$0.00	\$1,441,820.00	\$41,647.53	\$0.00	\$523,373.91	\$918,446.09	36%	\$1,086,262.20
EXPENSE									
Department 000 - .	.00	.00	.00	.00	.00	.00	.00	+++	983,294.00
Department 541 - Transportation	2,431,830.00	848,406.00	3,280,236.00	11,646.57	47,562.93	389,512.26	2,843,160.81	13	2,161,694.34
EXPENSE TOTALS	\$2,431,830.00	\$848,406.00	\$3,280,236.00	\$11,646.57	\$47,562.93	\$389,512.26	\$2,843,160.81	13%	\$3,144,988.34
Fund 102 - Transportation Fund Totals									
REVENUE TOTALS	1,441,820.00	.00	1,441,820.00	41,647.53	.00	523,373.91	918,446.09	36	1,086,262.20
EXPENSE TOTALS	2,431,830.00	848,406.00	3,280,236.00	11,646.57	47,562.93	389,512.26	2,843,160.81	13	3,144,988.34
Fund 102 - Transportation Fund Totals	(\$990,010.00)	(\$848,406.00)	(\$1,838,416.00)	\$30,000.96	(\$47,562.93)	\$133,861.65	(\$1,924,714.72)		(\$2,058,726.14)



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 103 - Police Education Fund									
REVENUE									
Department 000 -	5,140.00	.00	5,140.00	886.01	.00	3,598.29	1,541.71	70	11,140.17
REVENUE TOTALS	\$5,140.00	\$0.00	\$5,140.00	\$886.01	\$0.00	\$3,598.29	\$1,541.71	70%	\$11,140.17
EXPENSE									
Department 521 - Police Department	9,010.00	.00	9,010.00	250.00	.00	7,778.34	1,231.66	86	7,542.31
EXPENSE TOTALS	\$9,010.00	\$0.00	\$9,010.00	\$250.00	\$0.00	\$7,778.34	\$1,231.66	86%	\$7,542.31
Fund 103 - Police Education Fund Totals									
REVENUE TOTALS	5,140.00	.00	5,140.00	886.01	.00	3,598.29	1,541.71	70	11,140.17
EXPENSE TOTALS	9,010.00	.00	9,010.00	250.00	.00	7,778.34	1,231.66	86	7,542.31
Fund 103 - Police Education Fund Totals	(\$3,870.00)	\$0.00	(\$3,870.00)	\$636.01	\$0.00	(\$4,180.05)	\$310.05		\$3,597.86



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 104 - Police Forfeiture Fund									
REVENUE									
Department 000 -	.00	.00	.00	.25	.00	51,673.84	(51,673.84)	+++	34,285.29
REVENUE TOTALS	\$0.00	\$0.00	\$0.00	\$0.25	\$0.00	\$51,673.84	(\$51,673.84)	+++	\$34,285.29
EXPENSE									
Department 521 - Police Department	.00	51,090.00	51,090.00	22,623.52	24,365.00	74,539.46	(47,814.46)	194%	.00
EXPENSE TOTALS	\$0.00	\$51,090.00	\$51,090.00	\$22,623.52	\$24,365.00	\$74,539.46	(\$47,814.46)	194%	\$0.00
Fund 104 - Police Forfeiture Fund Totals									
REVENUE TOTALS	.00	.00	.00	.25	.00	51,673.84	(51,673.84)	+++	34,285.29
EXPENSE TOTALS	.00	51,090.00	51,090.00	22,623.52	24,365.00	74,539.46	(47,814.46)	194	.00
Fund 104 - Police Forfeiture Fund Totals	\$0.00	(\$51,090.00)	(\$51,090.00)	(\$22,623.27)	(\$24,365.00)	(\$22,865.62)	(\$3,859.38)		\$34,285.29



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 105 - Hardwire, 911 Fund									
REVENUE									
Department 000 -	168,520.00	.00	168,520.00	16,647.80	.00	149,238.37	19,281.63	89	55,503.54
REVENUE TOTALS	\$168,520.00	\$0.00	\$168,520.00	\$16,647.80	\$0.00	\$149,238.37	\$19,281.63	89%	\$55,503.54
EXPENSE									
Department 521 - Police Department	176,900.00	.00	176,900.00	6,508.61	.00	157,050.13	19,849.87	89	64,300.48
EXPENSE TOTALS	\$176,900.00	\$0.00	\$176,900.00	\$6,508.61	\$0.00	\$157,050.13	\$19,849.87	89%	\$64,300.48
Fund 105 - Hardwire, 911 Fund Totals									
REVENUE TOTALS	168,520.00	.00	168,520.00	16,647.80	.00	149,238.37	19,281.63	89	55,503.54
EXPENSE TOTALS	176,900.00	.00	176,900.00	6,508.61	.00	157,050.13	19,849.87	89	64,300.48
Fund 105 - Hardwire, 911 Fund Totals	(\$8,380.00)	\$0.00	(\$8,380.00)	\$10,139.19	\$0.00	(\$7,811.76)	(\$568.24)		(\$8,796.94)



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 106 - Wireless, 911 Fund									
REVENUE									
Department 000 -	21,200.00	.00	21,200.00	560.59	.00	22,370.46	(1,170.46)	106	5,897.56
REVENUE TOTALS	\$21,200.00	\$0.00	\$21,200.00	\$560.59	\$0.00	\$22,370.46	(\$1,170.46)	106%	\$5,897.56
EXPENSE									
Department 521 - Police Department	34,040.00	.00	34,040.00	1,186.53	.00	35,022.57	(982.57)	103	14,270.80
EXPENSE TOTALS	\$34,040.00	\$0.00	\$34,040.00	\$1,186.53	\$0.00	\$35,022.57	(\$982.57)	103%	\$14,270.80
Fund 106 - Wireless, 911 Fund Totals									
REVENUE TOTALS	21,200.00	.00	21,200.00	560.59	.00	22,370.46	(1,170.46)	106	5,897.56
EXPENSE TOTALS	34,040.00	.00	34,040.00	1,186.53	.00	35,022.57	(982.57)	103	14,270.80
Fund 106 - Wireless, 911 Fund Totals	(\$12,840.00)	\$0.00	(\$12,840.00)	(\$625.94)	\$0.00	(\$12,652.11)	(\$187.89)		(\$8,373.24)



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 107 - CITT Public Transit Fund									
REVENUE									
Department 000 - .	637,000.00	.00	637,000.00	332,912.18	.00	773,077.90	(136,077.90)	121	1,131,500.32
REVENUE TOTALS	\$637,000.00	\$0.00	\$637,000.00	\$332,912.18	\$0.00	\$773,077.90	(\$136,077.90)	121%	\$1,131,500.32
EXPENSE									
Department 541 - Transportation	1,550,950.00	140,153.00	1,691,103.00	77,098.10	90,542.83	1,630,595.94	(30,035.77)	102	235,355.69
EXPENSE TOTALS	\$1,550,950.00	\$140,153.00	\$1,691,103.00	\$77,098.10	\$90,542.83	\$1,630,595.94	(\$30,035.77)	102%	\$235,355.69
Fund 107 - CITT Public Transit Fund Totals									
REVENUE TOTALS	637,000.00	.00	637,000.00	332,912.18	.00	773,077.90	(136,077.90)	121	1,131,500.32
EXPENSE TOTALS	1,550,950.00	140,153.00	1,691,103.00	77,098.10	90,542.83	1,630,595.94	(30,035.77)	102	235,355.69
Fund 107 - CITT Public Transit Fund Totals	(\$913,950.00)	(\$140,153.00)	(\$1,054,103.00)	\$255,814.08	(\$90,542.83)	(\$857,518.04)	(\$106,042.13)		\$896,144.63



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 108 - Prepaid Phone 911 Fund									
REVENUE									
Department 000 -	.00	.00	.00	223.88	.00	2,610.51	(2,610.51)	+++	.00
REVENUE TOTALS	\$0.00	\$0.00	\$0.00	\$223.88	\$0.00	\$2,610.51	(\$2,610.51)	+++	\$0.00
EXPENSE									
Department 521 - Police Department	.00	.00	.00	.00	.00	2,200.00	(2,200.00)	+++	.00
EXPENSE TOTALS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,200.00	(\$2,200.00)	+++	\$0.00
Fund 108 - Prepaid Phone 911 Fund Totals									
REVENUE TOTALS	.00	.00	.00	223.88	.00	2,610.51	(2,610.51)	+++	.00
EXPENSE TOTALS	.00	.00	.00	.00	.00	2,200.00	(2,200.00)	+++	.00
Fund 108 - Prepaid Phone 911 Fund Totals	\$0.00	\$0.00	\$0.00	\$223.88	\$0.00	\$410.51	(\$410.51)		\$0.00



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 201 - Debt Service Fund									
REVENUE									
Department 000 -	1,977,480.00	.00	1,977,480.00	1,067,791.85	.00	1,966,982.80	10,497.20	99	1,916,182.20
REVENUE TOTALS	\$1,977,480.00	\$0.00	\$1,977,480.00	\$1,067,791.85	\$0.00	\$1,966,982.80	\$10,497.20	99%	\$1,916,182.20
EXPENSE									
Department 000 -	1,977,480.00	.00	1,977,480.00	1,067,791.85	.00	1,966,982.80	10,497.20	99	1,916,182.20
EXPENSE TOTALS	\$1,977,480.00	\$0.00	\$1,977,480.00	\$1,067,791.85	\$0.00	\$1,966,982.80	\$10,497.20	99%	\$1,916,182.20
Fund 201 - Debt Service Fund Totals									
REVENUE TOTALS	1,977,480.00	.00	1,977,480.00	1,067,791.85	.00	1,966,982.80	10,497.20	99	1,916,182.20
EXPENSE TOTALS	1,977,480.00	.00	1,977,480.00	1,067,791.85	.00	1,966,982.80	10,497.20	99	1,916,182.20
Fund 201 - Debt Service Fund Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00



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Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 301 - Capital Projects Fund									
REVENUE									
Department 000 -	1,318,000.00	.00	1,318,000.00	791,971.67	.00	845,548.60	472,451.40	64	6,506,027.89
REVENUE TOTALS	\$1,318,000.00	\$0.00	\$1,318,000.00	\$791,971.67	\$0.00	\$845,548.60	\$472,451.40	64%	\$6,506,027.89
EXPENSE									
Department 000 -	.00	.00	.00	.00	.00	.00	.00	+++	39,439.44
Department 519 - General Government	100,000.00	225,000.00	325,000.00	5,600.00	11,200.00	16,800.00	297,000.00	9	.00
Department 539 - Public Works	.00	.00	.00	6,374.00	.00	9,874.00	(9,874.00)	+++	.00
Department 572 - Parks and Recreation	.00	5,811,099.00	5,811,099.00	97,691.78	585,557.62	798,683.28	4,426,858.10	24	179,417.91
Department 575 - Pinecrest Gardens	1,569,910.00	148,605.00	1,718,515.00	52,561.50	1,141,826.01	592,630.03	(15,941.04)	101	178,715.45
EXPENSE TOTALS	\$1,669,910.00	\$6,184,704.00	\$7,854,614.00	\$162,227.28	\$1,738,583.63	\$1,417,987.31	\$4,698,043.06	40%	\$397,572.80
Fund 301 - Capital Projects Fund Totals									
REVENUE TOTALS	1,318,000.00	.00	1,318,000.00	791,971.67	.00	845,548.60	472,451.40	64	6,506,027.89
EXPENSE TOTALS	1,669,910.00	6,184,704.00	7,854,614.00	162,227.28	1,738,583.63	1,417,987.31	4,698,043.06	40	397,572.80
Fund 301 - Capital Projects Fund Totals	(\$351,910.00)	(\$6,184,704.00)	(\$6,536,614.00)	\$629,744.39	(\$1,738,583.63)	(\$572,438.71)	(\$4,225,591.66)		\$6,108,455.09
Grand Totals									
REVENUE TOTALS	28,183,470.00	41,513.00	28,224,983.00	3,536,887.16	.00	26,373,272.10	1,851,710.90	93	31,766,122.47
EXPENSE TOTALS	31,280,930.00	8,007,596.00	39,288,526.00	5,196,083.42	1,910,528.39	28,120,838.37	9,257,159.24	76	27,252,652.18
Grand Totals	(\$3,097,460.00)	(\$7,966,083.00)	(\$11,063,543.00)	(\$1,659,196.26)	(\$1,910,528.39)	(\$1,747,566.27)	(\$7,405,448.34)		\$4,513,470.29

VILLAGE OF PINECREST
INVESTMENT RETURNS
INTEREST RATES

SOURCE	Oct. 15	Nov. 15	Dec. 15	Jan. 16	Feb. 16	Mar. 16	Apr. 16	May-15	June 16	July 16	Aug. 16	Sept. 16
STATE POOL	0.25%	0.26%	0.42%	0.51%	0.53%	0.58%	0.58%	0.61%	0.64%	0.68%	0.77%	0.84%
BB&T/BK SWEEP	0.01%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%
T-BILLS												
6 Months	0.16%	0.35%	0.55%	0.42%	0.48%	0.48%	0.40%	0.48%	0.40%	0.43%	0.48%	0.42%
3 Months	0.02%	0.14%	0.26%	0.31%	0.33%	0.30%	0.25%	0.34%	0.27%	0.32%	0.34%	0.25%
BBB&T, CD's over \$1MM												
One Year	0.45%	NA	NA	NA	0.30%	0.01%	0.01%	0.20%	0.77%	0.30%	0.30%	0.30%
6 Months	0.22%	NA	NA	NA	0.17%	0.01%	0.01%	0.10%	0.60%	0.17%	0.17%	0.17%
National Rates												
One Year	1.10%	1.12%	1.12%	1.09%	1.13%	1.11%	1.12%	1.09%	1.09%	1.13%	1.15%	1.18%
PRIME RATE	3.25%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
CONSUMER PRICE INDE	237.9	244.1	243.8	244.5	245.7	246.4	247.0	247.6	247.8	247.8	248.2	
Plus/Minus Year Ago	1.9%	2.0%	2.1%	2.2%	2.3%	2.2%	2.1%	2.2%	2.3%	2.2%	2.3%	
MORTGAGE/SECURITIES *												
30 Years -												
Fannie Mae (FNMA)	3.43%	3.51%	3.58%	3.31%	3.32%	3.15%	3.16%	3.21%	3.08%	2.83%	2.90%	2.89%
NAPM ** / ISM	50.1	48.6	48.2	48.2	49.5	51.8	50.8	51.3	53.2	52.6	49.4	51.5

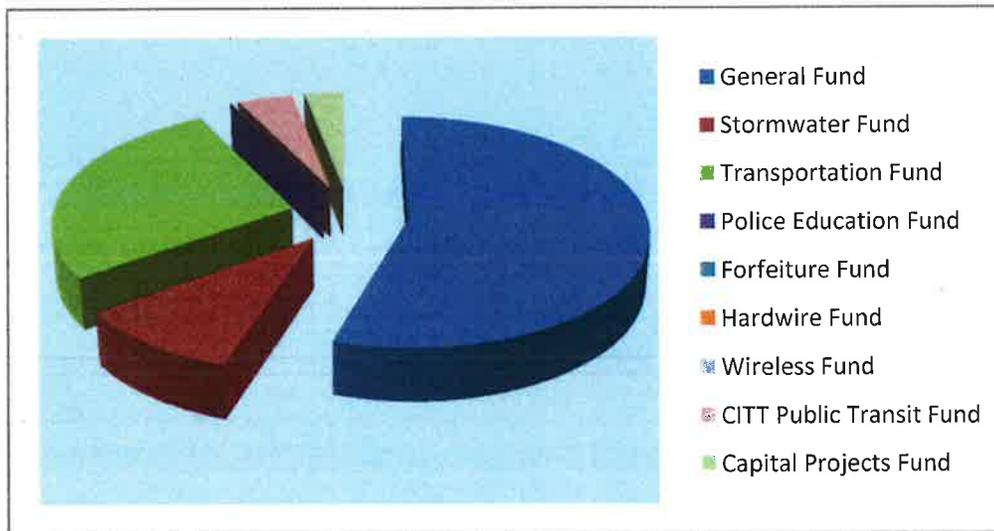
* Mortgage/Securities Return Principal and Interest on a Monthly Basis

** Institute for Supply Management, a reading of under 50 denotes contraction and a reading of above 50 denotes expansion in the manufacturing sector of the economy.

Cash Summary

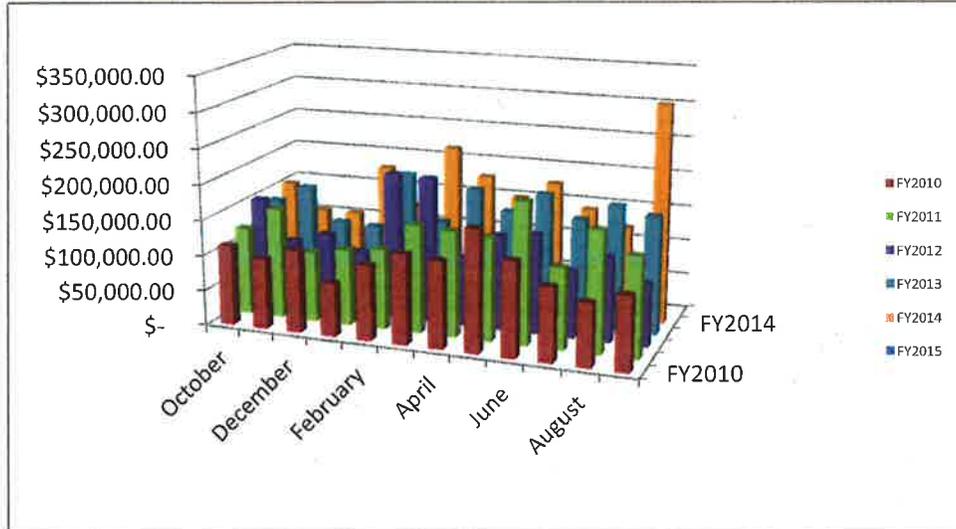
FY 2016
September, 2016

Fund #		Total	B&B	State Investment Pool
001	General Fund	\$ 8,167,606	\$ 907,234	\$ 7,260,372
101	Stormwater Fund	\$ 452,129	\$ 176,740	\$ 275,389
102	Transportation Fund	\$ 4,444,064	\$ 2,577,466	\$ 1,866,598
103	Police Education Fund	\$ 4,584	\$ 2,278	\$ 2,306
104	Forfeiture Fund	\$ 44,807	\$ 44,807	
105	Hardwire Fund	\$ 10,186	\$ 10,186	
106	Wireless Fund	\$ 13,821	\$ 13,821	
107	CITT Public Transit Fund	\$ 32,244	\$ 32,244	\$ -
108	Prepaid Wireless 911	\$ 411	\$ 411	
301	Capital Projects Fund	\$ 6,038,196	\$ 905,515	\$ 5,132,681
Totals		\$19,208,048	\$ 4,670,702	\$ 14,537,346



**Building, Planning & Zoning
FY 2011-Present**

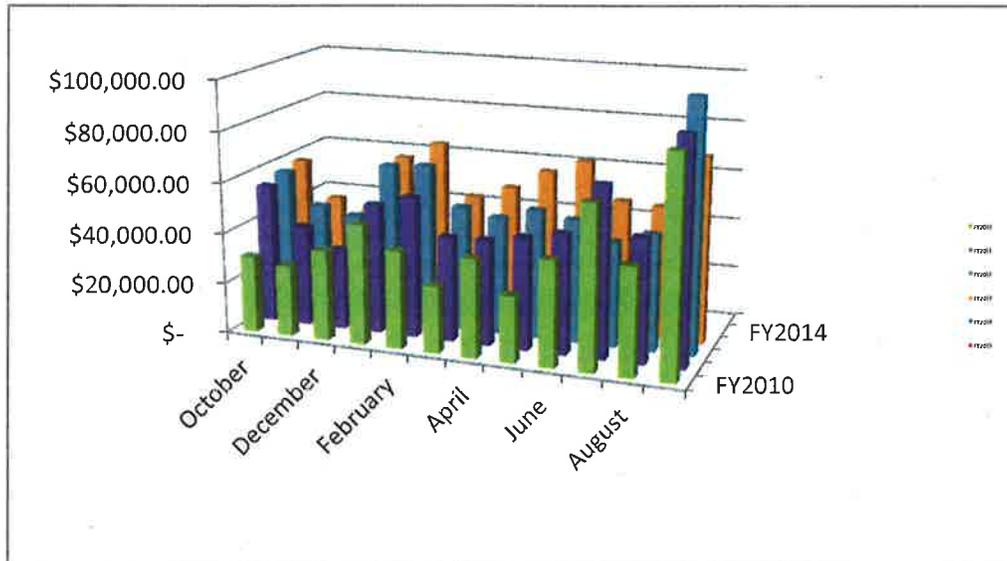
	322.000	322.000	322.000	322.000	322.000	322.000
	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
October	\$ 124,372.72	\$ 153,151.16	\$ 139,836.17	\$ 154,221.74	\$ 208,891.46	\$ 187,635.00
November	\$ 156,274.48	\$ 97,634.95	\$ 164,116.86	\$ 117,371.73	\$ 168,584.76	\$ 131,920.81
December	\$ 99,397.63	\$ 111,113.29	\$ 116,232.17	\$ 116,826.14	\$ 150,381.66	\$ 169,368.22
January	\$ 108,105.11	\$ 90,161.72	\$ 114,054.80	\$ 189,594.75	\$ 173,820.94	\$ 164,873.36
February	\$ 113,181.14	\$ 206,746.95	\$ 194,576.33	\$ 136,664.18	\$ 143,674.08	\$ 219,359.32
March	\$ 152,109.22	\$ 204,799.10	\$ 130,675.26	\$ 225,909.66	\$ 203,023.50	\$ 190,316.25
April	\$ 148,677.70	\$ 96,539.87	\$ 181,100.21	\$ 188,486.79	\$ 165,932.19	\$ 160,383.54
May	\$ 145,284.67	\$ 133,604.20	\$ 154,103.18	\$ 161,354.35	\$ 339,185.71	\$ 221,580.78
June	\$ 198,657.20	\$ 140,277.60	\$ 182,684.14	\$ 186,916.99	\$ 233,894.37	\$ 273,261.70
July	\$ 114,144.13	\$ 94,231.13	\$ 152,110.96	\$ 153,450.16	\$ 245,369.43	\$ 269,722.79
August	\$ 169,889.69	\$ 118,856.41	\$ 176,013.58	\$ 132,811.12	\$ 148,086.45	\$ 204,442.85
September	\$ 140,014.68	\$ 87,754.30	\$ 165,860.78	\$ 308,928.65	\$ 195,070.39	
Totals	\$ 1,670,108.37	\$ 1,534,870.68	\$ 1,871,364.44	\$ 2,072,536.26	\$ 2,375,914.94	\$ 2,192,864.62



Community Center

FY 2011-Present

	347.100 FY2011	347.100 FY2012	347.100 FY2013	347.100 FY2014	347.100 FY2015	347.100 FY206
October	\$ 55,051.73	\$ 57,225.98	\$ 58,686.14	\$ 68,959.57	\$ 56,473.78	\$ 86,738.40
November	\$ 39,804.73	\$ 44,446.17	\$ 44,368.36	\$ 68,776.34	\$ 47,475.82	\$ 54,306.39
December	\$ 31,951.96	\$ 41,692.76	\$ 40,571.33	\$ 51,388.63	\$ 49,638.73	\$ 77,368.02
January	\$ 51,300.08	\$ 63,373.86	\$ 63,490.21	\$ 74,955.92	\$ 68,917.05	\$ 98,487.17
February	\$ 55,579.38	\$ 64,512.86	\$ 70,217.72	\$ 59,146.69	\$ 68,682.40	\$ 81,038.94
March	\$ 41,352.20	\$ 49,299.82	\$ 50,046.06	\$ 50,695.16	\$ 54,796.81	\$ 68,985.96
April	\$ 41,698.79	\$ 46,405.40	\$ 55,033.50	\$ 71,363.41	\$ 55,704.60	\$ 78,722.87
May	\$ 44,321.48	\$ 50,707.09	\$ 62,644.78	\$ 69,243.65	\$ 61,756.08	\$ 66,587.99
June	\$ 47,204.06	\$ 48,466.45	\$ 67,919.22	\$ 60,962.11	\$ 72,711.90	\$ 88,563.74
July	\$ 67,134.36	\$ 41,381.22	\$ 53,627.90	\$ 56,275.05	\$ 78,142.80	\$ 84,887.28
August	\$ 48,701.35	\$ 45,806.14	\$ 52,576.77	\$ 49,459.73	\$ 75,567.21	\$ 84,721.47
Totals	\$ 612,160.95	\$ 652,013.66	\$ 692,586.72	\$ 776,897.70	\$ 803,908.68	\$ 870,408.23





Budget Performance Report

Fiscal Year to Date 08/31/16

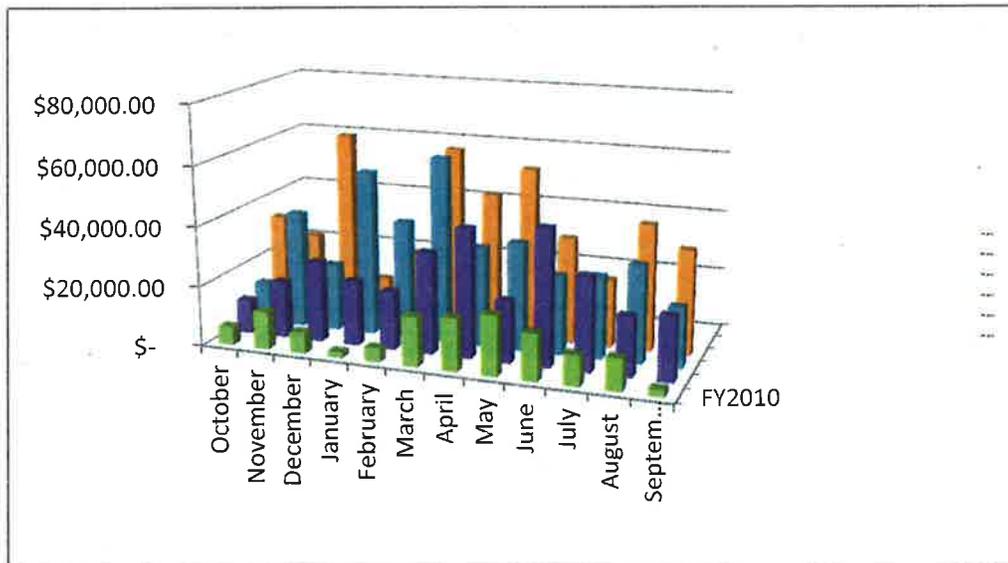
Include Rollup Account and Rollup to Object

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 001 - General Fund										
REVENUE										
Department 000 - .										
Division 00 - .										
347	Cult & Rec									
347.100	Cult & Rec Community Center, Control	748,960.00	.00	748,960.00	.00	.00	.00	748,960.00	0	.00
347.101	Cult & Rec CC Building Rentals	.00	.00	.00	.00	.00	3,450.00	(3,450.00)	+++	4,698.90
347.104	Cult & Rec CC Camps	.00	.00	.00	.00	.00	6,384.00	(6,384.00)	+++	63,736.50
347.105	Cult & Rec CC Concession Sales	.00	.00	.00	1,230.33	.00	17,185.14	(17,185.14)	+++	20,383.00
347.106	Cult & Rec CC Donations	.00	.00	.00	.00	.00	275.00	(275.00)	+++	75.00
347.107	Cult & Rec CC Classes, Member	.00	.00	.00	8,449.00	.00	125,241.87	(125,241.87)	+++	106,653.11
347.108	Cult & Rec CC Trainer Fees	.00	.00	.00	2,200.00	.00	27,200.00	(27,200.00)	+++	22,000.00
347.109	Cult & Rec CC Day Passes	.00	.00	.00	201.08	.00	3,633.55	(3,633.55)	+++	2,043.63
347.110	Cult & Rec CC Memeberships, Annual, Residen	.00	.00	.00	21,176.21	.00	145,361.42	(145,361.42)	+++	158,258.64
347.111	Cult & Rec CC Memberships, 90 Days, Res.	.00	.00	.00	2,700.00	.00	20,158.34	(20,158.34)	+++	14,996.79
347.112	Cult & Rec CC Memberships, 30 Days, Residen	.00	.00	.00	4,430.00	.00	43,100.96	(43,100.96)	+++	35,137.69
347.113	Cult & Rec CC Memberships, One Week	.00	.00	.00	100.00	.00	1,260.00	(1,260.00)	+++	466.40
347.116	Cult & Rec CC, Special Events	.00	.00	.00	.00	.00	4,000.76	(4,000.76)	+++	3,773.33
347.117	Cult & Rec CC Classes, Nonmember	.00	.00	.00	41,748.50	.00	453,258.57	(453,258.57)	+++	356,522.07
347.120	Cult & Rec CC Memberships, Annual Non-res.	.00	.00	.00	1,475.46	.00	11,407.96	(11,407.96)	+++	8,829.37
347.121	Cult & Rec CC Memberships, 90 Day, Non res.	.00	.00	.00	832.15	.00	4,679.65	(4,679.65)	+++	3,885.98
347.122	Cult & Rec CC Memberships, 30 Day Non-Res	.00	.00	.00	1,680.00	.00	17,095.00	(17,095.00)	+++	13,116.81
347.123	Cult & Rec CC Senior Trips/Tours	.00	.00	.00	40.00	.00	570.00	(570.00)	+++	.00
347.199	Cult & Rec CC Credit Card Fees	.00	.00	.00	(1,541.26)	.00	(13,853.99)	13,853.99	+++	(10,462.56)
347 - Cult & Rec Totals		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)	116%	\$804,114.66
Division 00 - . Totals		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)	116%	\$804,114.66
Department 000 - . Totals		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)	116%	\$804,114.66
REVENUE TOTALS		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)	116%	\$804,114.66
Fund 001 - General Fund Totals										
REVENUE TOTALS		748,960.00	.00	748,960.00	84,721.47	.00	870,408.23	(121,448.23)	116	804,114.66
EXPENSE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
Fund 001 - General Fund Totals		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)		\$804,114.66
Grand Totals										
REVENUE TOTALS		748,960.00	.00	748,960.00	84,721.47	.00	870,408.23	(121,448.23)	116	804,114.66
EXPENSE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
Grand Totals		\$748,960.00	\$0.00	\$748,960.00	\$84,721.47	\$0.00	\$870,408.23	(\$121,448.23)		\$804,114.66

Pinecrest Gardens

FY 2011-Present

	347.300	347.300	347.300	347.300	347.300	347.300
	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
October	\$ 11,243.76	\$ 13,450.16	\$ 33,732.10	\$ 54,371.87	\$ 57,055.54	\$ 87,203.52
November	\$ 18,808.29	\$ 38,968.46	\$ 28,178.10	\$ 40,726.62	\$ 44,278.99	\$ 32,183.45
December	\$ 26,755.29	\$ 22,240.33	\$ 63,964.43	\$ 63,360.51	\$ 58,727.69	\$ 59,393.92
January	\$ 21,477.43	\$ 54,943.45	\$ 15,290.47	\$ 50,434.14	\$ 61,992.27	\$ 47,022.25
February	\$ 19,487.57	\$ 39,095.43	\$ 25,440.29	\$ 6,444.61	\$ 68,940.12	\$ 52,707.87
March	\$ 33,558.90	\$ 61,439.29	\$ 61,885.62	\$ 62,552.68	\$ 66,362.13	\$ 62,947.61
April	\$ 42,693.96	\$ 32,931.61	\$ 47,644.32	\$ 56,389.43	\$ 40,328.49	\$ 55,883.51
May	\$ 20,454.06	\$ 35,778.82	\$ 57,180.07	\$ 31,627.53	\$ 50,261.97	\$ 62,027.82
June	\$ 45,174.14	\$ 26,152.56	\$ 35,194.79	\$ 54,588.70	\$ 42,159.26	\$ 34,534.33
July	\$ 31,086.35	\$ 27,231.50	\$ 22,487.25	\$ 33,654.39	\$ 42,261.88	\$ 43,080.37
August	\$ 19,646.32	\$ 32,070.29	\$ 42,008.65	\$ 24,941.25	\$ 32,834.04	\$ 27,124.04
September	\$ 21,152.96	\$ 19,923.30	\$ 34,773.04	\$ 29,640.34	\$ 33,047.49	
Totals	\$ 311,539.03	\$ 404,225.20	\$ 467,779.13	\$ 508,732.07	\$ 598,249.87	\$ 564,108.69





Budget Performance Report

Fiscal Year to Date 08/31/16
Include Rollup Account and Rollup to Object

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 001 - General Fund										
REVENUE										
Department 000 -										
Division 00 -										
347	Cult & Rec									
347.300	Cult & Rec Pinecrest Gardens, Control	593,300.00	.00	593,300.00	.00	.00	.00	593,300.00	0	.00
347.301	Cult & Rec PG Corporate Sponsorship	.00	.00	.00	.00	.00	42,500.00	(42,500.00)	+++	45,520.00
347.302	Cult & Rec PG Farmers Market	.00	.00	.00	2,000.00	.00	36,300.00	(36,300.00)	+++	44,575.00
347.304	Cult & Rec PG Gardens Gallery	.00	.00	.00	245.00	.00	245.00	(245.00)	+++	.00
347.305	Cult & Rec PG Admissions, Adult	.00	.00	.00	.00	.00	.00	.00	+++	15.00
347.308	Cult & Rec PG Memberships, Annual Passes	.00	.00	.00	1,126.25	.00	10,979.00	(10,979.00)	+++	10,508.00
347.309	Cult & Rec PG Concessions, Iguana Bite	.00	.00	.00	1,143.85	.00	9,133.70	(9,133.70)	+++	10,602.80
347.310	Cult & Rec PG Concessions, Events	.00	.00	.00	77.00	.00	6,949.12	(6,949.12)	+++	5,033.05
347.311	Cult & Rec PG Children's Workshops	.00	.00	.00	.00	.00	343.80	(343.80)	+++	1,434.90
347.312	Cult & Rec PG Banyan Bowl Ticket Sales	.00	.00	.00	.00	.00	86,182.55	(86,182.55)	+++	72,884.55
347.313	Cult & Rec PG Fine Arts Festival, Booths	.00	.00	.00	.00	.00	20,300.00	(20,300.00)	+++	17,450.00
347.314	Cult & Rec PG Fine Arts Festival Posters	.00	.00	.00	.00	.00	.00	.00	+++	145.00
347.315	Cult & Rec PG Eggstravaganza, Tickets	.00	.00	.00	.00	.00	18,430.00	(18,430.00)	+++	11,955.00
347.316	Cult & Rec PG Eggstravaganza, Baskets	.00	.00	.00	.00	.00	489.00	(489.00)	+++	333.00
347.317	Cult & Rec PG Eggstravaganza Booths	.00	.00	.00	.00	.00	2,850.00	(2,850.00)	+++	2,986.60
347.318	Cult & Rec PG Howl-O-Ween Parade Tickets	.00	.00	.00	.00	.00	6,070.00	(6,070.00)	+++	.00
347.319	Cult & Rec PG General Admissions	.00	.00	.00	12,376.00	.00	137,934.88	(137,934.88)	+++	173,119.78
347.320	Cult & Rec PG Senior Admissions	.00	.00	.00	438.00	.00	7,664.00	(7,664.00)	+++	10,078.55
347.321	Cult & Rec Mom's Exhibit	.00	.00	.00	12.00	.00	69.00	(69.00)	+++	.00
347.322	Cult & Rec PG Earth Day Booth Sales	.00	.00	.00	.00	.00	1,645.00	(1,645.00)	+++	1,380.00
347.325	Cult & Rec PG Movie Tickets	.00	.00	.00	.00	.00	6,520.00	(6,520.00)	+++	7,812.00
347.326	Cult & Rec PG Movie Concession	.00	.00	.00	.00	.00	1,244.14	(1,244.14)	+++	2,832.00
347.327	Cult & Rec PG Vending Machine Sales	.00	.00	.00	57.00	.00	476.93	(476.93)	+++	537.00
347.328	Cult & Rec PG Venue, Patio Rental	.00	.00	.00	.00	.00	3,900.00	(3,900.00)	+++	4,300.00
347.329	Cult & Rec PG, Pergola Rental	.00	.00	.00	.00	.00	4,700.00	(4,700.00)	+++	1,700.00
347.330	Cult & Rec PG, Venue, Lakeview Rental	.00	.00	.00	.00	.00	6,235.00	(6,235.00)	+++	8,280.00
347.331	Cult & Rec PG Venue, Meadows Rental	.00	.00	.00	1,550.00	.00	7,615.00	(7,615.00)	+++	4,150.00
347.332	Cult & Rec PG Venue Picnic Rentals	.00	.00	.00	2,750.00	.00	26,800.00	(26,800.00)	+++	28,805.00
347.333	Cult & Rec PG Venue Rental, Hibiscus Rental	.00	.00	.00	123.75	.00	12,733.75	(12,733.75)	+++	7,757.50
347.334	Cult & Rec PG Venue Rental, Plant Societie	.00	.00	.00	.00	.00	4,200.00	(4,200.00)	+++	7,100.00
347.335	Cult & Rec PG Banyan Bowl Rental	.00	.00	.00	.00	.00	11,650.00	(11,650.00)	+++	17,238.20
347.336	Cult & Rec PG Original Entrance Rental	.00	.00	.00	.00	.00	13,925.00	(13,925.00)	+++	13,230.00
347.337	Cult & Rec PG Parking Lot Rental	.00	.00	.00	.00	.00	11,260.00	(11,260.00)	+++	4,000.00
347.338	Cult & Rec PG Commercial Video - Photo	.00	.00	.00	100.00	.00	3,900.00	(3,900.00)	+++	11,120.00
347.339	Cult & Rec PG Girl Scouts Programs	.00	.00	.00	24.00	.00	24.00	(24.00)	+++	.00
347.340	Cult & Rec PG Plant Sales	.00	.00	.00	.00	.00	121.00	(121.00)	+++	.00



Budget Performance Report

Fiscal Year to Date 08/31/16
 Include Rollup Account and Rollup to Object

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 001 - General Fund										
REVENUE										
Department 000 -										
Division 00 -										
347	Cult & Rec									
347.342	Cult & Rec PG Donations	.00	.00	.00	.00	.00	500.00	(500.00)	+++	4,700.00
347.343	Cult & Rec PG Fish Food	.00	.00	.00	116.00	.00	2,284.03	(2,284.03)	+++	2,433.50
347.344	Cult & Rec PG Merchandise	.00	.00	.00	6.00	.00	6.00	(6.00)	+++	8.00
347.345	Cult & Rec PG Field Trips	.00	.00	.00	3,042.15	.00	16,737.05	(16,737.05)	+++	17,608.00
347.346	Cult & Rec PG Event Photos	.00	.00	.00	.00	.00	2,225.00	(2,225.00)	+++	2,731.00
347.348	Cult & Rec PG Horticulture Class	.00	.00	.00	240.00	.00	1,480.00	(1,480.00)	+++	1,256.40
347.350	Cult & Rec PG Chili Cook-off Booths	.00	.00	.00	.00	.00	5,281.00	(5,281.00)	+++	1,835.00
347.351	Cult & Rec PG Chili Cook-off Admission	.00	.00	.00	.00	.00	1,045.00	(1,045.00)	+++	5,230.00
347.352	Cult & Rec PG Holiday Festival Booths	.00	.00	.00	.00	.00	2,375.00	(2,375.00)	+++	2,381.00
347.353	Cult & Rec PG Holiday Festival Admission	.00	.00	.00	.00	.00	3,705.00	(3,705.00)	+++	11,382.00
347.354	Cult & Rec PG Nights of Lights Admission	.00	.00	.00	.00	.00	17,920.00	(17,920.00)	+++	3,560.00
347.355	Cult & Rec PG Butterfly House	.00	.00	.00	.00	.00	7,646.15	(7,646.15)	+++	11,300.00
347.356	Cult & Rec PG Hammock Pavilion	.00	.00	.00	1,500.00	.00	10,550.00	(10,550.00)	+++	5,500.00
347.357	Cult & Rec PG Summer Camps	.00	.00	.00	.00	.00	210.00	(210.00)	+++	12,209.00
347.358	Cult & Rec Secret Garden	.00	.00	.00	.00	.00	450.00	(450.00)	+++	300.00
347.399	Cult & Rec PG Credit card fees	.00	.00	.00	(952.96)	.00	(11,695.41)	11,695.41	+++	(11,066.96)
347 - Cult & Rec Totals		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31	95%	\$598,249.87
Division 00 - Totals		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31	95%	\$598,249.87
Department 000 - Totals		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31	95%	\$598,249.87
REVENUE TOTALS		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31	95%	\$598,249.87
Fund 001 - General Fund Totals										
REVENUE TOTALS		593,300.00	.00	593,300.00	27,124.04	.00	564,108.69	29,191.31	95	598,249.87
EXPENSE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
Fund 001 - General Fund Totals		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31		\$598,249.87
Grand Totals										
REVENUE TOTALS		593,300.00	.00	593,300.00	27,124.04	.00	564,108.69	29,191.31	95	598,249.87
EXPENSE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
Grand Totals		\$593,300.00	\$0.00	\$593,300.00	\$27,124.04	\$0.00	\$564,108.69	\$29,191.31		\$598,249.87

Village Council
Expense Log
.001.511.00.440.000
FY2016
Travel

\$ 25,000.00

Date	Check #	Vendor	Mayor Lerner	CM McDonald	CM Ross	CM Kraft	CM Ball	Total
10/28/2015	69468	Bob Ross, PBA Luncheon			\$ 20.00			\$ 20.00
11/12/2015	69548	James McDonald, NLC, Nashville, TN		\$ 2,011.06				\$ 2,011.06
11/13/2015	69555	Miami Dade County Days			\$ 950.00			\$ 950.00
11/20/2015	69653	Cindy Lerner, NLC Congress	\$ 1,755.37					\$ 1,755.37
11/24/2015	69669	Bob Ross, PBA Luncheon			\$ 20.00			\$ 20.00
11/24/2015	44917	Doug Kraft, PBA Luncheon				\$ 20.00		\$ 20.00
12/11/2015	69770	James McDonald, Congressional City Conference		\$ 394.20				\$ 394.20
12/11/2015	69771	MDCLC Meeting		\$ 50.00				\$ 50.00
12/29/2015	69870	Cindy Lerner, SE FI Climate Change Summit	\$ 699.76					\$ 699.76
12/31/2015	69924	BB&T, Miami Dade County Days				\$ 988.45		\$ 988.45
1/11/2016	69973	James McDonald, FLC flight		\$ 385.20				\$ 385.20
1/27/2016	70099	James McDonald, PBA Luncheon		\$ 20.00				\$ 20.00
2/12/2016	70224	James McDonald, Tallahassee travel		\$ 859.71				\$ 859.71
2/25/2016	70336	Bob Ross, PBA Luncheon			\$ 26.41			\$ 26.41
3/14/2016	70444	James McDonald, NLC travel expenses, Wash DC		\$ 2,065.61				\$ 2,065.61
3/21/2016	70552	NLC City Conference, Wash DC	\$ 1,364.10					\$ 1,364.10
3/28/2016	70554	MDCLC Meeting		\$ 50.00				\$ 50.00
3/29/2016	70572	Bob Ross, PBA Luncheon			\$ 20.00			\$ 20.00
4/13/2016	70673	James McDonald, PBA Luncheon		\$ 20.00				\$ 20.00
4/13/2016	70673	James McDonald, NLC Kansas		\$ 577.70				\$ 577.70
4/27/2016	70782	Bob Ross, PBA Luncheon			\$ 20.00			\$ 20.00
4/27/2016	70766	MDCLC Meeting		\$ 50.00				\$ 50.00
4/27/2016	70766	MDCLC Meeting			\$ 50.00			\$ 50.00
5/24/2016	70941	Cindy Lerner, Climate summit, May 5	\$ 1,205.79					\$ 1,205.79
5/26/2016	70944	James McDonald, PBA Luncheon		\$ 20.00				\$ 20.00
5/26/2016	70945	James McDonald, MDCLC Luncheon		\$ 50.00				\$ 50.00
6/10/2016	45712	Doug Kraft, PBA Luncheon				\$ 20.00		\$ 20.00
6/28/2016	71121	Bob Ross, PBA Luncheon			\$ 20.00			\$ 20.00
6/28/2016	71104	James McDonald, PBA Luncheon		\$ 20.00				\$ 20.00
6/30/2016	71148	BB&T Dade County League, James McDonald		\$ 35.00				\$ 35.00
7/29/2016	71230	BB&T, Miami Chamber of Commerce Trustee luncheon		\$ 55.00				\$ 55.00
7/29/2016	71230	BB&T American Airlines - change of flight fee	\$ 95.00					\$ 95.00
7/29/2016	71229	Cheri Ball 6/21 & 7/19 PBA Luncheon			\$ -		\$ 40.00	\$ 40.00
7/29/2016	71272	Bob Ross 6/21 PBA Luncheon			\$ 20.00		\$ -	\$ 20.00
7/29/2016	71263	NLC Summit		\$ 507.72				\$ 507.72
7/29/2016	71229	NLC Summit					\$ 585.00	\$ 585.00
7/29/2016	71229	MDCLC BOD Meeting			\$ 50.00			\$ 50.00
8/15/2016	71333	Cindy Lerner, Drinking Water meeting	\$ 341.12					\$ 341.12
8/15/2016	71335	MDCLC Meeting				\$ 60.00		\$ 60.00
8/29/2016	71426	MDCLC Meeting		\$ 50.00				\$ 50.00
8/29/2016	71425	FLC Meeting		\$ 9.43				\$ 9.43
8/30/2016	47039	Doug Kraft, PBA Luncheon				\$ 40.00		\$ 40.00
9/12/2016	71459	BB&T Miami Chamber, James McDonald		\$ 55.00				\$ 55.00
9/14/2016	71489	Palmetto Bay Business Association		\$ 20.00				\$ 20.00
9/29/2016	71565	Chamber South Mtg & Parking		\$ 29.00				\$ 29.00
9/29/2016	71576	Bob Ross, FPL Light Survey			\$ 54.00			\$ 54.00
			\$ 5,461.14	\$ 7,334.63	\$ 1,250.41	\$ 1,128.45	\$ 625.00	\$ 15,799.63
Balance								\$ 9,200.37

VILLAGE OF PINECREST
BUDGET HIGHLIGHTS
September, 2016

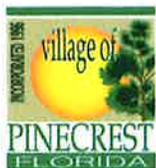
The Village of Pinecrest's overall financial health is strong in the midst of the current economic climate. The following items are areas worthy of comment:

General Fund:

- Community Center revenues through August are \$870,403, an increase of \$180,536 or 26.2% from the previous year.
- Pinecrest Garden revenues through August are \$564,108, a decrease of \$1,094 or 0.002% from the previous year.
- The BPZ revenues through September were \$2,192,865, an increase of \$12,020 or 0.1% from the previous year.
- The tree account has a balance of \$42,918 as of August, 2016. There have been \$75,701 of projects completed to date this year.
- For the year ending 9/30/2015, GASB 68 required that the Village carry an actuarial pension liability of \$4,848,902 on its government-wide financial statements. The State of Florida FRS plan actuaries will provide us with that figure at year end.
- The audited general fund balance for FY15 is \$7,869,405. The unassigned fund balance and prepaid expenses equal \$6,511,595. The breakdown is:
 - Carryovers and used to balance subsequent years budget \$ 1,357,810
 - Prepaid expenses 107,706
 - Unassigned 6,403,889
- The 4th quarter budget amendment will be presented at the November, 2016 for the fourth quarter of FY2016. The following items will be considered:
 - Higher than anticipated attorney fees for the FY2016 fiscal year.
 - BPZ budget will be over budget due to increase activity offset by increased revenues.
 - Higher than anticipated Public Works Department expenses for the FY2016 fiscal year.
 - CITT Fund expenses were higher than anticipated but use carryovered funds from previous years which Miami Dade County requested be expended at a faster rate.
 - 911 Prepaid Funds which were received but unexpected and unbudgeted.

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Guido H. Inguanzo, Jr., CMC
Village Clerk
clerk@pinecrest-fl.gov

MEMORANDUM
Office of the Village Clerk

DATE: October 11, 2016
TO: Yocelyn Galiano, ICMA-CM, Village Manager
FROM: Michelle Hammontree, Communications Manager
RE: Communications Division September 2016 Monthly Report

Michelle Hammontree

General Social Media

Facebook: 1803 Likes
Twitter: 1118 Followers
Instagram: 485 Followers

Parks and Recreation Department Social Media

Facebook: 1114 Likes
Twitter: 21
Instagram: 277

Pinecrest Gardens Social Media

Facebook: 5760 Likes
Twitter: 1311 Followers
Instagram: 738 Followers

Police Social Media

Facebook: 1085 Likes
Twitter: 383 Followers
Instagram: 209 Followers

Broadcasting Clips via TVEyes

Total Clips: 5
Total Local Viewership: 211,792
Total Local Market Publicity Value: \$28,677.58

E-News Subscribers

General 1348
Parks and Recreation 10,690
Pinecrest Gardens 9,067

Press Releases

Total: 5

Website

17,096 Visits
48,301 Page views



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Leo Llanos, P.E.
 Building Official
 building@pinecrest-fl.gov

MEMORANDUM
 Department of Building and Planning

DATE: October 7, 2016
 TO: Yocelyn Galiano, ICMA-CM, Village Manager
 FROM: Leo Llanos, P.E., Building Official 
 RE: Building Division SEPTEMBER 2016 Monthly Report

	SEPTEMBER 2015	SEPTEMBER 2016	10/1/14 – 9/30/2015 YTD	10/1/15- 9/30/2016 YTD
PERMITS ISSUED:				
Building	150	155	1,938	2,001
Electrical	59	53	534	615
Mechanical	36	25	314	328
Plumbing / LPGX	51	50	658	610
TOTAL PERMITS ISSUED:	296	283	3,444	3,554
VALUE OF CONSTRUCTION	7,270,398	9,266,541	99,263,252	99,432,157
PERMITS FOR NEW HOUSES	3	5	31	42
CERTIFICATE OF OCCUPANCY & CC'S	5	3	41	62
CERTIFICATE OF USE & OCCUPANCY	0	2	10	21
BUILDING CODE CASES	7	3	226	162
INSPECTIONS:				
Building & Roofing	943	1,066	11,257	12,792
Electrical	179	167	1,794	1,871
Mechanical	119	90	1,124	1,221
Plumbing / LPGX	218	172	2,449	2,162
Zoning Inspections by Building Dept.	0	0	10	1
TOTAL INSPECTIONS:	1,459	1,495	16,634	18,047



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Stephen R. Olmsted, AICP
 Planning Director
 planning@pinecrest-fl.gov

MEMORANDUM
 Department of Building and Planning

DATE: October 4, 2016
TO: Yocelyn Galiano, ICMA-CM, LEED-GA, Village Manager
FROM: Stephen R. Olmsted, AICP, Planning Director *SR*
RE: Planning Division September 2016 Monthly Report

	September 2015	September 2016	10/1/14 – 9/30/2015 YTD	10/1/15 - 9/30/2016 YTD
PLANNING				
Comp Plan Amendments	0	0	0	1
Land Development Code Amendments / Plat	0 / 0	0 / 0	0 / 4	2 / 5
Conditional Uses / Road Vacation	1 / 0	1 / 0	1 / 0	4 / 0
Variances / Modification to Resolution / Appeal	1 / 1 / 0	0 / 0 / 0	6 / 5 / 0	10 / 2 / 1
Site Development Plans	0	0	2	3
Zoning Compliance –Plans Review	258	237	2,930	3,350
Zoning Letters/Code Interpretations	29	31	373	415
Zoning Permits	37	30	450	419
CODE COMPLIANCE				
Code Cases Opened	129	129	1,173	1,157
Code Compliance Reminders	91	56	599	595
Notices to Appear	38	39	264	262
Notice of Violation - Building	0	4	118	103
Zoning Inspections Completed / Code Compliance, Landscape and LBT	284 / 420	249 / 419	2,585 / 4,414	2,448 / 4,579
Civil Violations	0	1	17	22
Special Magistrate Cases	25	22	272	191
Total Unclosed Cases (Active): 795	N/A	N/A	N/A	N/A
LICENSES				
Business Tax – NEW	11	8	114	134
Business Tax - RENEWAL	281	337	594	815
TOTAL LICENSES (* reflects new & renewal licenses)	292	345	708	949



Commercial and Residential Development/Redevelopment

Within the Village of Pinecrest, commercial and residential development and redevelopment have been approved and are occurring as follows:

1. Coconut Palm Estates Subdivision – Construction of the single-family residence and rear retaining wall on Lot 2 is complete. A permit for the remaining portions of the retaining wall adjacent to the western boundary has been issued. Applications for construction of residences on 5 additional lots are under review.
2. Baptist Health – The medical office building is under construction.
3. Pinecrest Shops – The commercial building is nearing completion. Interior buildout of “Shula Burger” restaurant is underway.
4. Christ the King Lutheran Church Pre-school and Kindergarten – Interior and exterior improvements are nearing completion.
5. Lexus of Kendall and Kendall Toyota - Applications for permits to remodel the Lexus and Toyota dealerships have been submitted for review. Plans also include a proposed expansion of the Toyota repair garage building approximately 100 feet to the south on the Toyota property. An amendment to the Future Land Use Plan of the Village’s Comprehensive Development Master Plan and an accompanying amendment to the Village’s Zoning Map will be required to allow expansion of the Toyota repair garage. The garage expansion area is located on the property owned by Kendall Toyota, although it has historically been zoned for RU-1, Residential Single- Family and RU-2, Residential Duplex uses.

Proposed plans also include construction of a new pre-owned Lexus sales facility and independent insurance office on the former Drive-In Theater property, located on the north side of the C-100 canal. Applications for amendment to the Village’s Comprehensive Plan and zoning map and for review of all required site development plans will be scheduled for consideration by the Village Council in required public hearings.

An application for a height variance to allow an elevator override and exterior lighting to extend above the maximum permitted building height of 45 feet was approved by the Zoning Board on July 27, 2016. An appeal of the decision of the Zoning Board has been submitted by a neighboring resident and is scheduled for consideration by the Village Council on October 18, 2016.



Loren C. Matthews
Parks and Recreation Director
parks@pinecrest-fl.gov

MEMORANDUM

Department of Parks and Recreation

DATE: October 5, 2016
TO: Yocelyn Galiano, ICMA-CM, Village Manager
FROM: Loren Matthews, Parks and Recreation Department
RE: Parks and Recreation Department- September 2016 Monthly Report

ACTIVITY - COMMUNITY CENTER	Number of Participants September 2015	Number of Participants September 2016
RECREATIONAL CLASSES		
Ballet	128	97
Bingo	N/A	7
Blood Pressure Screening	27	28
Bridge	12	5
Crochet for a Cause	N/A	3
Game Day	18	46
Genealogical Society	12	6
Greater Miami Youth Symphony	40	42
Guitar	7	14
Gymnastics	70	29
Hip Hop Kids	7	3
Jump Rope	8	N/A
Line Dancing	76	76
Lectures	65	17
Movie Day	N/A	2
Salsa & Flamenco	31	7
Sharpminds	91	57
Sports Performance	3	6
Movie Day	N/A	4



Fall Prevention Event	N/A	30
Total:		
FITNESS CLASSES		
Baptist Yoga	65	127
Body Sculpting	221	266
Butts and Guts	55	18
Café con Leche	81	39
Cardio Box	14	67
Core Condition	27	25
Fitness Plus	72	91
Gentle Yoga	46	0
Matt Pilates	48	47
Speed & Strength	N/A	55
Spinning	1,111	1,192
Strength & Stretch with Hyla	50	62
Stretch, Breath, & Meditate with Jojo	10	9
Stretch and Walk with Jake	182	176
The Workout	387	195
Total Body Burn	38	154
TOTAL CLASS PARTICIPANTS	2407	2523

MISCELLANEOUS STATISTICS	September 2015	September 2016
Facebook Fans	834	1,111
Instagram Followers	N/A	275
Twitter	N/A	20
Monthly Visitors to Community Center	18,272	16,882
Community Center Vending Revenue	\$1,833.99	\$1,328.27
TOTAL FOR FISCAL YEAR(No. of Months)	\$17,985.69(12)	\$17,514.51 (12)

WELLNESS CENTER MEMBERSHIP TYPES	Memberships September 2015		Memberships September 2016	
	New	Total	New	Total
Resident Adult	4 Renewal: 6	10	3 Renewal:7	10
Resident Senior	0 Renewal:2	2	1 Renewal: 5	7
Resident Family	28 Renewal:34	62	26 Renewal:44	70
Resident 90 Day	9 Renewal: 9	18	13 Renewal: 6	19
Resident Monthly	31 Renewal:71	102	16 Renewal:87	107
Non-Resident Adult	0 Renewal: 0	0	1 Renewal: 0	1
Non-Resident Senior	8 Renewal: 21	29	2 Renewal: 0	2
Non-Resident Family	0 Renewal: 0	0	0 Renewal: 6	6
Non-Resident 90 Day	2 Renewal: 4	6	0 Renewal: 1	1
Non-Resident Monthly	11 Renewal: 21	32	8 Renewal: 24	32
10 Class Punch Pass		167		289
Monthly Unlimited (Members)		15		24
Core Crunch		5		5
Weekly Membership		2		11
Free One Week Trials		62		34
MONTHLY TOTAL		507		340
*TOTAL MEMBERS FOR CALENDAR Y (INCLUDING CURRENT MONTH)		5,108		5,868

FACILITY	RENTALS September 2015	RENTALS September 2016
Facility Rentals		
Evelyn Greer Park	6	4
Suniland Park	5	4
Coral Pine Park	9	N/A (under construction)

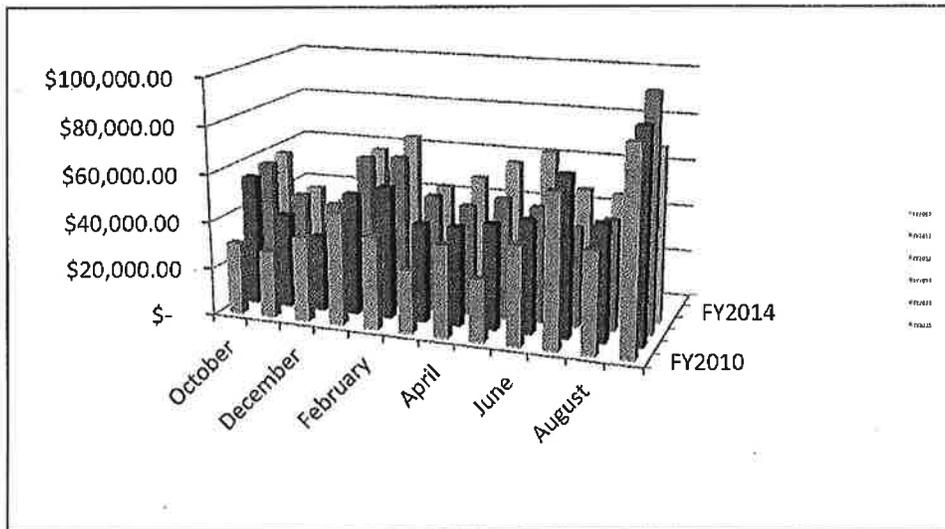
REVENUES	September 2015	September 2016
Coral Pine Park Vending	\$887.80	\$742.70
Coral Pine Tennis Court	\$6,839.00	\$6,916.00
TOTAL MONTH	\$7,726.80	\$7,658.70
TOTAL FOR FISCAL YEAR(#of Months)	\$107,658.00 (12)	\$97,344.18 (12)

ACTIVITY	Number of Participants- September 2015	Number of Participants- September 2016
CORAL PINE PARK		
Women's Tennis League	192	192
Men's Tennis League	128	128
Mixed Doubles Tennis League	48	48
SUNILAND PARK		
Tackle Football	50	50
Cheerleading	50	50
EVELYN GREER PARK		
Miami Premier Soccer	200	200
Pinecrest Premier	800	800
Black Panther Karate	25	18
Sunday Morning Frisbee	20	20

Community Center

FY 2011-Present

	347.100	347.100	347.100	347.100	347.100	347.100
	FY2011	FY2012	FY2013	FY2014	FY2015	FY206
October	\$ 55,051.73	\$ 57,225.98	\$ 58,686.14	\$ 68,959.57	\$ 56,473.78	\$ 86,738.40
November	\$ 39,804.73	\$ 44,446.17	\$ 44,368.36	\$ 68,776.34	\$ 47,475.82	\$ 54,306.39
December	\$ 31,951.96	\$ 41,692.76	\$ 40,571.33	\$ 51,388.63	\$ 49,638.73	\$ 77,368.02
January	\$ 51,300.08	\$ 63,373.86	\$ 63,490.21	\$ 74,955.92	\$ 68,917.05	\$ 98,487.17
February	\$ 55,579.38	\$ 64,512.86	\$ 70,217.72	\$ 59,146.69	\$ 68,682.40	\$ 81,038.94
March	\$ 41,352.20	\$ 49,299.82	\$ 50,046.06	\$ 50,695.16	\$ 54,796.81	\$ 68,985.96
April	\$ 41,698.79	\$ 46,405.40	\$ 55,033.50	\$ 71,363.41	\$ 55,704.60	\$ 78,722.87
May	\$ 44,321.48	\$ 50,707.09	\$ 62,644.78	\$ 69,243.65	\$ 61,756.08	\$ 66,587.99
June	\$ 47,204.06	\$ 48,466.45	\$ 67,919.22	\$ 60,962.11	\$ 72,711.90	\$ 88,563.74
July	\$ 67,134.36	\$ 41,381.22	\$ 53,627.90	\$ 56,275.05	\$ 78,142.80	\$ 84,887.28
August	\$ 48,701.35	\$ 45,806.14	\$ 52,576.77	\$ 49,459.73	\$ 75,567.21	\$ 84,721.47
September	\$ 88,060.83	\$ 98,695.91	\$ 73,404.73	\$ 95,671.44	\$ 114,041.50	
Totals	\$ 612,160.95	\$ 652,013.66	\$ 692,586.72	\$ 776,897.70	\$ 803,908.68	\$ 870,408.23



Sales by Service

9/1/2016 - 9/30/2016

Classes

Pricing Option	Total Amount	% Of Revenue Category	Cash Equivalent	Non-Cash Equivalent	Quantity
Member 10 Class Pass	\$1,700.00	11.02%	\$1,700.00	\$0.00	17
Member Monthly Unlimited Class Pass	\$2,700.00	17.50%	\$2,700.00	\$0.00	18
Member Per Class	\$468.00	3.03%	\$468.00	\$0.00	38
Membership Setup	\$0.00	0.00%	\$0.00	\$0.00	2
Non-Member 10 Class Pass	\$7,440.00	48.21%	\$7,440.00	\$0.00	62
Non-Member Monthly Unlimited Class Pass	\$1,080.00	7.00%	\$1,080.00	\$0.00	6
Non-Member Per Class	\$2,044.00	13.25%	\$2,044.00	\$0.00	146
	Total amount: \$15,432.00		Cash equivalent: \$15,432.00	Non-cash equivalent: \$0.00	Quantity: 289

Grand total	Total amount \$15,432.00	Cash equivalent \$15,432.00	Non-cash equivalent \$0.00	Quantity 289
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Alana S. Perez
 Pinecrest Gardens Director
 gardens@pinecrest-fl.gov

MEMORANDUM
 Pinecrest Gardens

DATE: October 7, 2016
 TO: Yocelyn Galiano, Village Manager
 FROM: Alana Perez, Pinecrest Gardens Director 
 RE: Pinecrest Gardens September 2016 Monthly Report

Indicated below are number of paid facility permits issued for the rental of various locations throughout the Gardens for meetings, picnics, weddings, parties and special events.

	Sept. 2015	Sept. 2016	Oct. - Sept. 2015 YTD	Oct. - Sept. 2016 YTD
Picnic Tables	12	4	114	144
Butterfly House	6	1	64	60
Lakeview Terrace/Pergola	0	0	6	9
Patio	0	0	6	4
Meadow	0	0	1	1
Hammock Pavilion	0	1	3	8
Hibiscus Room	0	0	11	16
Historical Entrance Room	4	1	22	34
Hidden Garden	1	1	2	3
Banyan Bowl	0	0	8	9
Parking Lot	0	0	9	4
Photography/Filming	2	2	28	36
Total Rentals	25	10	274	328

Park Attendance

September 2015*	September 2016*	Oct. - Sept. 2015 YTD*	Oct. - Sept. 2016 YTD*
3,900	3,425	110,911	109,638

*Includes paid and non-paid admissions (special events, festivals, birthdays, weddings, meetings, field trips, etc.).



Admission Revenue Breakdown September 2016

General Admission	Senior Admission	Total Admission Revenues
\$8,260	\$449	\$8,709

Memberships September 2016

Ind. Adult (18-64)	Ind. Senior (65+)	FT Student	Family	Patron	Cypress Society	Total New Memberships Sept. 2016	Total New Oct. - Sept. 2016 YTD
3	1	4	4	-	-	12	117

Total Active Memberships September 2015	Total Active Memberships September 2016	Total Resident	Total Non-Resident
184	208	109	99

Total Revenues

	September 2016	September 2015
Rental	\$4,600	\$5,875
Admissions	\$8,709	\$11,011
Memberships	\$787	\$840
Field Trips	-	\$352
Summer Camp	\$7,800	\$10,209
PG Banyan Bowl Events*	-	-
Gardens Gallery	-	-
Educational/Horticulture Programming	\$60	\$20
Family Movie/Nature Film Night	-	-
Farmers Market	\$2,500	\$2,000
Concessions**	\$706	\$420
Total Revenues	\$25,162	\$30,727

** I-Guana Bite, Family Movie, Events, Etc.

* Gardens Events (i.e. Jazz, Flamenco, Theater, etc.)

Notable Details

- Rental and admission revenue numbers as well as patron visits down due to weather and construction.

Upcoming Projects

- The Gardens next monumental outdoor exhibit by master sculptor Santiago Medina is currently being installed and set to be completed by the 2nd week of October. Exhibit will run through February 2017.

Grants and Sponsorships

- We have been approved by the State of Florida Cultural division for up to \$150,000 for general programming up from \$25,000 for the past three years.
- Awarded a \$5,000 Tourist Development Grant from Miami-Dade Cultural Affairs to be used towards the 2016-2017 Jazz season.
- Awarded the top grantee position from Miami-Dade Cultural affairs for their Capital Grant. This will be about \$18,000 earmarked for the Terrace Lift.
- We received a total of \$73,400 in Sponsorships for 2016-2017 and we welcome Baptist Health Primary Care and Peterson's Harley-Davidson to our family of sponsors for the first time.
- Applications have been submitted to the NEA for two different grants; Our Town for \$75,000 for Stickwork ancillary programming and Art Works for \$30,000 for 2017-2018 Gen-Next Jam.

Construction Update

- We have made significant progress with our two construction projects, especially the path covers. The structures are now in place throughout the entrance area into the Banyan Bowl and down to the Banyan Tree at the entrance of the meadow. The structures are shingled and painted from the entrance down the middle path and to the entrance of the Banyan Bowl.
- Cypress Hall phone and electrical shelter has now been transferred and plumbing pipe work is being done.

Horticulture

Specific Noteworthy Projects

- Renovation of Nursery area: extensive brush clearing and cleanup; preparation for large tree removal to improve site condition and restore full sun aspect.
- Removal of the Talipot palm due to conclusion of flowering/fruiting cycle and natural death.
- Continued extensive renovation of the Succulent and Cactus gardens.
- Multiple site preparation for upcoming Santiago Medina Sculpture installation.

Banyan Bowl

- 256 Jazz Series Subscriptions have been sold for the 2016-2017 season. That is 50% of seats filled to date and over a 20% subscription increase than the 2015-2016 season at 208.
- Season opener took place on Friday, September 30th with a performance of Annie Jr. by Miami Children's Theater.

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Samuel Ceballos, Jr.
Chief of Police
police@pinecrest-fl.gov

MEMORANDUM
Department of Police

DATE: September 26, 2016
TO: Yocelyn Galiano, ICMA-CM, Village Manager
FROM: Samuel Ceballos, Jr., Chief of Police *SC*
RE: **Police Department August 2016 Monthly Report**

Calls for Service	Aug 2015	Aug 2016	Jan - Aug 2015	Jan - Aug 2016
ARSON	0	0	0	0
AUTO THEFT	3	2	12	24
BAKER ACT-MENTAL	4	3	18	14
ASSAULT - SIMPLE	1	1	15	12
BURGLARY	11	13	71	52
CAR BREAK-VEHICLE BURGLARY	21	14	84	122
DECEASED PERSON	0	1	10	8
DISTURBANCE	32	39	294	320
DOMESTIC VIOLENCE	1	1	7	3
FALSE ALARMS	196	193	1314	1226
FRAUD/ECONOMIC CRIMES	20	14	130	116
FIELD INTERVIEWS	6	0	19	7
FOUND PROPERTY	4	3	21	24
GRAFFITI	0	0	3	3
HOMICIDE	0	0	0	0
MISSING PERSONS	1	0	1	12
NARCOTICS VIOLATIONS	1	0	14	5
ROBBERY	0	0	3	13
INDECENT EXPOSURES	0	1	1	2
LEWD & LASCIVIOUS ACT	0	0	0	0
SHOPLIFTING	2	5	15	24
SUSPICIOUS PERSON - VEHICLE	9	12	70	83
THEFT	17	15	74	106
THEFT FROM EXT. OF VEHICLE	3	2	23	11
VANDALISM	2	4	24	25
VEHICLE RECOVERY	1	0	11	3
WARRANT ARRESTS	1	2	11	16
WEAPONS VIOLATION	0	0	0	0



UCR CRIME FOR PINECREST (Rolling 12 Months)

Types of Crimes	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	June 2016	July 2016	Aug 2016
Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Rape/Sexual Off	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	2	2	1	1	1	5	2	0
Aggravated Assault	1	2	0	1	0	0	1	0	1	0	0	1
Burglary	10	6	5	11	6	4	7	10	7	7	5	13
Larceny	21	61	28	36	40	33	36	57	37	31	29	36
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Auto Theft	0	1	0	2	2	3	2	5	5	4	4	2
Total Part 1	32	70	33	50	50	42	47	73	51	47	40	52

NOTE: Totals are subject to revision as the result of follow up investigation or reclassification by the detective bureau, and therefore may not accurately reflect the final official figures subsequently submitted to FDLE.

GENERAL CRIME TRENDS

During the month of August, the crime trends were related to vehicle break-ins.

DETECTIVE BUREAU

The Criminal Investigation Section (CIS) received a total of 71 cases for the month of August 2016. All were assigned to a member of the Investigations Section for follow-up. Forty three cases were reclassified as inactive due to insufficient investigative leads, or no further police action required. Two cases were exceptionally cleared and five cases were closed by arrest.

VICTIM SERVICES

During the month of August 2016, the Victim Services Coordinator contacted 30 victims. All victims were provided with contact information for assistance.

REDLIGHT CAMERA SAFETY PROGRAM
 August 1 - August 31, 2016

Location	#of Notice of Violations (NOV's)	# of Uniform Traffic Citations (UTC's)	# of Crashes	Type of Crashes
U.S.1 & 104 Street	138	5	0	
U.S.1 & 112 Street	288	28	1	Vehicle 2 was traveling northbound on US 1 approaching SW 112 St., and was struck by Vehicle 1 in the left rear bumper. Crash occurred on US 1, south of SW 112 th Street. Not at Intersection and not related to Red Light Signal.
U.S.1 & 124 Street	88	7	0	
U.S.1 & 128 Street	53	7	0	
Total	567	47	1	

Note: During the month of August 2016, 35 Notice of Violations were issued to Pinecrest residents. There were 91 Uniform Traffic Citations (UTC) court cases.

TRAFFIC ENFORCEMENT

	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	June 2016	July 2016	Aug 2016	TOTALS
Traffic Details	103	107	97	96	66	60	103	47	34	46	27	48	834
Total Stops	392	451	370	281	260	266	488	339	452	431	283	236	4249
Moving Citations	264	356	284	275	209	205	305	239	288	304	226	197	3152
Non-Moving Citations	51	52	57	57	61	39	47	61	58	69	51	26	629
Written Warning	0	0	0	0	1	1	0	0	0	72	70	65	209
Verbal Warning	258	252	277	300	177	136	304	176	227	93	56	48	2304
Parking Citations	128	122	132	99	76	54	82	36	21	41	16	47	854
Driving Under the Influence	6	8	5	13	14	4	3	3	1	4	2	1	64

TRAFFIC CRASHES

	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	June 2016	July 2016	Aug 2016	Totals
Crashes Interior	55	74	64	82	53	70	63	62	65	55	55	90	788
Crashes -US 1	26	35	39	43	37	27	23	36	37	26	35	32	396

VEHICLE PATROL MILEAGE

June	July	August
26,694	23,841	29,970

TRAINING

June	July	August
208 Hours	168 Hours	216

The Department attended a total of 216 hours of training in the month of August 2016. Officers Oliva, Portela and Detective Brown attended the Threat Assessment training at the U.S. Secret Service Office in Miami. Officer Romero attended the DARE training in Orlando. Sergeant Schry attended the Breath Test Operator training at Miami Police Department. VSC Vivancos attended the Criminal Justice System training in Miami. Sergeant Osoreo attended the Property and Evidence training in Orlando. Officer Martin attended the Open Source Intelligence training in Miramar.

MEETINGS WITH OTHER AGENCIES AND CITIZEN GROUPS:

The following are the meetings attended during the month of August, 2016.

- August 10 – Chief Ceballos and Deputy Chief Skumanich attended the Dade Chiefs Executive meeting at Miami Shores.
- August 11 – Chief Ceballos and Deputy Chief Skumanich attended the Dade Chiefs Executive meeting in Doral.
- August 10 – VSC Vivancos attended the Domestic Violence Fatality Review Team meeting at the Medical Examiner's Office in Miami.
- August 17 – Detective Martin and VSC Vivancos attended the Multi Agency Gang Task Force meeting at MPDP Headquarters.
- August 25 – Detective Rivera attended the Intel Operations meeting at the U.S. Secret Service Office in Medley.
- August 30 – Detective River and VSC Vivancos attended the Motor Vehicle theft Intel meeting in Miramar.



Mark Spanioli, P.E.
Public Works Director
publicworks@pinecrest-fl.gov

MEMORANDUM
Department of Public Works

DATE: October 10, 2016
 TO: Yocelyn Galiano Gomez, ICMA-CM, LEED GA, Village Manager
 FROM: Mark Spanioli, P.E., Public Works Director *MS*
 RE: Public Works Department September 2016 Monthly Report

Concerns/Work Performed:	September 2016	September 2015	YTD 2016	Prior YTD 2015
Sign Repair/Installation	9	59	344	492
Sidewalk Repair/Installation	2,822	11	4,969	147
Graffiti Removal	4	4	42	27
Street Clearing/Repair	21	143	867	914
Pothole/Shoulder Repair	0	2	112	82
Storm Drain Cleaning/Repair	19	237	1,038	1,749
Tree/Shrub Trimming/Removal/Installation	35	236	991	1,394
Canal Cleaning/Clearing	2	8	9	67
Shopping Cart Removal	0	8	45	153
Flooding Investigation/Correction	5	25	16	41
Parking Area Maintenance	16	16	79	133
Debris Removal	63	81	765	733
Swale Repair	0	47	75	413
Downed Tree Erected	0	0	0	0
Total	2,996	877	9,352	6,345

Inspections Only:	September 2016	September 2015	YTD 2016	Prior YTD 2015
Sidewalk/Driveway	19	0	74	10
Paving/Drainage	4	1	49	49
Parking/Swale	0	5	39	22
Tree	3	0	15	1
Total	26	6	177	82



Permits Review Only:	September 2016	September 2015	YTD 2016	Prior YTD 2015
Commercial Property	0	0	1	11
Sidewalk/Driveway	1	1	2	6
WASA/Water Main	1	2	28	30
AT&T/Cable TV	4	5	16	18
FPL	1	8	33	25
Curb/Gutter	0	0	0	0
Paving/Drainage/Sewer	0	3	6	9
Tree	10	25	166	163
Fence/Column	2	1	3	2
Parking/Swale	1	0	2	0
Total	20	45	257	264

Activities details:

- Clean-up Village Hall and PD 2nd floor (multiple times per month)
- Clean dumpster area (multiple times per month)
- W/O – Rearrange Council Chambers for staff meeting (multiple time per month)
- Pull weeds at the entrance of Village Hall.
- Pull weeds in the Public Works parking lot.
- Place Mosquito Dunks throughout the Village’s storm drains (daily)
- Clean up the Public Works office (multiple times per month)
- Compact dumpster load to make more room (multiple times per month)
- Open SW 70 Ave canal gate for Aquagentics
- W/O – Defrost the freezer in Village Hall’s breakroom in order for icemaker to work
- W/O – Hang a frame in the Village Hall reception area
- Fix lighting fixture in the Lieutenant’s office
- Fix the men’s bathroom stall on the 3rd floor
- Check two receptacles in the Police Department kitchen
- Repair sprinkler on SW 71 Ave & 100 Street
- Remove and install several People Mover signs
- W/O - Remove stains on a wall in Village Hall
- Collect and discard of palm fronds throughout the Village (every Tuesday)
- Assist Code Enforcement with a flat tire
- Relocate a table on the first floor in the lobby to the Police Department roll call room
- W/O – clean up a coffee spill in the Police Department stairwell
- Police officer requested assistance to remove a metal desk from the median on US-1 & 104 St
- Repair a flat tire on truck 64
- W/O – Rearrange Council Chambers for a Council Meeting
- W/O – Patch holes and paint in the Finance Director’s office
- Drain pool at 59 Ave and 107 Street, to prevent mosquito breeding

- Fix a leak in the men's bathroom
- W/O – Reboot Finance Director's telephone
- W/O – Pick up CIP sign and banner for the Community Center's groundbreaking ceremony
- W/O – Patch holes and paint the wall near the Assistant Manager's door
- Coordinate with Sergeant Osoros to paint 30 cones for the Police Department
- Paint 30 cones for the Police Department
- Remove and install a/c wall unit in file room.
- Remove political ad/signs that have were illegally placed
- W/O – Set up Council Chambers for Social Media Training
- W/O – Replace light bulbs in Administrative Manager's office.

Supervised activities by contractors/engineers:

- A total of 66 street trees have been planted this fiscal year (since 10/1/15).
- Kendall Drive Beautification - continued on easement approval from the property owner of the AT&T and CVS on Kendall Drive and US-1
- EnviroWaste Services cleaned storm drains as requested by Public Works.
- Aquagentics cleaned canal as requested by Public Works.
- Notified Pinecrest residents that live on canals, with an article that Public Works prepared for the Pinecrest Sun, that we will be visiting their residences to inspect canals landscape overgrowth.
- Construction bids have been received, construction commences in October for the raised islands at:
 - SW 90 Street & US1
 - SW 72 Avenue & US1
- Drainage improvements have been completed at:
 - SW 132 Street & 73 Avenue
- Coral Pine Park drainage improvements including berm are complete.
- SW 70 Ave north of SW 104 St Drainage improvements is complete.
- From May 2015-date, Pinecrest PW has completed 20 drainage projects.
- Coral Pine Park tennis building is under construction and is 40% complete.
- Pinecrest Community Center contract signing with Lunacon took place on 10/3/2016. Notice to Proceed takes effect on 10/10/2016.
- Design for drainage improvements at Killian Drive between SW 72 Avenue and SW 74 Avenue is 100% complete.
- Installation of landscaping has commenced, see attached memo for resident meeting details.
- Developed design for a new Pinecrest Gardens storage building.
- New entry gate system at Public Works is 90% complete.
- SW 70 Avenue from 100 Street to 104 Street widening is in the design stage.
- Removed pedestrian crossing signal at SW 74 Avenue just north of 128 Street.
- Meeting on 9/12/2016 with FPL to discuss double poles – FPL is in violation of ordinance. Public Work permits have been revoked and a code compliance notice has been sent out.



Yocelyn Galiano Gomez, ICMA-CM, LEED GA, Village Manager

October 10, 2016

Page 4

- Meeting with Councilmember Bob Ross on 9/15/2016 to discuss FPL double poles.
- Village wide canal bank stabilization assessment is on-going.
- Village received \$150K matching grant from South Florida Water Management District to continue drainage improvements, north of recently completed 70 Ave in C-100 basin.
- Various new drainage projects Village wide are in the planning stages.



Mark Spanioli, P.E.
Public Works Director
publicworks@pinecrest-fl.gov

MEMORANDUM
Department of Public Works

DATE: October 7, 2016
TO: Yocelyn Galiano, Village Manager
FROM: Mark Spanioli, P.E., Public Works Director 
RE: SW 70 Avenue Update (SW 104 Street to SW 100 Street)

We have recently met with the neighbors to review the landscaping along Coral Pine Park, the parking issues and the potential for widening SW 70 Avenue fronting the park. At the conclusion of the meeting, the neighbors agreed with our recommendation to widen SW 70 Avenue.

As of now, we have installed the hedge portion of the landscaping along the property boundary of Coral Pine Park. We are developing the roadway plans and it is our goal to commence the roadway construction during the first quarter of 2017. Once the widening is completed, we will then complete the landscape features between the hedge line and the new edge of roadway as designed.

Ultimately, these improvements should greatly benefit the area by providing safe vehicular passage and eliminate swale damage that continues to occur.



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Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

RECEIVED
VILLAGE OF PINECREST

OCT - 7 2016

OFFICE OF THE
VILLAGE MANAGER

September 29, 2016

Yocelyn Galiano
Village Manager
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest FL 33156

Dear Ms. Galiano:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **September 30, 2015** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award for the Certificate of Achievement has been mailed to:

Gary S. Clinton, CPA, CPFO
Finance Director

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds

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Alana S. Perez
Pinecrest Gardens Director
gardens@pinecrest-fl.gov

MEMORANDUM
Pinecrest Gardens

DATE: October 10, 2016
TO: Yocelyn Galiano, ICMA-CM, LEED GA, Village Manager
FROM: Alana Perez, Pinecrest Gardens Director
RE: FY 2016-2017 Sponsorships Thus Far

<u>Sponsor</u>	<u>Property</u>	<u>Amount</u>
South Motors	Jazz	\$25,000
South Motors	Fine Arts Festival	\$5,000
Williamson	Eggstravaganza	\$4,000
Peterson's Harley-Davidson	Chili Cook Off	\$1,500
First Bank Florida	Flamenco/57 th Sign	\$15,000
Baptist Health	Farmers Market/57 th Sign	\$15,000
Corradino Group	Eco Art Contest	\$1,400
Ygrene	Eco Art/Earth Day	\$3,000
Total incoming cash		\$69,900
Islamorada Beer Co.	Chili Cook Off	(\$3500) projected revenue
Steinway	7' Concert Grand	\$96,600 in kind
Steinway Boston	Upright Piano	\$16,000 in kind
Herald Sponsorship	Nights of Lights	\$5,680 in kind
WDNA Radio	7 X Emcee Jazz	\$1,750 in kind
KISS Country Radio	Chili remote van & emcee	\$1,000 in kind
Marriott Dadeland	4 rooms 3 nights	Free
Miami Dadeland Hotel	50% of rooms	Free+
		Special Rate on other 50%



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Yocelyn Galiano, ICMA-CM
Village Manager
manager@pinecrest-fl.gov

MEMORANDUM
Office of the Village Manager

DATE: October 11, 2016
TO: Yocelyn Galiano, ICMA-CM, Village Manager
FROM: Maria A. Menendez, ICMA-CM, Assistant Village Manager 
RE: NLC Service Line Warranty Program Update

Following the September 20th, 2016 Village Council Meeting, you requested an update on the NLC Service Line Warranty Program, in particular as it relates to the enlisted property addresses and the type of warranty issued to insure that the properties are benefiting from the purchased warranty. To date the warranty company has enlisted 196 property locations, of which eight (8) were found not to benefit from the service. These eight (8) properties are on a septic tank system, and therefore would not benefit from paying for "External Sewer Line Warranty" protection. Ms. Jessica Long of Utility Service Partners, Inc. was informed of our findings, and stated that each of the eight (8) property owners would be contacted to explain their error and that full refunds would be issued.

As a reminder, last year on June 18, 2015, staff addressed a similar incident with Mr. Blake Stogner, Manager of Utility Service Partners, Inc., when we learned that the original letter introducing the warranty product was sent to all property owners within our Village, regardless of whether they benefited from the service. We were assured then that safe guards would be put in place "to insure that only those residents with utility accounts" would be processed.

Given this last occurrence, if this Village program were to continue, it is strongly recommended that the Village conduct an annual audit of program participants to ensure no one is being charged for a benefit that does not apply to the conditions of their property.



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2016-

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA,
TERMINATING PARTICIPATION IN THE HOMELESS TRUST'S
ADOPT-A-HOMELESS METER DONATION PROGRAM;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Miami-Dade County is one of only a few jurisdictions in the United States to provide a dedicated source of public funding for homeless programs; and

WHEREAS, the food and beverage tax that provides a dedicated source of funding is expected to generate nearly \$25 million in fiscal year 2016-17; and

WHEREAS the Village agreed in 2010 to participate in the Miami-Dade Homeless Trust's Adopt-a-Homeless Meter Donation Program; and

WHEREAS, the program is budgeted to generate revenue of \$10,000 in FY 2016-17, accounting for only a tiny sliver of the Trust's expected total revenue of \$82 million; and

WHEREAS, the Village located its donation meter, along with a taller, county-provided informational sign that was not specified in our agreement with the Trust, at our library-community center complex immediately in front of our Romero Britto "flowerpot" sculpture; and

WHEREAS, the "flowerpot" sculpture was intended to be the artistic focal point of the complex; and

WHEREAS, the adopt-the-homeless meter decorated by the same artist obstructs the view from the parking lot of his more important "flowerpot" sculpture, creating a bizarre artistic experience in which his two works compete for attention; and

WHEREAS, the donation meter was installed to provide the public with an alternative to giving money to panhandlers at street corners; and

WHEREAS, the meter produced donations of only \$16.90 in a 10-month period despite its high-visibility location; and

WHEREAS, a Miami-Dade Parking Authority employee visits monthly to empty the meter, suggesting an inefficient use of county resources;

NOW, THEREFORE, BE IT RESOLVED THAT Village Council wishes to terminate its participation in this program effective immediately.

PUBLIC LIBRARY SYSTEM



Feed The Meters.
Change A Life

If you see someone who is homeless,
please call the Homeless Helpline
1-877-994-4357
(HELP)

MIAMI-DADE COUNTY HOMELESS TRUST
End Homelessness

MIAMI-DADE COUNTY HOMELESS TRUST

END HOMELESSNESS

Public Welcoming
provides services
and assistance to
1-877-994-4357

TAB 9

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1 generating mass education about the consequences of texting and driving, and make rigorous
2 enforcements to the enacted law;

3
4
5 **NOW, THEREFORE, BE IT RESOLVED BY VILLAGE COUNCIL AND**
6 **YOUTH ADVISORY COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA,**

7
8 **Section 1.** The above recitals are true and correct and are incorporated herein by this
9 reference.

10
11 **Section 2.** The Youth Advisory Council together with the Village Council of the
12 Village of Pinecrest urges the Florida Legislature to enact legislation that would make texting
13 while driving a primary offense instead of a secondary offense.

14
15 **Section 3.** The Youth Advisory Council together with the Village Council of the
16 Village of Pinecrest urges Miami Dade County to include legislation that would make texting
17 while driving a primary offense instead of a secondary offense as one of its legislative priorities
18 for the Miami Dade County lobbyist.

19
20 **Section 4.** The Village Clerk is hereby directed to transmit a copy of this Resolution
21 to the Governor, Senate President, House Speaker, and the Members of the Miami-Dade County
22 Legislative Delegation.

23
24 **Section 5.** This Resolution shall take effect immediately upon adoption.

25
26 PASSED AND ADOPTED this ____ day of _____ 2016.

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RESOLUTION NO.

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER AND VILLAGE CLERK TO COORDINATE WITH CIVIC INCITE, LLC, TO MAKE THE PUBLIC NOTICES AND VILLAGE COUNCIL AGENDAS FOR THE VILLAGE OF PINECREST MORE EASILY ACCESSIBLE TO THE PUBLIC; PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, levels of civic engagement in Miami-Dade County are among the lowest in the United States of America; and

WHEREAS, according to measures in the annual Current Population Survey, collected by the Bureau of the Census for the U.S. Bureau of Labor Statistics, South Florida residents have particularly low levels of non-electoral political participation, including public meeting attendance and interaction with local governmental officials; and

WHEREAS, an open government, transparency, and citizen engagement are critical to enlist and empower diverse groups of concerned citizens in the common work of improving our community and are vital to the functioning of a healthy democracy; and

WHEREAS, open data tools have created new opportunities for concerned citizens to engage with their governments and elected officials; and

WHEREAS, Civic Incite is one such tool and the first of which that aims to make municipal notices and legislation more accessible through a centralized platform; and

WHEREAS, Civic Incite is currently undertaking a pilot program, the purpose of which is to aggregate and facilitate access to information regarding upcoming municipal meetings and legislative developments for concerned citizens; and

WHEREAS, the Village Council ("Council") supports government transparency and open data tools that benefit its residents; and

WHEREAS, the Council finds that coordinating with Civic Incite as part of the pilot program will contribute to making municipal notices and meeting agendas more accessible to concerned citizens and organizations; and

WHEREAS, the Council finds that making its notice and meeting agendas even more accessible to concerned citizens by coordinating with Civic Incite as part of the pilot program will serve the public interest and encourage civic engagement;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Council authorizes the Village Manager and Village Clerk to coordinate with Civic Incite, LLC, as part of the pilot program, which does not have an associated charge or fee, to ensure, to the extent possible, that Council agendas and public notices are able to be included in its platform and thereby tracked more easily by concerned citizens.

Section 3. The Council directs the Village Clerk to forward copies of this resolution to Miami-Dade County Board of County Commissioners, the Miami-Dade County League of Cities, the Miami-Dade County Municipal Clerks Association, and the Florida Municipal Attorneys Association.

Section 4. This Resolution shall take effect immediately upon its final passage.



2016



OVERVIEW

1. PURPOSE

To promote citizen engagement with local governments by making it easier for residents to track public meetings and legislation across cities and counties.

2. DESCRIPTION

With almost 500 local governments and over 1,000 special districts in Florida, it's almost impossible for concerned citizens to track local decisions affecting them.

Civic Incite will offer citizens:

A centralized platform to search and track issues that they care about: everything from parks to public transit.

The ability to track items across cities, towns, counties, school boards, and independent special districts searchable by subject area and keyword.

The opportunity to sign-up for alerts of upcoming local government meetings related to personalized interests.

3. PROJECT MGMT

Matthew Haber is an attorney with experience in municipal and environmental law. He previously served as an Assistant City Attorney for the City of Miami where he helped modernize the City's public records division and training program. He also served as counsel to the City's first Sea-Level Rise Committee.

Jorge Damian de la Paz is a policy analyst and experienced researcher with expertise in issues related to housing, urban design, and homelessness. He is a winner of the Miami Foundation's Public Space Challenge and was the recipient of the 2015 Rising Star Award at the South Florida CDC Awards for Excellence in Community Development.

4. ATTACHMENT

Slide deck providing an overview of Civic Incite.

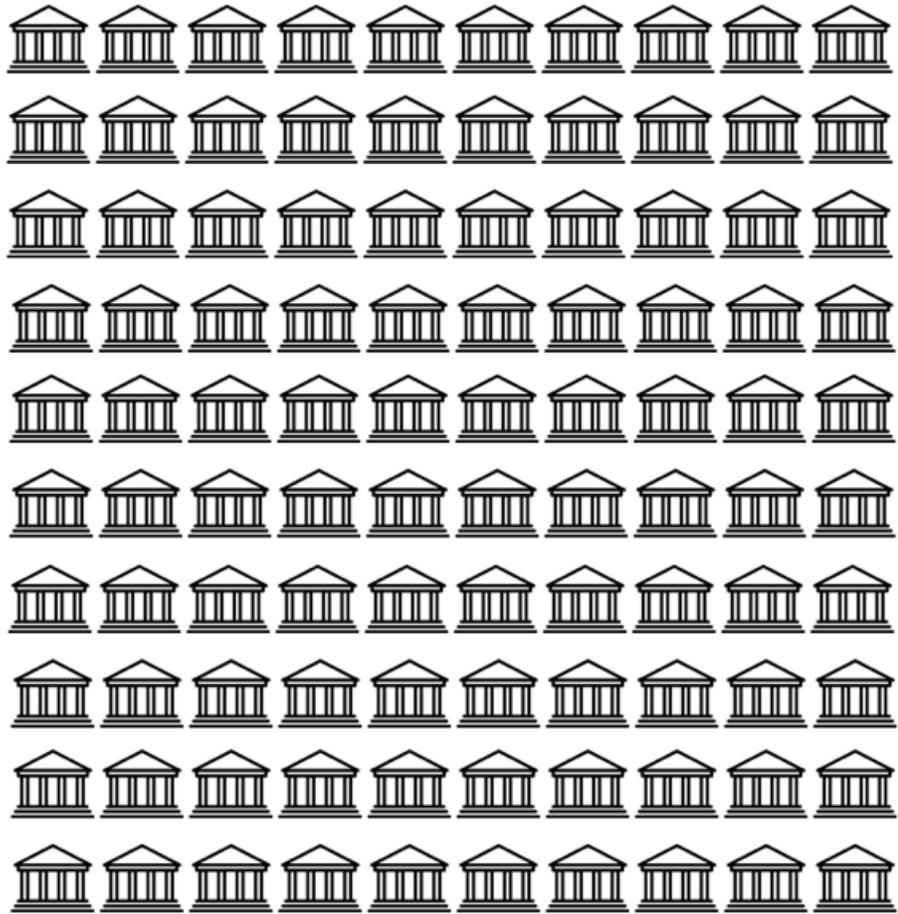


civicINCITE

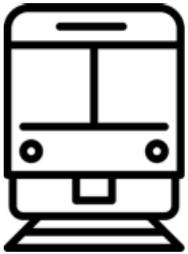
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500

LOCAL GOVERNMENTS
IN FLORIDA



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ZONING



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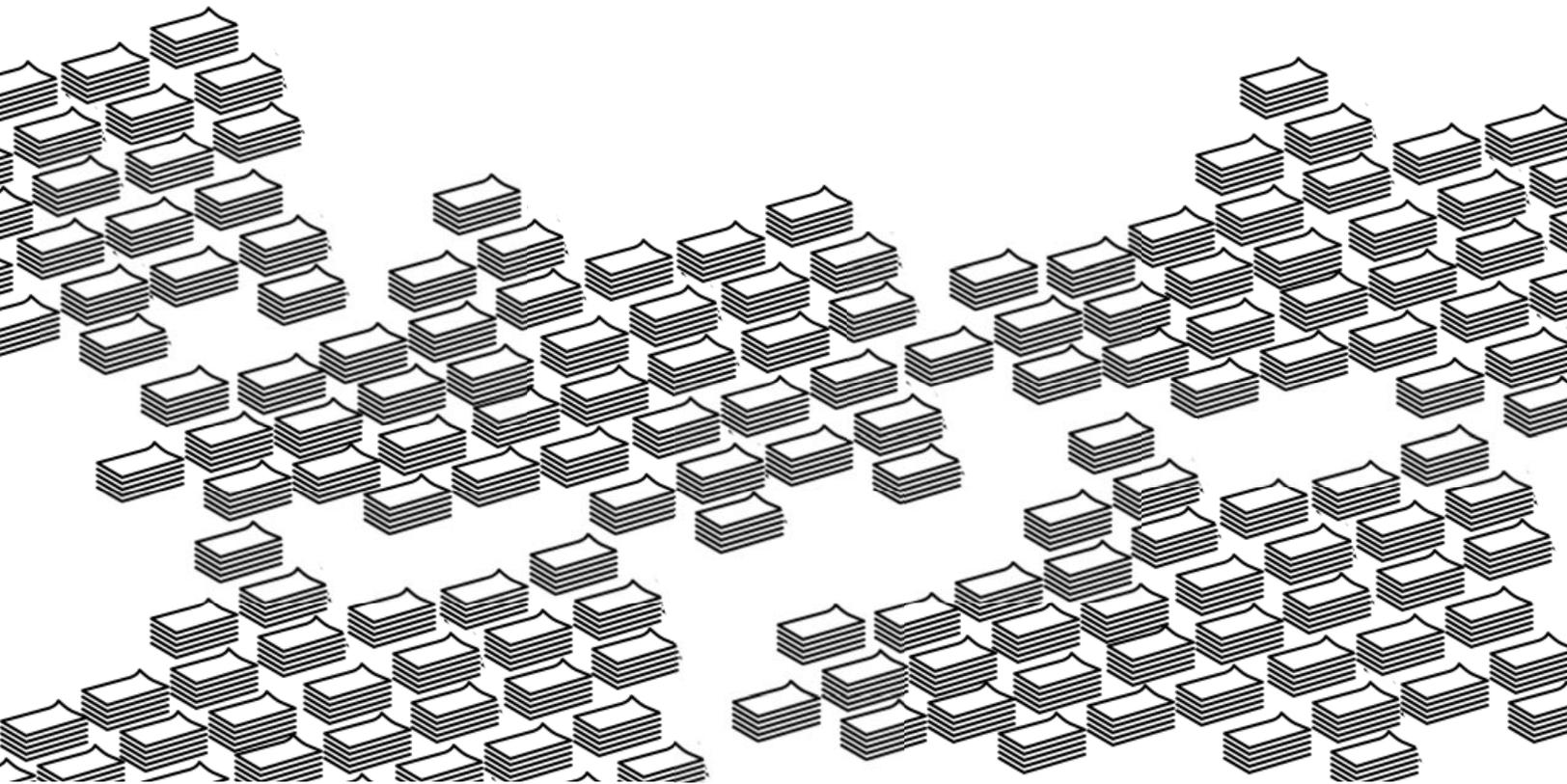
TAXES



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TAB II

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RESOLUTION NO. 2016-

**A RESOLUTION OF THE VILLAGE OF PINECREST,
FLORIDA, EXPRESSING SUPPORT OF A MIAMI-DADE
COUNTY INITIATIVE TO SECURE FUNDING TO ASSIST
WITH THE ELIMINATION OF SEPTIC SYSTEMS;
PROVIDING FOR AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Council hereby expresses support of Miami-Dade County's initiative to secure State and Federal funding to assist with the elimination of septic systems and conversion to sewer systems.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of October, 2016.

Cindy Lerner, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency

Mitchell Bierman
Village Attorney

Motion by:
Second by:

Vote:

Harvey Ruvin
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS
STEPHEN P. CLARK CENTER
SUITE 17-202
111 N.W. 1st Street
Miami, FL 33128-1983
Telephone: (305) 375-5126

September 23, 2016

RECEIVED
VILLAGE OF PINECREST

OCT - 3 2016

**OFFICE OF THE
VILLAGE MANAGER**

The Honorable Yocelyn Galiano, Manager
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Dear Mr. Galiano:

A copy of Resolution No. R-822-16 adopted on September 7, 2016 is provided to you at the request of the Miami-Dade County Board of County Commissioners.

If you have any questions or need additional information, please contact this office.

Respectfully yours,

HARVEY RUVIN, Clerk
Circuit and County Courts

By: 
Christopher Agrippa, Director
Clerk of the Board Division

CA/ocv
Attachment

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

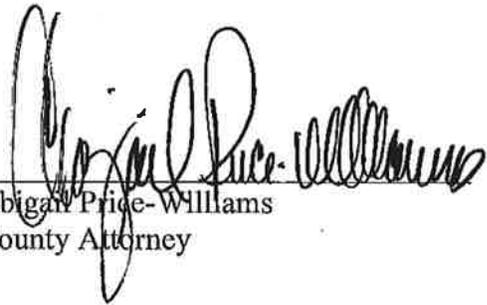
DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging municipalities
within Miami-Dade County to
partner with the County to secure
state and federal funding to assist
with eliminating septic systems
and converting to sewer system
connections

Resolution No. R-822-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Abigail Price-Williams
County Attorney

APW/smm

Approved _____ Mayor

Agenda Item No. 11(A)(20)

Veto _____

9-7-16

Override _____

RESOLUTION NO. R-822-16

RESOLUTION URGING MUNICIPALITIES WITHIN MIAMI-DADE COUNTY TO PARTNER WITH THE COUNTY TO SECURE STATE AND FEDERAL FUNDING TO ASSIST WITH ELIMINATING SEPTIC SYSTEMS AND CONVERTING TO SEWER SYSTEM CONNECTIONS

WHEREAS, onsite sewage treatment and disposal systems, commonly referred to as septic systems, are a type of onsite sewage facility; and

WHEREAS, a key component of a septic system is the significant treatment of wastewater in an underground drainfield; and

WHEREAS, some portions of the County, particularly rural and suburban areas, lack public sanitary sewer systems and therefore rely on septic systems to treat and dispose of wastewater from toilets, showers, sinks, and dishwashers; and

WHEREAS, within some municipalities in Miami-Dade County, residents also rely on septic systems; and

WHEREAS, wherever located, septic systems may present environmental concerns and are potentially vulnerable to the effects of sea level rise; and

WHEREAS, on July 6, 2016, Governor Rick Scott announced that he will propose additional funding in his State Fiscal Year 2017-2018 recommended budget for a voluntary matching program to encourage residents to convert from septic tanks to sewer systems to help curb pollution that is currently entering into the Indian River Lagoon and Caloosahatchee River; and

WHEREAS, Governor Rick Scott stated in a press release that “[s]eptic tank runoff is a major contributor to the pollution in these water bodies and I look forward to working with the Legislature to fund efforts to curb it”; and

WHEREAS, the Governor’s proposal would also provide financial support to local communities to help them build wastewater systems to meet the increased demand for wastewater services; and

WHEREAS, as the Governor explained, “[i]t is up to all of us – the state, Florida’s local communities and the federal government – to work together on long term solutions to improve the quality of our water,” and “[t]hat is why I am going to commit state funding and match it with local contributions so we can work together on efforts to clean up our waters”; and

WHEREAS, in a companion item, this Board is urging the Florida Legislature to provide state funding to assist local communities in eliminating septic systems and converting to sewer system connections, as proposed by the Governor; and

WHEREAS, the importance of eliminating septic systems and converting to sewer system connections extends beyond the local and state level, with the federal government playing an active role in water quality issues; and

WHEREAS, this Board would like to partner with municipalities within Miami-Dade County to eliminate septic systems for the betterment of our environment and water quality, and to seek funding from the state and federal levels to assist with such endeavors,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges municipalities within Miami-Dade County to partner with the County to secure state and federal funding to assist with eliminating septic systems and converting to sewer system connections.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Mayor or Manager of each municipality in Miami-Dade County, the Council or Commission of each municipality in Miami-Dade County, and the Executive Director of the Miami-Dade County League of Cities.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye	
	Esteban L. Bovo, Jr., Vice Chairman	aye	
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of September, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

TAB 12

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: October 11, 2016

TO: Village of Pinecrest
Zoning Board

FROM: Stephen R. Olmsted, AICP 
Planning Director

RE: Ms. Mimi Oliveira - Appeal of a Decision of the Zoning Board
Building Height Variance granted to GFB Enterprises, LLC and BFI Pinecrest, LLC to allow an "elevator override" to exceed the maximum permitted height of 45 feet.

ZONING BOARD VARIANCE

On July 27, 2016, the Village of Pinecrest Zoning Board granted GFB Enterprises, LLC and BFI Pinecrest, LLC a building height variance from the requirements of Division 4.3 (e) 6. b. of the Land Development Regulations to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted. The elevator override is proposed to be located toward the center of the building.

The original variance application submitted by GFB Enterprises, LLC and BFI Pinecrest, LLC and related attachments; a copy of the Building and Planning Department's staff report to the Zoning Board; and Lexus of Kendall's proposed site and building plans are attached for the Village Council's consideration.

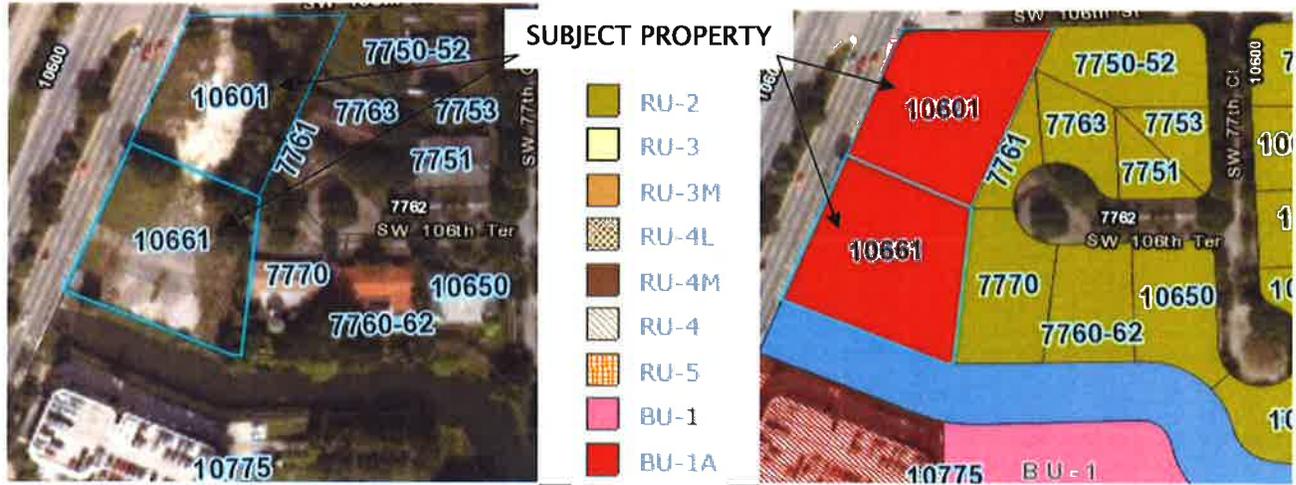
APPEAL OF THE DECISION OF THE ZONING BOARD

On August 10, 2016, Ms. Mimi Oliveira, represented by Ser & Associates PLLC, submitted a Notice of Appeal for appeal of the Zoning Board's decision to the Village Council. Ms. Oliveira owns residential property located at 7772 SW 106 Terrace, immediately east of the subject property. A copy of Ms. Oliveira's Notice of Appeal, prepared by Ser & Associates, is attached for the Village Council's consideration along with attached exhibits including the



PROPERTY LOCATION

The subject property is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development Zoning District. The property is currently vacant and undeveloped.



OWNER/APPLICANT

BF1 Pinecrest LLC; GFB Enterprises LLC (Applicants and Owners)

PUBLIC COMMENT

The Building and Planning Department has received several letters in opposition to the requested variance from neighboring property owners and one letter in support of the proposed variance. Correspondence is attached.

PINECREST LAND DEVELOPMENT REGULATIONS

The property is zoned BU-1A, General Business Development.

Criteria

Criteria for approval of a requested variance are provided in Division 3.5 of the Village’s Land Development Regulations. A copy of Division 3.5 is attached for the Village Council’s consideration.

In order to authorize any variance from the terms of the Land Development Regulations, pursuant to the provisions of Division 3.5 of the Village’s Land Development regulations, the

Village Council is required to find that the request meets all of the seven (7) specified criteria. Criteria include the following:

1. **Variance consistent with authorized powers.** *That the variance is in fact a variance set forth in the land development code and within the province of the board or Village Council, as applicable, based upon the opinion of the Village Attorney.*

The variance initially approved by the Zoning Board is authorized to be granted pursuant to Division 3.6 of the Land Development Regulations. Variances are authorized to be granted by the Zoning Board for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances.

The Village Council has the authority to consider the variance upon appeal. Pursuant to Division 2.1 of the Village's Land Development Regulations, the Village Council has the authority to "Hear and decide appeals from any decision of the Zoning Board".

2. **Existence of special conditions or circumstances.** *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.*

There do not appear to be special conditions that exist relative to the proposed increase in building height. The applicant has the option to design a building that complies with maximum permitted height restrictions of the Village's Land Development Regulations. Consenting to this variance request would grant the applicant a right to additional building height that would otherwise not be permitted.

3. **Conditions not created by the applicant.** *That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances relative to the requested variance do result from the actions of the applicant. The subject property is currently undeveloped and the proposed building is in the design stage. The applicant has the option to design the building in compliance with the requirements of Village's Land Development Regulations for maximum permitted height.

4. **Special privileges not conferred.** *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Granting of the variance would confer a privilege on the applicant that would otherwise be denied to others facing similar circumstances, approval of a variance notwithstanding.

5. **Hardship conditions exist.** *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the Land Development Regulations would require the applicants to design the proposed building in compliance with the Village's Land Development Regulations, and could require an overall building height that is less than desired, but would not deprive the property owners of rights commonly enjoyed by others who own property adjacent to Pinecrest Parkway.

6. **Only the minimum variance granted.** *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

Reasonable use of the property, including use of the property for an automobile dealership will continue to be available to the applicants if their variance request is denied. The existing dealerships, Lexus of Kendall and Kendall Toyota, for example, were developed on adjacent properties located on the south side of the C-100 canal without height variances.

7. **Not injurious to the public welfare or intent of the land development code.** *That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The subject property is located immediately adjacent to and west of single-family and duplex residences. A buffer including a 6-foot wall and landscaping to include a hedge and shade trees will be required along the eastern boundary of the commercial development, if approved.

Construction of the proposed elevator override structure at a height greater than the maximum permitted height of 45 feet would be inconsistent with the intent of the Land Development Regulations to limit the height of buildings in the BU-1A, General Business Development Zoning District to 45 feet. It is the purpose of the Land Development Regulations to establish “comprehensive controls and management” to “preserve the unique Village character and to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Village”. Approval of the requested variance could serve as the basis for similar requests by other property owners in the Village, if approved.

STAFF RECOMMENDATION

The Building and Planning Department recommends that the requested height variance related to the proposed elevator override be denied because the request does not meet all of the seven (7) required criteria for approval.

In the event the Village Council considers affirming the Zoning Board’s decision to approve the requested variance, the Village Council may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan, Pinecrest Parkway (US-1) Vision Plan, and Land Development Regulations.

Jay and Riva Steinman

6420 SW 135th Drive

Pinecrest, FL 33156

Attention: Guido Inguanzo,

RE: Hearing # 2016-0727-2 GFB Enterprises, LLC and BFI Pinecrest, LLC

This letter is to serve as to our support of the above referenced variance. Unfortunately, we are out of the country and unable to attend the meeting scheduled for Wednesday, July 27.

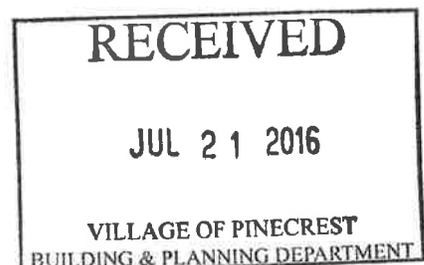
This company has been an incredible, philanthropic entity over the past 20 years supporting organizations both in Pinecrest and Miami-Dade county. Having served as a PTA president and both my husband and myself sitting on EESAC committees at Howard Drive Elementary and Palmetto Middle school as well as being an active booster at Palmetto High school, this dealership went beyond the call of duty whenever asked to support our neighborhood schools. Additionally, we have reached out personally to Mr. Chris Roberts, CEO of this entity, to fund numerous organizations such as the South Dade YMCA and the Chapman Partnership. Through the generosity of this company, at risk youths attended camps, homeless families had warm meals and roofs over their heads. We can list countless other organizations that Mr. Roberts has partnered with to help those in need in our community, but the list is endless.

Looking at the variance at the minimal height adjustment being requested, we do not see it being intrusive where the location is located along Pinecrest Parkway. In reference to the lighting on the upper deck, the lights could have filters attached to keep the brightness targeted to the front of the property so as not to impact neighbors.

We hope that the Zoning board and GFB Enterprises, LLC and BFI Pinecrest, LLC can work together on this variance as community partners and approve these plans,

Thank you

Riva and Jay Steinman



Sue Bowman

To: clerk@pinecrest-fl.gov
Cc: Mary Sue Bowman
Subject: Public Hearing For kendall Toyota's variance request

Dear Mr. Guido H. Inguanzo Jr. & Council members,
I Mary Sue Bowman own a duplex at 7753-51 S.W. 106 Ter. I object to allow Kendall Toyota to add any more to the Property at 10661 and 10601 Pinecrest Parkway, Pinecrest .Florida 33156 that GFB Enterprises, LLC and BFI Pinecrest, LLC are requesting variances from the height requirements of Division 4.39€ 6.b of the Land development Regulations to permit a maximum building height of 52.35 feet 64.75 feet NGVD) for the planned "elevator override" portions of a proposed automobile sales building instead of 45 feet 57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to the height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted., I give it a BIG NO on what Toyota's wants to do. The place is already a big eye sore. So I appeal to this proposal based on (F.S. 286.0105) This is for July 27th 2016 Council meeting.

Sincerely,

Mary Sue Bowman



BARRY J. KATZ
10844 SW 77th COURT
Miami, Florida 33156
Office 305 663-6717, Cell 305 322-4865
catsfam@aol.com

June 30, 2016

VILLAGE OF PINECREST
Pinecrest Zoning Board
Stephen R. Olmsted, Planning Director
12645 Pinecrest Parkway
Pinecrest, Fl 33156

Re: 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156

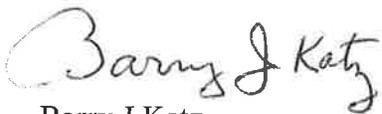
Dear Pinecrest Zoning Board,

I wish to PROTEST against the zoning variances requested by GFB Enterprises LLC and BFI Pinecrest LLC which will be heard July 27 2016 at the zoning Board hearing. The property is at 10601 & 10661 Pinecrest Parkway, Pinecrest, Fl.

I feel that granting them the variances will NEGITIVELY impact my property at 10844 SW 77 Court, Pinecrest Fl 33156. As stated in the notice, the owners have already been given adequate hight and light requirements through the zoning laws and therefore should not be given any more.

Please feel free to contact me.

Sincerely,



Barry J Katz
10844 SW 77 Court
Miami, Fl 33156



Mercedes-Benz

Mercedes-Benz of Coral Gables
A Bill Ussery Motors Company

Village of Pinecrest
Pinecrest Zoning Planning Director
12645 Pinecrest Parkway
Pinecrest, FL 33156

Re: Expansion of Kendall Lexus

Pinecrest Zoning board,

I am in protest of the expansion of Kendall Lexus to the vacant lot behind my duplex at 7763 SW 106 Terr. I have been a home owner for over 30 yr at that location. I feel the variance will adversely affect my property. Pinecrest Zoning has gone to great effort to establish rules about new buildings not to have a variances on every new construction. Several important issues must be considered. The impact of traffic on the north enters will adversely impact my street. As you can see from the plans a customer coming from the north and wants to entrance the lot has to make a u turn on US 1 or turn on 106 Terr and enter from the side street. Customer will be disoriented and turn into the cul-de-sac looking for an entrance to the Used Car Lot. In addition off street parking on 106 Terr will affect traffic on that street. I am concerned about the 3 floors of used car parking in the building. The light coming from the three floor of displayed car will light my house from all sides. I am also in the car business and the practice of locating car by the use of the cars alarm. We will have an affected by sounding the car horn late into the night. This property is not designed for a large scale retail sales activity with a larger than 4000 square floor area. I would also like to make you aware of the ground level of both properties. The ground level is about 6 feet higher than my lot level and that would make the appearance of their building much higher than the surrounding property. The noise and light glare coming from that building will have an adverse effect on the quality of life. Pinecrest must retain a high quality of life for the residents while helping business thrive. This growth can't come at the expense of having the resident's homes and family lives be adversely affected or Pinecrest will no longer be the desirable neighborhood to live in.

Sincerely,

Robert N Corso

7763 SW 106 Terr
Pinecrest, FL 33156

305-445-8593



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300 Almeria Avenue
Coral Gables, Florida 33134
Telephone (305) 445-8593
www.mbcoralgables.com

Stephen Olmsted

From: Zobeyra Vargas (OVM)
Sent: Monday, July 25, 2016 2:29 PM
To: Stephen Olmsted
Subject: FW: July 27 Zoning Board Meeting...Kendall Toyota/Lexus

From: Dariush Mahtabfar [<mailto:dmahtabfar@yahoo.com>]
Sent: Monday, July 25, 2016 12:57 PM
To: The Honorable Cindy Lerner; The Honorable Cheri Ball; The Honorable Doug Kraft; The Honorable James E. McDonald; The Honorable Bob Ross; Zobeyra Vargas (OVM); solmstead; leslieabowe@gmail.com; ken@floridapave.com; sgtdavempd@aol.com; ethanshap@hotmail.com; gypsydoc@bellsouth.net; hspeizer@bellsouth.net; jason.k.timmons@gmail.com
Subject: July 27 Zoning Board Meeting...Kendall Toyota/Lexus

Pursuant to the Zoning Board meeting scheduled for July 27, I strongly object to approval of the two variances requested by Kendall Toyota. Staff has it right, they should both be denied. Kendall Toyota should utilize their remote locations for their intended use and NOT to do business at the expense of neighborhood ! Based on the history of Kendall Toyota in the area, my quick assessment is that this project will be detrimental to the whole neighborhood. I definitely appreciate the position of staff and implore the Zoning Board to agree. Thank you.

Regards,

Dariush Mahtabfar

10641-43 SW 77 Ct
Miami, FL 33156

Stephen Olmsted

From: Probst, <kevinprobst@hotmail.com>
Sent: Tuesday, July 26, 2016 10:56 AM
To: Stephen Olmsted
Cc: Guido H. Inguanzo, Jr. (OVC)
Subject: Letter in Opposition of Variance Application by GFB Enterprises, LLC and BFI Pinecrest, LLC – Public Hearing #PZ 2016-0727-2
Attachments: Kevin Probst letter opposing Lexus variance application 7-26-15.pdf

Good Morning:

Please see the attached letter opposing the variance application to be addressed at tomorrow's Zoning Board meeting and add it to the record in this matter.

Regards,
Kevin Probst

KEVIN E. PROBST

7762 SW 106th Terrace, Miami, FL 33156

(305) 582-6387

kevinprobst@hotmail.com

Sent via electronic mail to:

solmsted@pinecrest-fl.gov

clerk@pinecrest-fl.gov

July 26, 2016

**Ref: Variance Application by GFB Enterprises, LLC and
BFI Pinecrest, LLC – Public Hearing #PZ 2016-0727-2**

Dear Pinecrest Zoning Board and Village Council:

Kindly note for the record that my family and I oppose the variance application in this matter, submit that it does not satisfy the criteria necessary to justify an approval in accordance with Florida law, and respectfully request that it be denied.

Sincerely,

/s/ Kevin E. Probst

Kevin E. Probst

Stephen Olmsted

From: Zobeyra Vargas (OVM)
Sent: Wednesday, July 27, 2016 3:50 PM
To: Stephen Olmsted
Subject: FW: July 27 Zoning Board Meeting...Kendall Toyota/Lexus
Attachments: Pinecrest Memo re Denying Variance App 7-21-16.pdf

From: tjforeman@aol.com [<mailto:tjforeman@aol.com>]

Sent: Friday, July 22, 2016 12:48 PM

To: The Honorable Cindy Lerner; The Honorable Cheri Ball; The Honorable Doug Kraft; The Honorable James E. McDonald; The Honorable Bob Ross; Zobeyra Vargas (OVM); solmstead@pinecrest-fl.gov

Subject: July 27 Zoning Board Meeting...Kendall Toyota/Lexus

Pursuant to the Zoning Board meeting scheduled for July 27, I strongly object to approval of the two variances requested by Kendall Toyota. Staff has it right, they should both be denied. I live directly behind the proposed expansion and the neighborhood

appreciates the position of staff and implore the Zoning Board to agree. Thank You.

Tim Foreman
10650 SW 77 Ct
Pinecrest, FL 33156

Stephen Olmsted

From: Tim Hartman <tim.hartman@att.net>
Sent: Wednesday, July 27, 2016 6:26 PM
To: Stephen Olmsted
Cc: Tim Hartman
Subject: Zoning board meeting – Kendall Toyota/Lexus

Pursuant to the Zoning Board meeting scheduled for July 27, I strongly object to approval of the two variances requested by Kendall Toyota. Staff has it right, they should both be denied. I own the property directly behind the proposed expansion and the neighborhood appreciates the position of staff and implore the Zoning Board to agree.

Thank You.

Tim Hartman

Stephen Olmsted

From: Cathy Nordlund <ccnemail@bellsouth.net>
Sent: Friday, July 22, 2016 12:02 PM
To: The Honorable Cindy Lerner; The Honorable Cheri Ball; The Honorable Doug Kraft; Stephen Olmsted; The Honorable James E. McDonald; The Honorable Bob Ross
Cc: Leo Llanos; Zobeyra Vargas (OVM); Guido H. Inguanzo, Jr. (OVC)
Subject: Opposition to Lexus variance

Dear Mayor Lerner, Council members and Planning Director, Stephen Olmsted

RE: GFB Enterprises, LLC and BFI Pinecrest, LLC-10601 and 10661 Pinecrest Parkway-Public Hearing #PZ20160727-2, Building Height Variance to allow an "elevator override" and exterior lighting to exceed the maximum permitted height of 45 ft.

I own the property at 7761 SW 106 Terr. which is alongside this area. I am in complete opposition to the requested variance and think it should be denied.

Also, I am in complete opposition of allowing them to have the **only exit** for all the cars to exit this dealership to be on SW 106st which is a two lane residential street. This will cause a huge amount of traffic. It is bad enough that they test drive all the new cars down our residential streets now we will have all the used cars being test driven too.

Regards
Cathy Nordlund

From: Cathy Nordlund [<mailto:ccnemail@bellsouth.net>]
Sent: Monday, July 4, 2016 4:36 PM
To: 'clerner@pinecrest-fl.gov'; 'cball@pinecrest-fl.gov'; 'dkraft@pinecrest-fl.gov'; 'solmsted@pinecrest-fl.gov'; 'jmcDonald@pinecrest-fl.gov'; 'bross@pinecrest-fl.gov'
Cc: Robert Corso (corso@mbcoralgables.com); 'lllanos@pinecrest-fl.gov'; 'manager@pinecrest-fl.gov'
Subject: Request to postpone Public Hearing on Kendall Toyota/Lexus hearing

Dear Mayor Lerner, Council members and Planning Director, Stephen Olmsted,

I am writing concerning the request for variances of the property located at 10661 and 10601 Pinecrest Parkway, Pinecrest 33156.

I reside at 7141 SW 139 St Palmetto Bay, FL 33158

I own the property along with Robert Corso at 7761/7762 SW 106 Terr Pinecrest, Fl 33156 for over 37 years.

Neither one of us have been notified of the public hearing meeting that will take place on July 27th and about the variances that are now being requested.

This will be a huge impact to us as we are the most affected. We understand that other home owners were not notified either.

I am asking you to please reschedule this meeting to give the homeowners ample time to review what Kendall Toyota/Lexus has requested.

I hope to hear from you soon concerning the date of this meeting.

Regards,
Cathy Nordlund

cc
Robert Corso, Property Owner
Village Manager, Yocelyn Galiano
Building Official, Leo Llanos

Cathy Nordlund

305-796-5816
ccnemail@bellsouth.net



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via email to Zoning Board Members

July 24, 2016

Zoning Board Members
Village of Pinecrest
1151 S. Dixie highway
Pinecrest, Florida 33156

**Re: Variance Application – Public Hearing #PZ2016-0727-2
GFB Enterprises, LLC and BFI Pinecrest, LLC (collectively, the “Applicants”)**

Dear Zoning Board Members,

This firm represents Ms. Mimi Oliveira owner of property located at 7772 S.W. 106th Terrace, Miami, Florida 33156 (the “**Oliveira Property**”). The Oliveira Property sits just feet from the Proposed Project, as defined below, and is part of a cluster of a dozen homes on a cul-de-sac at S.W. 106th Terrace (the “**Cul-de-Sac**”) (See Exhibit A).

This coming Wednesday, July 27, 2016, application for two variances submitted by the Applicants will come before you for consideration. One for a building height variance to permit a building of over 52ft. in height or 64.75ft. NGVD; the other variance is to permit light poles on the upper deck of a proposed used car sales and storage building for Lexus (the “**Proposed Project**”) that will extend 49.75ft. into the air or 57.4ft NGVD (collectively, the “**Variances**”). These Variances are specifically for the Proposed Project, but also part of a master redevelopment which includes the remodeling and extension of the existing Toyota building located on the south side of the C-100 Canal and adding a bridge connection over the C-100 Canal to transfer cars between the car facilities (the “**Master Development**”) (See Exhibit B). It is unclear at this time if the Applicants have already submitted an application to the South Florida Water Management District (“**SFWMD**”) or if the SFWMD has already approved the new bridge since the neighboring property owners have had no notice or input into this process.

It is our position that the Variances must be denied by the Board for the following reasons:

- (i) As was astutely recommended by the Village’s own Planning Director in his recommendation for denial issued July 21, 2016 (“**Director’s Report & Recommendation**”), the Variances fail to meet all seven (7) criteria set out by Division 3.5 of the Village of Pinecrest Land Development Regulations required for the approval of a variance.

- (ii) The Variances are part of a grander scheme of development and should not be evaluated in a vacuum. In other words, although the Variances are required for only for the Proposed Project, which has yet to obtain the Village Council's blessing for the required Conditional Use approval it needs (used car sales lot), it is part of the Master Development which begs for a comprehensive and thorough review of its overall effect on the residential neighborhood to the east.
- (iii) Proper notice was never given to the Cul-de-Sac property owners who are the ones who will be directly and negatively impacted by the approval of the Variances.

(i) Variances must be denied for failure to meet the requirements of Division 3.5 of the Village of Pinecrest Land Development Regulations (the "Regulations")

In order to grant a variance, the Zoning Board must use the *criteria for approval* set out by the Regulations at Division 3.5(f)(1) in evaluating whether or not to grant a variance. In fact, the Applicant must meet all seven (7) of the established criteria. In this case, however, the Applicant fails to meet each and every criteria, as demonstrated below, and the Variances must be denied.

1. Is the variance requested consistent with the Board's authorized powers?

No, it is not.

Although the Zoning Board has the authority to consider variances for development parameters, such as building height, it is prohibited from granting a variance "...for an unauthorized use...", or for "one that is not permitted in the zoning district as either a permitted or conditional use..." (See Division 3.5(c) of the Regulations). In this case, the Proposed Project is not a permitted use in that it has not received approval from the Village Council for the required Conditional Use, the sale of vehicles, nor has an application even been submitted. The "cart before the horse"? Or, perhaps the Applicants are trying to piecemeal the required approvals and the Master Development so as to remain under the radar and not bring attention to the massive structure and intense use planned for a parcel of land that is just a little over one (1) acre?

Moreover, the Zoning Board is not permitted to grant a variance "which increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive development master plan or [the] land development code." (See Division 3.5(c) of the Regulations). In this case, as per the Planning Director's report, "[c]onsenting to requested Variances would grant the applicant a right to additional building height that would otherwise not be permitted." (See Director's Report & Recommendation, Page 2.). The effect of which would be to increase the intensity of the use beyond that which is permitted. **For these reasons, the Variances must be denied.**

2. **Are there in existence special conditions or circumstances which are peculiar to the land, structure, or building and which are not applicable to other lands, structures, or buildings in the same zoning district?**

No, there are not.

The property for the proposed used car dealership does not have any special or peculiar circumstances applicable to it which are not applicable to other lands, structures or buildings in the same district. In fact, the property is vacant and a project can be designed well within the development parameters provided for by the Regulations for the BU-1 District. What Applicant is seeking, however, is a special approval to be able to build beyond the height limitations in order to add an additional floor to house used cars and increase its on-site inventory. Although this is a natural and logical preference for a car dealership, it is not a special or peculiar condition of the land. Moreover, approval of the Variances will provide a right not provided to other property owners within BU-1A Zoning District. **For these reasons, the Variances must be denied.**

3. **Conditions not created by applicant. Do the special conditions and circumstances result from the actions of the applicant?**

Yes, the circumstances (a larger than permitted project) are created solely by the Applicant.

Applicant, knowing that the Variances are completely unsubstantiated, brazenly argue that the Village Master Plan and Land Development Code are inconsistent in their height restrictions and buffering requirements for residential areas. Although creative, the argument is ludicrous.

The height limitations and buffering requirements between commercial and residential areas are well thought out restrictions to ensure that residents of the Village do not have to suffer from the eventual build-out of commercial corridors. The massive project proposed by Applicant for this small parcel of land seeks to use every inch of the property for the development of the biggest parking structure possible, understandably, to house as much inventory as possible. However, this is the doing of the Applicant, not because of any condition or circumstance created by another or unique to the land or the Regulations. The answer to the situation is simple. Design the project within the parameters set out by the Regulations. **For this reason, the Variances must be denied.**

4. **Special privileges not conferred. Will the granting of the variances requested Confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district?**

Granting of the Variances will absolutely grant a special privilege to Applicant and to the Proposed Project.

There is no hardship in this equation. There is no special circumstance or condition affecting the property. This is a case where a property owner merely wants to design a building for a vacant piece of land to get the most out of its investment by being able to add an additional level to its parking garage for the purpose of storing and selling more cars. The special privilege that would be conferred by the granting the Variances is clear. It's simple. It's the extra added assistance that will be provided to the auto dealership to store and sell more cars. A privilege not granted to any other business owner in the BU-1A District. **For this reason, the Variances must be denied.**

- 5. Does an undue hardship condition exist or is one created by the interpretation of the provisions of the land development code depriving the applicant of rights commonly enjoyed by other properties in the same zoning district?**

No, a hardship condition does NOT exist, nor is one created that would deprive the Applicant from the same rights enjoyed by others.

The Applicant argues that “[n]o habitable space or other tangible benefit is conferred on the Applicant” and that because the building code requires that an elevator provide a certain vertical distance for the project, as designed, that “[t]his is merely a necessary design element” and not “a design preference...” Applicant goes on to argue that addressing these additional height requirements does not result from its own actions. These arguments are preposterous!

The land being developed is a vacant piece of land. This is not a case where an existing building is being retrofitted or repaired. All the Applicant needs to do is to have its architects and engineers design the project within the development parameters. If because of this the Applicant can't get its extra floor of inventory, then perhaps this site is not suitable for the proposed use or the Proposed Project's projected rate of return.

The interpretation of the land development code does not deprive the Applicants of rights enjoyed by other properties. There is no hardship placed on the Applicant because of the Regulations. Rather, the approval of the Variances will bestow on the Applicants rights not enjoyed by others in the same zoning district. Moreover, it will place an undue hardship on the Proposed Project's residential neighbors whose homes will be completely dwarfed by a massive structure with very tall light fixtures on the top floor making it seem like daylight in the middle of the night! **For all of these reasons, the Variances must be denied.**

- 6. Are the Variances requested the minimum variances that can be granted that will make possible the reasonable use of the land?**

The Variances are not required or necessary to make reasonable use of the land.

As stated above, the Variances are not required to make reasonable use of the land. The Variances are required because the Applicant has designed a larger development than what

is permitted by the Land Development Code. The property is made up of 1.25 acres of land and can house the proposed use (used car facility) if built within the zoning envelope and, of course, if one day approved by the Village Council as a Conditional Use. The Applicant itself has generated the need for the Variances through an inappropriate design of the project. **For these reasons, the Variances must be denied.**

- 7. Will the granting of the Variances be in harmony with the general intent and purpose of the comprehensive development master plan and the land development code? Will it be injurious to the area involved or otherwise detrimental to the public welfare?**

**Granting of the Variances will NOT be in harmony
with the intent and purpose of the Village's Master Plan and Code.**

The Village of Pinecrest Master Plan, Policy I-I.I.I states:

“Residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible development... Potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, including vegetated berms with tree canopy where practical, or by other appropriate screening and buffering techniques. These landscaping techniques shall be incorporated into the design of new or redeveloping nonresidential projects located adjacent to existing or planned residential development.”

Policy I-I.I.I goes on to state,

“[t]hese provisions shall be directed toward protecting privacy, as well as access to light, air and open space.”

Policy I-I.I.2, titled “Promote Orderly Land Use Transition”, states:

“[w]here it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition. Buffering may take the form of: (1) physical barriers, such as vegetative berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; and open space systems with dense native vegetation and tree canopy...”

The site plan for the Proposed Project is in direct conflict with the Policies stated above. There is no “smooth transition”, there is no buffering, no tree canopied areas, no screening and no buffering. Moreover, the Variances requested only provide a bigger and more intrusive project increasing the adverse impact and laying the project right on Ms. Oliveira’s front steps.

**Granting of the Variances will be injurious to the residential
neighborhood directly to the east
and
will be detrimental to the public welfare.**

The potential adverse impact to the residential neighborhood and to the Oliveira Property will be devastating. Not only from a loss of property value, but from a quality of life perspective. Ms. Oliveira and her neighbors will see a large, massive wall every time they step outside of their homes. They will be subjected to the daily noise of a busy car dealership. For Ms. Oliveira, the ground level employee parking will be just 7.5 ft. away from her property line. If the Variances are approved, towering light poles used to illuminate the pretty, shiny cars will light up the neighborhood as if it were the middle of the day.

The Proposed Project has not been properly evaluated to ensure an orderly land use transition. It has not been properly evaluated to ensure there are no adverse impacts to the residential neighborhood immediately adjacent to it. It has not been reviewed for increased traffic or other negative impacts that a large used car facility is sure to bring. What we do know, however, is that the granting of these Variances will not be in harmony with the Village's Master Plan and its policies and objectives and, because of that, will be injurious to the public. **For these reasons, the Variances must be denied.**

(ii) The Variances must be denied to allow for a comprehensive review of the effect of the Proposed Project and the Master Development.

The requested Variances are just a small part of a new Proposed Project, a used car facility, that has yet to obtain the Village Council's blessing for the required Conditional Use approval it needs to operate as a used car sales lot. In other words, approval is being sought for an unapproved project. Moreover, and more importantly, the Proposed Project and requested Variances are part of the Master Development, for which a comprehensive and thorough review of its overall effects have not yet been evaluated by the Village since applications have not yet been submitted (the Variances are the first approval being sought).

If the Zoning Board is not inclined to deny the Variances purely on the fact that they do not meet any of the variance requirements of Division 3.5, it is our position that these applications should not be considered until such time as the Master Development is evaluated and the Conditional Use is approved by the Village Council.

(iii) The Variances must be denied for failure to provide Mailed & Posted Notice as required by Division 3.8 (b) & (d).

My client, Ms. Mimi Oliveira, owns a duplex home immediately adjacent to the proposed dealership. In fact, it is the closest neighboring property on the quiet cul-de-sac immediately east of the proposed use car sales center project (See diagram enclosed). Ms. Oliveira, and her now deceased husband, have lived in their home since 1978. Yet, notice of the upcoming hearing never made it to her home. It was only by accident that another neighbor who heard a rumor of the project contacted the Village and learned of the upcoming hearing. Like Ms. Oliveira, many other neighbors in the cul-de-sac did not receive notice.

My client, Ms. Oliveira, and others on the cul-de-sac immediately east of the subject property, only learned of these variance applications by chance when calling the Village to inquire about the Master Development. Written notice was never provided to these property owners and the fact that there is small sign in front of the subject property facing U.S. 1 should not be considered sufficient notice. This assumes all adjacent property owners regularly drive north on U.S. 1 in front of the subject property, when in fact, they all typically take SW 110th Street if they are driving north and S.W. 106th Court street, if they are driving south. So to see the small sign in front of the proposed location is almost impossible. There was no posted sign on S.W. 106th Street and there certainly was no sign on the Cul-de-Sac (S.W. 106th Terrace) which was required by Division 3.8(d)(4) as it states "[w]here the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application".

It is clear from the code that a missing mailed notice, although it is required, does not negate the Village action of taking up the item. However, I implore the Board to consider that we are in the middle of the summer and many residents, such as my client, are up north for the summer season. This may be coincidental on the part of the Applicants, but it is a well-known tactic used by applicants with difficult applications. That is, to apply for approvals during the summer when many residents are out of town and far away from the podium.

Proper notice to all possibly affected neighbors is crucial for this application. My client, and her neighbors, are going to be profoundly and negatively impacted by such a large and intense project just feet away from their properties. Impacted, not only from a devaluation of their property values, but the impact of disturbing noise and light that will fall upon their homes each and every night. Moreover, the Proposed Project will result in having an almost 6-story wall facing them every time they look out their windows. Yes, the actual linear foot height requested is 52.79 (45ft allowed), but the NVGD, which takes into account flood levels and the crown of road heights (here it would be the crown of U.S.1), would take it up to 64.75 ft. One must also consider that the homes on the Cul-de-Sac were built in the early 1970s and, thus, are much closer to sea level, if not below. Thus making the proposed structure that more imposing and monstrous.

In summary, the Variances must be denied since they do not meet any of the seven (7) criteria required pursuant to Division 3.5 of the Village's Land Development Regulations. If, for whatever reason, the Board is inclined to approve the Variances, we ask that the applications be continued until such time as the Village Council has the opportunity to evaluate an application for the Conditional Use required for the Proposed Project and for the Village to consider the Master Development as a whole, rather than through piecemealed applications. A traffic plan should be required to understand the impact of the proposed project on S.W. 106th Street. A review of the existing Cul-de-Sac homes heights in comparison to the proposed project should be reviewed. Heavy buffering and landscaping, plus excess rear setbacks should be considered. In summary, the impact to the adjacent residential neighborhood is in jeopardy here and deserves protection in keeping with the goals and objectives of the Village's Master Plan.

Thank you, in advance, for your consideration.

Respectfully,



Lillian A. Ser, Esq.

Letter emailed to Zoning Board Members:

Ms. Leslie Bowe, *via email to leslieabowe@gmail.com*
Mr. Ken Fairman, *via email to ken@floridapave.com*
Mr. David J. Ramras, *via email to sgtdavempd@aol.com*
Mr. Ethan Shapiro, *via email to ethanshap@hotmail.com*
Mr. Jeffrey Solomon, *via email to gypsydoc@bellsouth.net*
Mr. Harry Speizer, *via email to hspeizer@bellsouth.net*
Mr. Jason Timmons, *via email to jason.k.timmons@gmail.com*

cc: Mayor Cindy Lerner, *via email to clerner@pinecrest-fl.gov*
Mr. Doug Kraft, Seat 2, *via email to dkraft@pinecrest-fl.gov*
Mr. Stephan R. Olmstead, *via email to solmsted@pinecrest-fl.gov*
Ms. Mimi Oliveira
Mr. Robert Corso
Mr. Tim Forman
Ms. Cathy Nordlund
Kevin Probst, Esq.



LEXUS OF KENDALL
PRE-OWNED BUILDING
10667 SOUTH DIXIE HIGHWAY
VIENNA, VA 22180

DATE	05/05/2011
TIME	10:00 AM
PROJECT NO.	11000000000000000000
PROJECT NAME	LEXUS OF KENDALL
PROJECT TYPE	PRE-OWNED BUILDING
PROJECT STATUS	PLANNING
PROJECT PHASE	PLANNING
PROJECT LOCATION	10667 SOUTH DIXIE HIGHWAY VIENNA, VA 22180
PROJECT OWNER	LEXUS OF KENDALL
PROJECT CONTACT	
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	
PROJECT COUNTY	
PROJECT DISTRICT	
PROJECT ZONE	
PROJECT SUBZONE	
PROJECT MAPSHEET	
PROJECT SHEET NO.	
PROJECT SHEET TOTAL	
PROJECT SHEET PRICE	
PROJECT SHEET TOTAL PRICE	
PROJECT SHEET TOTAL PRICE (USD)	65.00





Stephen R. Olmsted AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

On Tuesday, October 18, 2016 at 8:00 p.m., the Pinecrest Village Council will conduct a public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida for consideration of an appeal of a variance previously granted by the Pinecrest Zoning Board as follows:

APPLICANT(S): Ms. Mimi Oliveira, represented by Ser and Associates, PLLC

ITEM: Appeal of a decision of the Pinecrest Zoning Board to grant a Building Height Variance to allow an "elevator override" to exceed the maximum permitted height of 45 feet.

LOCATION: The subject property is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development Zoning District.

REQUEST: Ms. Mimi Oliveira, represented by Ser and Associates, PLLC, has submitted an appeal of a decision of the Pinecrest Zoning Board to the Village Council, and is appealing the decision to grant a variance from the building height requirements of Division 4.3 (e.) 6. b. of the Land Development Regulations that was approved by the Pinecrest Zoning Board on July 27, 2016, that was granted to GFB Enterprises, LLC and BFI Pinecrest, LLC, to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted. The Village Council will conduct a "de novo" hearing in consideration of the appeal.



All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

You are hereby advised that if any person desires to appeal any decision made with respect to any other matter considered at this meeting or hearing, such person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Refer to the item number when making an inquiry.

In accordance with the American with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 no later than four (4) business days prior to such proceeding.



**VILLAGE OF PINECREST
PUBLIC HEARING NOTICE**

On Tuesday, October 18, 2016 at 8:00 p.m., the Pinecrest Village Council will conduct the following Public Hearing to be held at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida:

Hearing #2016-_____. Ms. Mimi Oliveira, represented by Ser and Associates PLLC, has submitted an appeal of a decision of the Pinecrest Zoning Board to the Village Council, and is appealing a variance from the building height requirements of Division 4.3 (e) 6. b. of the Land Development Regulations that was approved by the Pinecrest Zoning Board on July 27, 2016, that was granted to GFB Enterprises, LLC and BFI Pinecrest, LLC, to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted. The Village Council will conduct a "de novo" hearing in consideration of the appeal.

The subject property is located at 10601 and 10661 Pinecrest Parkway (US 1), Pinecrest, Florida 33156 within the BU-1A General Business Development zoning district.

All interested parties...

In accordance with the Americans with Disabilities Act...

Should any person decide to appeal...

Guido H. Inguanzo, Jr., CMC
Village Clerk



PUBLIC HEARING

REGARDING THE PROPERTY TO BE HELD AT
MUNICIPAL CENTER

ADDITIONAL INFORMATION
FOR THE PUBLIC HEARING
IS AVAILABLE AT
[Small inset image of a document]



AP 1608-0001

8/10/16



PUBLIC HEARING APPLICATION

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD

OFFICIAL USE ONLY

Application No.: _____

Date Received: _____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- Change in Zoning District
- Use Variance
- Non-Use Variance
- Appeal of Decision of Planning Board
- Conditional Use
- Plat
- Entry Feature
- Site Plan
- Other _____

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit)		
Mimi Oliveira		
Mailing Address	City, State, Zip	Telephone
7772 S.W 106 th Terrace	Miami, FL 33156	
Name of Owner		
Mailing Address	City, State, Zip	Telephone
		Fax

PROPERTY INFORMATION

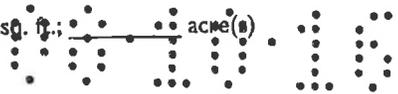
A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers). If metes and bounds description – Complete description, including section, township and range).

Folio Number _____ Address 10601 & 10661 Pinecrest Parkway

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

B. ADDRESS (If number has been assigned) _____

C. SIZE OF PROPERTY _____ ft. X _____ ft. = _____ sq. ft.; _____ acre(s)
Width Depth



D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.



E. DATE SUBJECT PROPERTY WAS ACQUIRED _____

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

Appeal of Zoning Board Decision to Grant
Variance to GFB Enterprises & BFI Pinecrest LLC
Hearing # PZ2016-0727-2

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See Attached Letter

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) _____

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED.

In support of this request, I submit the following items, which are attached hereto and made a part of this application:

- | | |
|--|--|
| <input type="checkbox"/> Plans (Standard Size) | <input type="checkbox"/> 35 MM Photo(s) (Mounted 8 1/2 x 11) |
| <input type="checkbox"/> Letter of Intent | <input type="checkbox"/> Letters from Area Residents |
| <input type="checkbox"/> Survey | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Owner's Affidavit | |

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR PLANNING BOARD PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

8/10/16
Date

Mimi Oliveira
Applicant's Signature

Lillian A-Serr, Esq.
Print Name

Date

Applicant's Signature (if more than one)

Print Name

PUBLIC HEARING APPLICATION

OWNER AFFIDAVIT

I/We _____ as Owner (s) of Lot (s) _____

Block _____ Section _____ PB/PG _____

of property which is located at _____ desire to file an application for a public hearing before the Village Council Planning Board, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the South Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Planning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Planning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Planning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners.

I/We as the owners of the subject property (check one):

- do hereby authorize _____ to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Planning Board.

Owner's Name _____ Signature _____ Date _____

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name _____ Signature _____ Date _____

Notary to Applicant:



PUBLIC HEARING APPLICATION SUPPLEMENT

OPTIONAL

However, applicants are encouraged to contact neighbors regarding application.

_____ has applied to the Village of Pinecrest for a variance,

Name of Applicant

which will affect the property located at _____ as follows:

Property Address

To permit _____

The (Village Council) Planning Board will hold a public hearing on this request. I have read the above requested variance, the applicable plans and understand that I am waiving any objection to the proposed variance and related construction as described above. By subscribing my name below, I hereby certify that I have done so freely and without any duress or misrepresentation on the part of the applicant.

Parcel #1 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel #2 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel #3 _____ Owner Name _____ Address _____ Signature _____ Date
Parcel #4 _____ Owner Name _____ Address _____ Signature _____ Date	SUBJECT PROPERTY Please indicate the NORTH direction. (Circle one) ← ↑ ↓ →	Parcel #5 _____ Owner Name _____ Address _____ Signature _____ Date
STREET / AVENUE / TERRACE / ROAD / COURT		
Parcel #6 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel #7 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel #8 _____ Owner Name _____ Address _____ Signature _____ Date



via hand-delivery

August 10, 2016

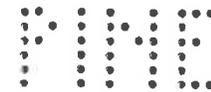
Mr. Guido H. Inguanzo, Jr.
Village Clerk
Village of Pinecrest
1151 S. Dixie highway
Pinecrest, Florida 33156

**Re: Notice of Appeal - Zoning Board Hearing Number PZ2016-0727-2
GFB Enterprises, LLC and BFI Pinecrest, LLC (collectively, the
“Applicant”)**

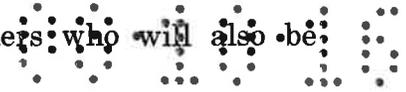
Dear Mr. Inguanzo,

This firm represents Ms. Mimi Oliveira owner of property located at 7772 S.W. 106th Terrace, Miami, Florida 33156 (the “Appellant”). This letter shall serve as Appellant’s Notice of Appeal in connection with the Zoning Board’s decision on July 27, 2016 (the “Hearing”) to grant the Applicant’s request for a height variance (the “Decision”) (See Development Order Enclosed as Exhibit 1). The basis for this appeal is the Zoning Board’s complete disregard for the Village of Pinecrest’s Code of Ordinances (the “Code”). Specifically, Division 3.5 - Variances, which sets out the 7 criteria that the Zoning Board must meet and/or follow in order to grant a request for variance (the “Criteria”).

When the Zoning Board found that the Applicant’s request to exceed the height limitations of the Code as being “reasonable” it completely disregarded the Criteria, basically making up its own standard of reasonableness. In addition, it disregarded the Planning Director’s Recommendation for Denial, a recommendation squarely based on the fact that the Applicant failed to meet the Criteria (see Exhibit 2). It also disregarded the Appellant’s arguments provided to the Zoning Board in writing on July 24, 2015 (see Exhibit 3) and, again, in person by the undersigned at the Hearing, on Appellant’s behalf. And finally, it disregarded the numerous concerns and issues



presented to the Zoning Board by neighboring property owners who will also be negatively impacted by the Decision.



The Zoning Board's blatant neglect to follow the Code and its indifference to Appellant's arguments and that of her neighbors is a complete injustice. Not once did the Zoning Board mention or question whether there was an "undue hardship", whether there were "conditions peculiar to the land" outside of the control of the Applicant. Not once did it question whether granting the variance would confer a "special privilege on the Applicant", which it surely does. Not once did it consider whether a granting of the variance would "be injurious to the area involved or otherwise detrimental to the public welfare", which it will be.

The Decision has granted Applicant with the ability to build an extra floor on its proposed used car facility based on its arguments that it could not fit its elevator shaft within the height limitations of the Code. That is completely bogus. The land being developed is a vacant piece of land. This is not a case where an existing building is being retrofitted or repaired. All the Applicant needs to do is to have its architects and engineers design the project within the development parameters. If because of this the Applicant can't get its extra floor of inventory, then perhaps this site is not suitable for the proposed design.

The Applicant argued that the Code allows for up to 4 floors and that because of the elevator override that it could not get the 4th floor it is entitled to. Also, completely bogus. The Code does not entitle anyone to build up to 4 stories, rather, it entitles a commercial property owner in the BU-1A District the right to build 4 stories with a maximum height of the building of 45ft. That the Applicant wants to have a higher than normal ceiling height for its first floor in order to better display its used cars is understandable. However, that shouldn't entitle the Applicant to then get 3 additional floors. In a nutshell, this is the special privilege that was conferred on the Applicant by the Board.

The interpretation of the land development code does not deprive the Applicant of rights enjoyed by other properties. There is no hardship placed on the Applicant because of the Regulations. Rather, the approval of the variance bestows on the Applicant rights not enjoyed by others in the same zoning district. Moreover, it places an undue hardship on the proposed project's residential neighbors whose homes will be completely dwarfed by a massive structure.



As stated above, the height variance is not required to make reasonable use of the land. Rather, the variance was required because the Applicant designed a larger development than what is permitted by the Land Development Code. The property is made up of 1.25 acres of vacant land. There is no existing structure special condition or circumstance peculiar to the land that prevents Applicant from a reasonable use of its land. In essence, the Applicant itself generated the need for the variance through an inappropriate design of the project.

Moreover, as per the Criteria, granting of a variance must be in harmony with the general intent and purpose of the comprehensive development master plan. And whether it will be injurious to the area involved or otherwise detrimental to the public welfare. In this case, the granting of the variance by the Board does not meet either of these requirements.

The Village of Pinecrest Master Plan, Policy I-I.I.I states:

“Residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible development...

Policy I-I.I.I goes on to state,

“[t]hese provisions shall be directed toward protecting privacy, as well as access to light, air and open space.”

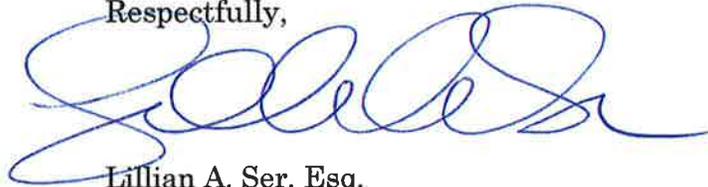
Policy I-I.I.2, titled “Promote Orderly Land Use Transition”, states:

“[w]here it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition. Buffering may take the form of: (1) physical barriers, such as vegetative berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; and open space systems with dense native vegetation and tree canopy...”

The granting of the variance by the Board is in direct conflict with the Policies stated above. Moreover, the variance granted will allow for a bigger and more intrusive project that is currently permitted, thus, increasing the adverse impact to the Appellant and her neighborhood.

As per Division 3.9((d)(2)), the Village Council must conduct a *de novo* hearing for this appeal and consider why the decision of the Zoning Board should be sustained. It is Appellant's position that the Council must overturn the Decision of the Board for clearly not following the Code and in order to protect Ms. Oliveira's interests as a Pinecrest resident and property owner.

Respectfully,



Lillian A. Ser, Esq.

cc: Mayor Cindy Lerner, *via email to* clerner@pinecrest-fl.gov
Mr. Doug Kraft, Seat 2, *via email to* dkraft@pinecrest-fl.gov
Mr. Stephan R. Olmstead, *via email to* solmsted@pinecrest-fl.gov
Jerry B. Proctor, Esq. *via email to* jproctor@bilzin.com
Ms. Mimi Oliveira w/out exhibits
Mr. Robert Corso w/out exhibits
Mr. Tim Forman w/out exhibits
Ms. Cathy Nordlund w/out exhibits
Kevin Probst, Esq. w/out exhibits



VILLAGE OF PINECREST, FLORIDA

ZONING BOARD

DEVELOPMENT ORDER

PINECREST

HEARING NUMBER: PZ2016-0727-2

APPLICANT: GFB ENTERPRISES, LLC AND BFI PINECREST, LLC

HEARING DATE: JULY 27, 2016

RELIEF SOUGHT: VARIANCE FROM THE HEIGHT REQUIREMENTS OF DIVISION 4.3(E)6B OF THE LAND DEVELOPMENT REGULATIONS TO PERMIT A MAXIMUM BUILDING HEIGHT OF 52.35' (64.75' NGVD) FOR THE PLANNED "ELEVATOR OVERRIDE" PORTION OF A PROPOSED AUTOMOBILE SALES BUILDING INSTEAD OF 45.0' (57.4' NGVD) AS OTHERWISE PERMITTED

LOCATION: 10601 AND 10661 PINECREST PARKWAY

The request for approval of a request filed by GFB Enterprises, LLC and BFI Pinecrest, LLC (the "Applicant") came to be heard before the Zoning Board of the Village of Pinecrest, Florida (the "Zoning Board") at a public hearing held on July 27, 2016. The Zoning Board having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations as adopted by the Village of Pinecrest, Florida.
2. The Applicant has established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby granted subject to the conditions included in Paragraph 6 of this approval.
4. This approval shall take effect immediately upon execution by the Village Clerk.
5. All further development on the property shall be made in accordance with the terms and conditions of this approval.
6. The Zoning Board hereby determines that the Applicant must satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:
 - a) The Applicant shall comply will all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;

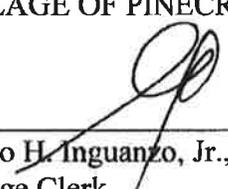
- b) The Applicant shall comply with all terms, conditions and provisions imposed by the Zoning Board, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
- c) This approval is conditioned upon the following:
- Contingent upon the approval of conditional use permit CU 1604-0001 and site plan SPR 1604-0001 by the Village Council.
- d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.
7. The public record, including but not limited to the Zoning Board and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the board, along with sworn testimony and evidence established before the board are hereby incorporated by reference.

PASSED AND ADOPTED this 27th day of July, 2016 by the Zoning Board as follows:

Member Fairman	Absent
Member Ramras	Aye
Member Shapiro	Absent
Member Speizer	Aye
Member Timmons	Nay
Vice Chairperson Solomon	Absent
Chairperson Bowe	Aye

EXECUTED this 2nd day of August, 2016.

VILLAGE OF PINECREST, FLORIDA



Guido H. Inguanzo, Jr., CMC
Village Clerk



MEMORANDUM

Department of Building and Planning



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

DATE: July 21, 2016

TO: Village of Pinecrest
Zoning Board

FROM: Stephen R. Olmsted, AICP
Planning Director

RE: GFB Enterprises, LLC and BFI Pinecrest, LLC – 10601 and 10661 Pinecrest Parkway – Public Hearing # PZ 2016 0727-2, Building Height Variance to allow an “elevator override” and exterior lighting to exceed the maximum permitted height of 45 feet.

PETITION REQUEST

GFB Enterprises, LLC and BFI Pinecrest, LLC have submitted applications for permits to construct a new pre-owned Lexus automobile sales building on the subject property located at 10601 and 10661 Pinecrest Parkway, on the north side of the C-100 canal. The project is proposed in conjunction with other requested permits to remodel and extend the existing Toyota building located on the south side of the canal. Permit applications are currently undergoing review in the Building and Planning Department and will be scheduled for review at required public hearings before the Village Council when complete.

With regard to the proposed pre-owned Lexus sales building, the property owners are requesting variances from the height requirements of Division 4.3 (e) 6. b. of the Land Development Regulations to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned “elevator override” portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to a height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted. Both the lights and elevator override are proposed to be located toward the center of the building.

A copy of the submitted variance application, description of the applicant’s variance request, and proposed site and building plans are attached for the Zoning Board’s consideration.



Notwithstanding the applicants request for a variance to allow the elevator override and lights to exceed maximum permitted heights, the proposed building height is otherwise designed to be consistent with maximum permitted building heights of the BU-1A, General Business Development zoning district. For example, the proposed height to the top of the stair enclosure building cornice is 44.43 (Maximum 45 feet permitted) and the height to the top of the building cornice is 42.60 feet (Maximum 45 feet permitted).

In addition to the requested variances, development of the property as proposed will require approval of a conditional use permit, a subdivision plat, and a site development plan by the Village Council at advertised public hearings; and approval of required building permits from the Village of Pinecrest Building and Planning Department.

Height Required/Proposed

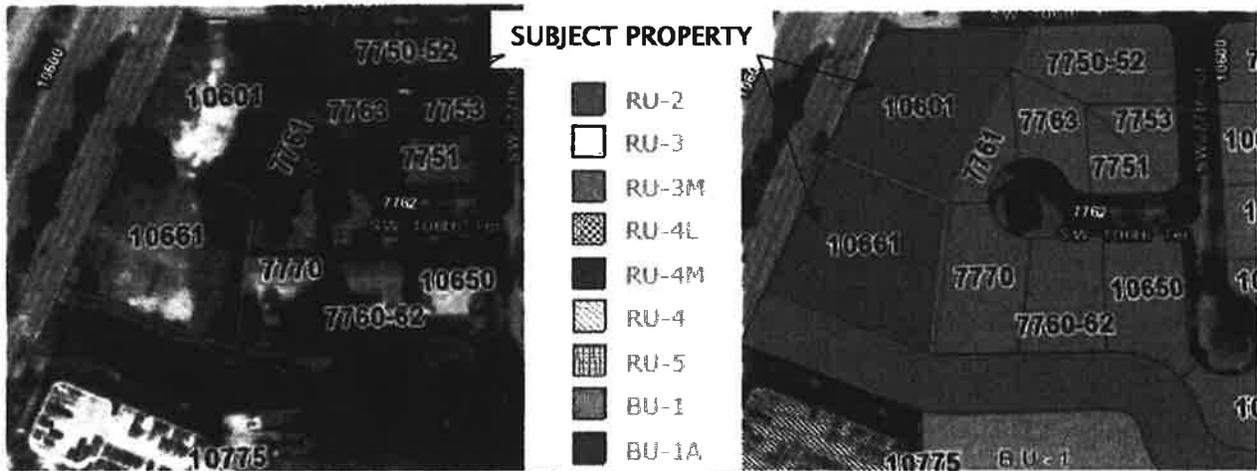
Variance Requested

Building (Elevator Override): 45 feet/52.35 feet
 Lights: 45 feet from grade/49.75 feet

7.35 feet
 4.75 feet

SITE LOCATION

The subject property is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development Zoning District. The property is currently vacant and undeveloped.



OWNER/APPLICANT

BF1 Pinecrest LLC; GFB Enterprises LLC (Applicants and Owners)

PUBLIC COMMENT

The Building and Planning Department has received three letters in opposition to the requested variance from Robert N. Corso, Barry J. Katz, and Mary Bowman; and one letter in support of the proposed variance from Jay and Riva Steinman. Correspondence is attached.

Three neighboring property owners have visited the Building and Planning Department and requested information relative to the variance application; and one attorney representing an adjoining property owner has contacted the Building and Planning Department by telephone and asked for a copy of the submitted application. All requested materials have been provided.

PINECREST LAND DEVELOPMENT REGULATIONS

The property is zoned BU-1A, General Business Development.

Criteria

Criteria for approval of a requested variance are provided in Division 3.5 of the Village's Land Development Regulations. A copy of Division 3.5 is attached for the Zoning Board's consideration.

In order to authorize any variance from the terms of the Land Development Regulations, the Zoning Board is required to find that the request meets all of the seven (7) specified criteria. Criteria include the following:

1. **Variance consistent with authorized powers.** *That the variance is in fact a variance set forth in the land development code and within the province of the board or Village Council, as applicable, based upon the opinion of the Village Attorney.*

The Zoning Board has the authority to consider the request. Pursuant to Division 3.5(b) of the Village Land Development Regulations, a variance is authorized to be granted by the Zoning Board for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances.

2. **Existence of special conditions or circumstances.** *That special conditions and circumstances exist which are peculiar to the land, structure, or building*

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involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

There do not appear to be special conditions that exist relative to the proposed increase in building height. Additionally, in a recent meeting with the applicants and the Village's electrical inspector, it was determined that the lights that are proposed to be installed in the center of the top deck of the parking garage are not necessary to meet lighting requirements of the Florida Building Code. Previously, lighting on the existing Lexus building on the south side of the C-100 canal was required by the Village Council to be installed on the inside of the exterior parapet wall.

The applicant has the option to design a building and lighting that complies with maximum permitted height restrictions of the Village's Land Development Regulations. Consenting to this variance request would grant the applicant a right to additional building height that would otherwise not be permitted.

- 3. **Conditions not created by the applicant.** *That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances relative to the requested variance result from the actions of the applicant. The subject property is currently undeveloped and the proposed building is in the design stage. The applicant has the option to design the building and lighting in compliance with the Village's Land Development Regulations.

- 4. **Special privileges not conferred.** *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Granting of the variance would confer a privilege on the applicant that would otherwise be denied to others facing similar circumstances, approval of a variance notwithstanding.

- 5. **Hardship conditions exist.** *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the Land Development Regulations would require the applicants to design the proposed building in compliance with the Village's Land Development Regulations, and could require an overall building height that is less than desired, but would not deprive them of rights commonly enjoyed by others.

- 6. **Only the minimum variance granted.** *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

Reasonable use of the property will continue to be available to the applicants if their variance request is denied.

- 7. **Not injurious to the public welfare or intent of the land development code.** *That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The subject property is located immediately adjacent to and west of single-family and duplex residences. Construction of a the proposed elevator override structure at a height greater than the maximum permitted height of 45 feet, and installation of exterior lights that exceed the maximum permitted height, would be inconsistent with the intent of the Land Development Regulations to limit the height and mass of buildings in the BU-1A, General Business Development zoning district to 45 feet. It is the purpose of the Land Development Regulations to establish "comprehensive controls and management" to "preserve the unique Village character and to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Village". Furthermore, approval of the requested variance could serve as the basis for similar requests by other property owners in the Village, if approved.

STAFF RECOMMENDATION

The Building and Planning Department recommends that the requested height variances related to the proposed elevator override and exterior lights be denied as the requests do not meet all of the seven (7) required criteria for approval.

In the event the Zoning Board considers granting the requested variances, the Board may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan, Pinecrest Parkway (US 1) Vision Plan, and Land Development Regulations.

**Village of Pinecrest
Land Development Regulations - Division 3.5
Criteria for Approval of a Variance**



Worksheet

Division 3.5 (f) 1. Criteria -- "In order to authorize any variance from the terms of this land development code, the planning board or village council, as applicable, shall find all of the following":

- 1. Variance consistent with authorized powers.** That the variance is in fact a variance set forth in the land development code and within the province of the board or Village Council, as applicable, based upon the opinion of the Village Attorney.

Application meets this criterion: Yes___ No___

- 2. Existence of special conditions or circumstances.** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Application meets this criterion: Yes___ No___

- 3. Conditions not created by the applicant.** That special conditions and circumstances do not result from the actions of the applicant.

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SECTION

Application meets this criterion: Yes___ No___

4.01

4. **Special privileges not conferred.** That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.

Application meets this criterion: Yes___ No___

5. **Hardship conditions exist.** That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.

Application meets this criterion: Yes___ No___

6. **Only the minimum variance granted.** That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Application meets this criterion: Yes___ No___

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7. **Not injurious to the public welfare or intent of the land development code.** That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

DATE

Application meets this criterion: Yes No

Div. 3.5. - Variances.

- (a) Generally. As used in this land development code, a variance is a relaxation of the terms of the land development code, where such relaxation in term will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- (b) Permitted variances.
1. By zoning board. A variance is authorized to be granted by the zoning board only for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances pursuant to this land development code.
 2. By village council. A variance may be granted, by only the village council, for off-street parking and the requirements of the flood regulations in division 6.3.
- (c) Prohibited variances. The zoning board may not grant a variance for an unauthorized use, one that is contrary to the comprehensive development master plan or land development code, or one that is not permitted in the zoning district as either a permitted or conditional use. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of prior variances granted. Similarly, a variance shall not be granted which increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive development master plan or this land development code.
- (d) Application. The applicant shall submit an application for a variance pursuant to the general procedures in division 3.1. A "complete application" shall include the application form, the fee, a current survey, building elevations, a site plan, and a landscape plan where required, as well as all supplemental information required by the administrative official and necessary to render determinations related to the variance request. New or amended site plans shall not be accepted after notification has been given by mail or by publication for the public hearing on the variance.
- (e) Quasi-judicial and public hearing. Upon receipt of a complete application for a variance, the zoning board or village council, as applicable shall hold a quasi-judicial hearing upon the application pursuant to the requirements of the Village Code. Members of the general public shall be permitted to speak at the hearing.
- (f) Zoning board or village council action and criteria for approval. After the hearing, the zoning board or village council as applicable shall adopt a motion granting, granting with conditions, or denying the variance which shall be memorialized in a written order.
1. Criteria. In order to authorize any variance from the terms of this land development code, the zoning board or village council, as applicable, shall find all of the following:
 - a. Variance consistent with authorized powers. That the variance is in fact a variance as set forth in the land development code and within the province of the board or village council, as applicable, based upon the opinion of the village attorney.
 - b. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - c. Conditions not created by applicant. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings, or structures in the same zoning district.

- e. Hardship conditions exist. That literal interpretation of the provisions of this land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code and would work unnecessary and undue hardship on the applicant.
 - f. Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - g. Not injurious to public welfare or intent of the land development code. That the grant of the variance will be in harmony with the general intent and purpose of the comprehensive development master plan and this land development code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- 2. Conditions and safeguards may be imposed. In granting any variance, the zoning board or village council, as applicable may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the comprehensive development master plan and this Code or any other duly enacted ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the land development code and shall nullify the variance.
 - 3. Time limit shall be imposed. The zoning board or village council, as applicable shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed six months from the date of the written order unless an application for development permit has been filed.
- (g) Written order. Action by the zoning board or village council upon the variance shall be announced by the chairperson or mayor, as applicable, immediately following the vote determining such action and shall thereafter be embodied in a written order prepared by the administrative official and executed by the village clerk. The applicant shall record the written order of approval in the public records of the clerk of the circuit and county court and shall return the original order to the village clerk.
 - (h) Effect and limitation of variance. A written order granting a variance shall be deemed applicable to the development for which it is granted and not to the individual applicant, provided that no written order granting a variance shall be deemed valid with respect to any use of the premises other than the use specified in the application for a variance. Any variance not exercised within a period of six months shall be deemed withdrawn and invalidated.
 - (i) Re-application. Re-application for the same or similar piece of property requesting the same or similar variance cannot be made within one year from the date the application was originally denied by the board. Upon the applicant's submittal of the same, the administrative official shall determine if the changed conditions exist. If the administrative official determines that a hearing should be held on the applicant's request, the village clerk shall provide due public notice of the scheduled public hearing in the same manner as required for the original variance request. If no hearing is deemed appropriate, the application shall be resubmitted no sooner than one year following the date of the public hearing on the original variance application.

(Ord. No. 2002-8, § 3, 11-13-02; Ord. No. 2012-14, § 1, 9-11-12; Ord. No. 2014-02, § 2, 4-8-14)



Exhibit 2
FINE
08.10.16
CREAT

via email to Zoning Board Members

July 24, 2016

Zoning Board Members
Village of Pinecrest
1151 S. Dixie highway
Pinecrest, Florida 33156

Re: Variance Application – Public Hearing #PZ2016-0727-2
GFB Enterprises, LLC and BFI Pinecrest, LLC (collectively, the “Applicants”)

Dear Zoning Board Members,

This firm represents Ms. Mimi Oliveira owner of property located at 7772 S.W. 106th Terrace, Miami, Florida 33156 (the “Oliveira Property”). The Oliveira Property sits just feet from the Proposed Project, as defined below, and is part of a cluster of a dozen homes on a cul-de-sac at S.W. 106th Terrace (the “Cul-de-Sac”) (See Exhibit A).

This coming Wednesday, July 27, 2016, application for two variances submitted by the Applicants will come before you for consideration. One for a building height variance to permit a building of over 52ft. in height or 64.75ft. NGVD; the other variance is to permit light poles on the upper deck of a proposed used car sales and storage building for Lexus (the “Proposed Project”) that will extend 49.75ft. into the air or 57.4ft NGVD (collectively, the “Variances”). These Variances are specifically for the Proposed Project, but also part of a master redevelopment which includes the remodeling and extension of the existing Toyota building located on the south side of the C-100 Canal and adding a bridge connection over the C-100 Canal to transfer cars between the car facilities (the “Master Development”) (See Exhibit B). It is unclear at this time if the Applicants have already submitted an application to the South Florida Water Management District (“SFWMD”) or if the SFWMD has already approved the new bridge since the neighboring property owners have had no notice or input into this process.

It is our position that the Variances must be denied by the Board for the following reasons:

- (i) As was astutely recommended by the Village’s own Planning Director in his recommendation for denial issued July 21, 2016 (“Director’s Report & Recommendation”), the Variances fail to meet all seven (7) criteria set out by Division 3.5 of the Village of Pinecrest Land Development Regulations required for the approval of a variance.

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CRISTINA

- (ii) The Variances are part of a grander scheme of development and should not be evaluated in a vacuum. In other words, although the Variances are required for only for the Proposed Project, which has yet to obtain the Village Council's blessing for the required Conditional Use approval it needs (used car sales lot), it is part of the Master Development which begs for a comprehensive and thorough review of its overall effect on the residential neighborhood to the east.
- (iii) Proper notice was never given to the Cul-de-Sac property owners who are the ones who will be directly and negatively impacted by the approval of the Variances.

(i) **Variances must be denied for failure to meet the requirements of Division 3.5 of the Village of Pinecrest Land Development Regulations (the "Regulations")**

In order to grant a variance, the Zoning Board must use the *criteria for approval* set out by the Regulations at Division 3.5(f)(1) in evaluating whether or not to grant a variance. In fact, the Applicant must meet all seven (7) of the established criteria. In this case, however, the Applicant fails to meet each and every criteria, as demonstrated below, and the Variances must be denied.

1. Is the variance requested consistent with the Board's authorized powers?

No, it is not.

Although the Zoning Board has the authority to consider variances for development parameters, such as building height, it is prohibited from granting a variance "...for an unauthorized use...", or for "one that is not permitted in the zoning district as either a permitted or conditional use..." (See Division 3.5(c) of the Regulations). In this case, the Proposed Project is not a permitted use in that it has not received approval from the Village Council for the required Conditional Use, the sale of vehicles, nor has an application even been submitted. The "cart before the horse"? Or, perhaps the Applicants are trying to piecemeal the required approvals and the Master Development so as to remain under the radar and not bring attention to the massive structure and intense use planned for a parcel of land that is just a little over one (1) acre?

Moreover, the Zoning Board is not permitted to grant a variance "which increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive development master plan or [the] land development code." (See Division 3.5(c) of the Regulations). In this case, as per the Planning Director's report, "[c]onsenting to requested Variances would grant the applicant a right to additional building height that would otherwise not be permitted." (See Director's Report & Recommendation, Page 2.). The effect of which would be to increase the intensity of the use beyond that which is permitted. For these reasons, the Variances must be denied.

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2. **Are there in existence special conditions or circumstances which are peculiar to the land, structure, or building and which are not applicable to other lands, structures, or buildings in the same zoning district?**

No, there are not.

The property for the proposed used car dealership does not have any special or peculiar circumstances applicable to it which are not applicable to other lands, structures or buildings in the same district. In fact, the property is vacant and a project can be designed well within the development parameters provided for by the Regulations for the BU-1 District. What Applicant is seeking, however, is a special approval to be able to build beyond the height limitations in order to add an additional floor to house used cars and increase its on-site inventory. Although this is a natural and logical preference for a car dealership, it is not a special or peculiar condition of the land. Moreover, approval of the Variances will provide a right not provided to other property owners within BU-1A Zoning District. For these reasons, the Variances must be denied.

3. **Conditions not created by applicant. Do the special conditions and circumstances result from the actions of the applicant?**

Yes, the circumstances (a larger than permitted project) are created solely by the Applicant.

Applicant, knowing that the Variances are completely unsubstantiated, brazenly argue that the Village Master Plan and Land Development Code are inconsistent in their height restrictions and buffering requirements for residential areas. Although creative, the argument is ludicrous.

The height limitations and buffering requirements between commercial and residential areas are well thought out restrictions to ensure that residents of the Village do not have to suffer from the eventual build-out of commercial corridors. The massive project proposed by Applicant for this small parcel of land seeks to use every inch of the property for the development of the biggest parking structure possible, understandably, to house as much inventory as possible. However, this is the doing of the Applicant, not because of any condition or circumstance created by another or unique to the land or the Regulations. The answer to the situation is simple. Design the project within the parameters set out by the Regulations. For this reason, the Variances must be denied.

4. **Special privileges not conferred. Will the granting of the variances requested Confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district?**

Granting of the Variances will absolutely grant a special privilege to Applicant and to the Proposed Project.

There is no hardship in this equation. There is no special circumstance or condition affecting the property. This is a case where a property owner merely wants to design a building for a vacant piece of land to get the most out of its investment by being able to add an additional level to its parking garage for the purpose of storing and selling more cars. The special privilege that would be conferred by the granting the Variances is clear. It's simple. It's the extra added assistance that will be provided to the auto dealership to store and sell more cars. A privilege not granted to any other business owner in the BU-1A District. For this reason, the Variances must be denied.

- 5. Does an undue hardship condition exist or is one created by the interpretation of the provisions of the land development code depriving the applicant of rights commonly enjoyed by other properties in the same zoning district?***

No, a hardship condition does NOT exist, nor is one created that would deprive the Applicant from the same rights enjoyed by others.

The Applicant argues that “[n]o habitable space or other tangible benefit is conferred on the Applicant” and that because the building code requires that an elevator provide a certain vertical distance for the project, as designed, that “[t]his is merely a necessary design element” and not “a design preference...” Applicant goes on to argue that addressing these additional height requirements does not result from its own actions. These arguments are preposterous!

The land being developed is a vacant piece of land. This is not a case where an existing building is being retrofitted or repaired. All the Applicant needs to do is to have its architects and engineers design the project within the development parameters. If because of this the Applicant can't get its extra floor of inventory, then perhaps this site is not suitable for the proposed use or the Proposed Project's projected rate of return.

The interpretation of the land development code does not deprive the Applicants of rights enjoyed by other properties. There is no hardship placed on the Applicant because of the Regulations. Rather, the approval of the Variances will bestow on the Applicants rights not enjoyed by others in the same zoning district. Moreover, it will place an undue hardship on the Proposed Project's residential neighbors whose homes will be completely dwarfed by a massive structure with very tall light fixtures on the top floor making it seem like daylight in the middle of the night! For all of these reasons, the Variances must be denied.

- 6. Are the Variances requested the minimum variances that can be granted that will make possible the reasonable use of the land?***

The Variances are not required or necessary to make reasonable use of the land.

As stated above, the Variances are not required to make reasonable use of the land. The Variances are required because the Applicant has designed a larger development than what

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is permitted by the Land Development Code. The property is made up of 1.25 acres of land and can house the proposed use (used car facility) if built within the zoning envelope and, of course, if one day approved by the Village Council as a Conditional Use. The Applicant itself has generated the need for the Variances through an inappropriate design of the project. For these reasons, the Variances must be denied.

- 7. Will the granting of the Variances be in harmony with the general intent and purpose of the comprehensive development master plan and the land development code? Will it be injurious to the area involved or otherwise detrimental to the public welfare?***

Granting of the Variances will NOT be in harmony with the intent and purpose of the Village's Master Plan and Code.

The Village of Pinecrest Master Plan, Policy I-I.I.I states:

“Residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible development... Potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, including vegetated berms with tree canopy where practical, or by other appropriate screening and buffering techniques. These landscaping techniques shall be incorporated into the design of new or redeveloping nonresidential projects located adjacent to existing or planned residential development.”

Policy I-I.I.I goes on to state,

“[t]hese provisions shall be directed toward protecting privacy, as well as access to light, air and open space.”

Policy I-I.I.2, titled “Promote Orderly Land Use Transition”, states:

“[w]here it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition. Buffering may take the form of: (1) physical barriers, such as vegetative berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; and open space systems with dense native vegetation and tree canopy...”

The site plan for the Proposed Project is in direct conflict with the Policies stated above. There is no “smooth transition”, there is no buffering, no tree canopied areas, no screening and no buffering. Moreover, the Variances requested only provide a bigger and more intrusive project increasing the adverse impact and laying the project right on Ms. Oliveira’s front steps.

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**Granting of the Variances will be injurious to the residential
neighborhood directly to the east
and
will be detrimental to the public welfare.**

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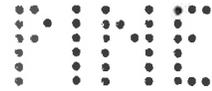
The potential adverse impact to the residential neighborhood and to the Oliveira Property will be devastating. Not only from a loss of property value, but from a quality of life perspective. Ms. Oliveira and her neighbors will see a large, massive wall every time they step outside of their homes. They will be subjected to the daily noise of a busy car dealership. For Ms. Oliveira, the ground level employee parking will be just 7.5 ft. away from her property line. If the Variances are approved, towering light poles used to illuminate the pretty, shiny cars will light up the neighborhood as if it were the middle of the day.

The Proposed Project has not been properly evaluated to ensure an orderly land use transition. It has not been properly evaluated to ensure there are no adverse impacts to the residential neighborhood immediately adjacent to it. It has not been reviewed for increased traffic or other negative impacts that a large used car facility is sure to bring. What we do know, however, is that the granting of these Variances will not be in harmony with the Village's Master Plan and its policies and objectives and, because of that, will be injurious to the public. **For these reasons, the Variances must be denied.**

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- (ii) **The Variances must be denied to allow for a comprehensive review of the effect of the Proposed Project and the Master Development.**

The requested Variances are just a small part of a new Proposed Project, a used car facility, that has yet to obtain the Village Council's blessing for the required Conditional Use approval it needs to operate as a used car sales lot. In other words, approval is being sought for an unapproved project. Moreover, and more importantly, the Proposed Project and requested Variances are part of the Master Development, for which a comprehensive and thorough review of its overall effects have not yet been evaluated by the Village since applications have not yet been submitted (the Variances are the first approval being sought).

If the Zoning Board is not inclined to deny the Variances purely on the fact that they do not meet any of the variance requirements of Division 3.5, it is our position that these applications should not be considered until such time as the Master Development is evaluated and the Conditional Use is approved by the Village Council.



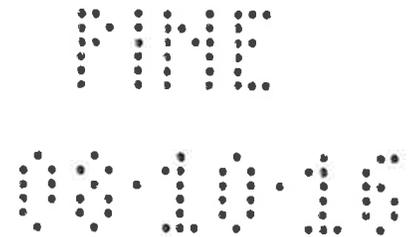
(iii) The Variances must be denied for failure to provide Mailed & Posted Notices as required by Division 3.8 (b) & (d).

My client, Ms. Mimi Oliveira, owns a duplex home immediately adjacent to the proposed dealership. In fact, it is the closest neighboring property on the quiet cul-de-sac immediately east of the proposed use car sales center project (See diagram enclosed). Ms. Oliveira, and her now deceased husband, have lived in their home since 1978. Yet, notice of the upcoming hearing never made it to her home. It was only by accident that another neighbor who heard a rumor of the project contacted the Village and learned of the upcoming hearing. Like Ms. Oliveira, many other neighbors in the cul-de-sac did not receive notice.

My client, Ms. Oliveira, and others on the cul-de-sac immediately east of the subject property, only learned of these variance applications by chance when calling the Village to inquire about the Master Development. Written notice was never provided to these property owners and the fact that there is small sign in front of the subject property facing U.S. 1 should not be considered sufficient notice. This assumes all adjacent property owners regularly drive north on U.S. 1 in front of the subject property, when in fact, they all typically take SW 110th Street if they are driving north and S.W. 106th Court street, if they are driving south. So to see the small sign in front of the proposed location is almost impossible. There was no posted sign on S.W. 106th Street and there certainly was no sign on the Cul-de-Sac (S.W. 106th Terrace) which was required by Division 3.8(d)(4) as it states “[w]here the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application”.

It is clear from the code that a missing mailed notice, although it is required, does not negate the Village action of taking up the item. However, I implore the Board to consider that we are in the middle of the summer and many residents, such as my client, are up north for the summer season. This may be coincidental on the part of the Applicants, but it is a well-known tactic used by applicants with difficult applications. That is, to apply for approvals during the summer when many residents are out of town and far away from the podium.

Proper notice to all possibly affected neighbors is crucial for this application. My client, and her neighbors, are going to be profoundly and negatively impacted by such a large and intense project just feet away from their properties. Impacted, not only from a devaluation of their property values, but the impact of disturbing noise and light that will fall upon their homes each and every night. Moreover, the Proposed Project will result in having an almost 6-story wall facing them every time they look out their windows. Yes, the actual linear foot height requested is 52.79 (45ft allowed), but the NVGD, which takes into account flood levels and the crown of road heights (here it would be the crown of U.S.1), would take it up to 64.75 ft. One must also consider that the homes on the Cul-de-Sac were built in the early 1970s and, thus, are much closer to sea level, if not below. Thus making the proposed structure that more imposing and monstrous.



In summary, the Variances must be denied since they do not meet any of the seven (7) criteria required pursuant to Division 3.5 of the Village's Land Development Regulations. If, for whatever reason, the Board is inclined to approve the Variances, we ask that the applications be continued until such time as the Village Council has the opportunity to evaluate an application for the Conditional Use required for the Proposed Project and for the Village to consider the Master Development as a whole, rather than through piecemealed applications. A traffic plan should be required to understand the impact of the proposed project on S.W. 106th Street. A review of the existing Cul-de-Sac homes heights in comparison to the proposed project should be reviewed. Heavy buffering and landscaping, plus excess rear setbacks should be considered. In summary, the impact to the adjacent residential neighborhood is in jeopardy here and deserves protection in keeping with the goals and objectives of the Village's Master Plan.

Thank you, in advance, for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Lillian A. Ser".

Lillian A. Ser, Esq.

Letter emailed to Zoning Board Members:

Ms. Leslie Bowe, *via email to leslieabowe@gmail.com*
Mr. Ken Fairman, *via email to ken@floridapave.com*
Mr. David J. Ramras, *via email to sgtdavempd@aol.com*
Mr. Ethan Shapiro, *via email to ethanshap@hotmail.com*
Mr. Jeffrey Solomon, *via email to gypsydoc@bellsouth.net*
Mr. Harry Speizer, *via email to hspeizer@bellsouth.net*
Mr. Jason Timmons, *via email to jason.k.timmons@gmail.com*

cc: Mayor Cindy Lerner, *via email to clerner@pinecrest-fl.gov*
Mr. Doug Kraft, *via email to dkraft@pinecrest-fl.gov*
Mr. Stephan R. Olmstead, *via email to solmsted@pinecrest-fl.gov*
Ms. Mimi Oliveira
Mr. Robert Corso
Mr. Tim Forman
Ms. Cathy Nordlund
Kevin Probst, Esq.



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: July 21, 2016

TO: Village of Pinecrest
Zoning Board

FROM: Stephen R. Olmsted, AICP
Planning Director

SRO

RE: GFB Enterprises, LLC and BFI Pinecrest, LLC – 10601 and 10661 Pinecrest Parkway – Public Hearing # PZ 2016 0727-2, Building Height Variance to allow an "elevator override" and exterior lighting to exceed the maximum permitted height of 45 feet.

PETITION REQUEST

GFB Enterprises, LLC and BFI Pinecrest, LLC have submitted applications for permits to construct a new pre-owned Lexus automobile sales building on the subject property located at 10601 and 10661 Pinecrest Parkway, on the north side of the C-100 canal. The project is proposed in conjunction with other requested permits to remodel and extend the existing Toyota building located on the south side of the canal. Permit applications are currently undergoing review in the Building and Planning Department and will be scheduled for review at required public hearings before the Village Council when complete.

With regard to the proposed pre-owned Lexus sales building, the property owners are requesting variances from the height requirements of Division 4.3 (e) 6. b. of the Land Development Regulations to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to a height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted. Both the lights and elevator override are proposed to be located toward the center of the building.

A copy of the submitted variance application, description of the applicant's variance request, and proposed site and building plans are attached for the Zoning Board's consideration.



Notwithstanding the applicants request for a variance to allow the elevator override and lights to exceed maximum permitted heights, the proposed building height is otherwise designed to be consistent with maximum permitted building heights of the BU-1A, General Business Development zoning district. For example, the proposed height to the top of the stair enclosure building cornice is 44.43 (Maximum 45 feet permitted) and the height to the top of the building cornice is 42.60 feet (Maximum 45 feet permitted).

In addition to the requested variances, development of the property as proposed will require approval of a conditional use permit, a subdivision plat, and a site development plan by the Village Council at advertised public hearings; and approval of required building permits from the Village of Pinecrest Building and Planning Department.

Height Required/Proposed

Variance Requested

Building (Elevator Override): 45 feet/52.35 feet
 Lights: 45 feet from grade/49.75 feet

7.35 feet
 4.75 feet

SITE LOCATION

The subject property is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development Zoning District. The property is currently vacant and undeveloped.



OWNER/APPLICANT

BF1 Pinecrest LLC; GFB Enterprises LLC (Applicants and Owners)

PUBLIC COMMENT

The Building and Planning Department has received three letters in opposition to the requested variance from Robert N. Corso, Barry J. Katz, and Mary Bowman; and one letter in support of the proposed variance from Jay and Riva Steinman. Correspondence is attached.

Three neighboring property owners have visited the Building and Planning Department and requested information relative to the variance application; and one attorney representing an adjoining property owner has contacted the Building and Planning Department by telephone and asked for a copy of the submitted application. All requested materials have been provided.

PINECREST LAND DEVELOPMENT REGULATIONS

The property is zoned BU-1A, General Business Development.

Criteria

Criteria for approval of a requested variance are provided in Division 3.5 of the Village's Land Development Regulations. A copy of Division 3.5 is attached for the Zoning Board's consideration.

In order to authorize any variance from the terms of the Land Development Regulations, the Zoning Board is required to find that the request meets all of the seven (7) specified criteria. Criteria include the following:

1. ***Variance consistent with authorized powers.*** *That the variance is in fact a variance set forth in the land development code and within the province of the board or Village Council, as applicable, based upon the opinion of the Village Attorney.*

The Zoning Board has the authority to consider the request. Pursuant to Division 3.5(b) of the Village Land Development Regulations, a variance is authorized to be granted by the Zoning Board for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances.

2. ***Existence of special conditions or circumstances.*** *That special conditions and circumstances exist which are peculiar to the land, structure, or building*

involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

There do not appear to be special conditions that exist relative to the proposed increase in building height. Additionally, in a recent meeting with the applicants and the Village's electrical inspector, it was determined that the lights that are proposed to be installed in the center of the top deck of the parking garage are not necessary to meet lighting requirements of the Florida Building Code. Previously, lighting on the existing Lexus building on the south side of the C-100 canal was required by the Village Council to be installed on the inside of the exterior parapet wall.

The applicant has the option to design a building and lighting that complies with maximum permitted height restrictions of the Village's Land Development Regulations. Consenting to this variance request would grant the applicant a right to additional building height that would otherwise not be permitted.

3. **Conditions not created by the applicant.** *That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances relative to the requested variance result from the actions of the applicant. The subject property is currently undeveloped and the proposed building is in the design stage. The applicant has the option to design the building and lighting in compliance with the Village's Land Development Regulations.

4. **Special privileges not conferred.** *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Granting of the variance would confer a privilege on the applicant that would otherwise be denied to others facing similar circumstances, approval of a variance notwithstanding.

5. **Hardship conditions exist.** *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the Land Development Regulations would require the applicants to design the proposed building in compliance with the Village's Land Development Regulations, and could require an overall building height that is less than desired, but would not deprive them of rights commonly enjoyed by others.

6. **Only the minimum variance granted.** *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

Reasonable use of the property will continue to be available to the applicants if their variance request is denied.

7. **Not injurious to the public welfare or intent of the land development code.** *That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The subject property is located immediately adjacent to and west of single-family and duplex residences. Construction of a the proposed elevator override structure at a height greater than the maximum permitted height of 45 feet, and installation of exterior lights that exceed the maximum permitted height, would be inconsistent with the intent of the Land Development Regulations to limit the height and mass of buildings in the BU-1A, General Business Development zoning district to 45 feet. It is the purpose of the Land Development Regulations to establish "comprehensive controls and management" to "preserve the unique Village character and to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Village". Furthermore, approval of the requested variance could serve as the basis for similar requests by other property owners in the Village, if approved.

STAFF RECOMMENDATION

Access to SW 106 Street

The Building and Planning Department recommends that the requested height variances related to the proposed elevator override and exterior lights be denied as the requests do not meet all of the seven (7) required criteria for approval.

In the event the Zoning Board considers granting the requested variances, the Board may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan, Pinecrest Parkway (US 1) Vision Plan, and Land Development Regulations.

**Village of Pinecrest
Land Development Regulations – Division 3.5
Criteria for Approval of a Variance**

Worksheet

Division 3.5 (f) 1. Criteria –“ In order to authorize any variance from the terms of this land development code, the planning board or village council, as applicable, shall find all of the following”:

1. **Variance consistent with authorized powers.** That the variance is in fact a variance set forth in the land development code and within the province of the board or Village Council, as applicable, based upon the opinion of the Village Attorney.

Application meets this criterion: Yes____ No____

2. **Existence of special conditions or circumstances.** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Application meets this criterion: Yes____ No____

3. **Conditions not created by the applicant.** That special conditions and circumstances do not result from the actions of the applicant.

Application meets this criterion: Yes____ No____

4. **Special privileges not conferred.** That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.

Application meets this criterion: Yes____ No____

5. **Hardship conditions exist.** That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.

Application meets this criterion: Yes____ No____

6. **Only the minimum variance granted.** That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Application meets this criterion: Yes____ No____

7. **Not injurious to the public welfare or intent of the land development code.** That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Application meets this criterion: Yes ___ No ___

Div. 3.5. - Variances.

- (a) Generally. As used in this land development code, a variance is a relaxation of the terms of the land development code, where such relaxation in term will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- (b) Permitted variances.
 - 1. By zoning board. A variance is authorized to be granted by the zoning board only for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances pursuant to this land development code.
 - 2. By village council. A variance may be granted, by only the village council, for off-street parking and the requirements of the flood regulations in division 6.3.
- (c) Prohibited variances. The zoning board may not grant a variance for an unauthorized use, one that is contrary to the comprehensive development master plan or land development code, or one that is not permitted in the zoning district as either a permitted or conditional use. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of prior variances granted. Similarly, a variance shall not be granted which increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive development master plan or this land development code.
- (d) Application. The applicant shall submit an application for a variance pursuant to the general procedures in division 3.1. A "complete application" shall include the application form, the fee, a current survey, building elevations, a site plan, and a landscape plan where required, as well as all supplemental information required by the administrative official and necessary to render determinations related to the variance request. New or amended site plans shall not be accepted after notification has been given by mail or by publication for the public hearing on the variance.
- (e) Quasi-judicial and public hearing. Upon receipt of a complete application for a variance, the zoning board or village council, as applicable shall hold a quasi-judicial hearing upon the application pursuant to the requirements of the Village Code. Members of the general public shall be permitted to speak at the hearing.
- (f) Zoning board or village council action and criteria for approval. After the hearing, the zoning board or village council as applicable shall adopt a motion granting, granting with conditions, or denying the variance which shall be memorialized in a written order.
 - 1. Criteria. In order to authorize any variance from the terms of this land development code, the zoning board or village council, as applicable, shall find all of the following:
 - a. Variance consistent with authorized powers. That the variance is in fact a variance as set forth in the land development code and within the province of the board or village council, as applicable, based upon the opinion of the village attorney.
 - b. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - c. Conditions not created by applicant. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings, or structures in the same zoning district.

- e. Hardship conditions exist. That literal interpretation of the provisions of this land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code and would work unnecessary and undue hardship on the applicant.
 - f. Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - g. Not injurious to public welfare or intent of the land development code. That the grant of the variance will be in harmony with the general intent and purpose of the comprehensive development master plan and this land development code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- 2. Conditions and safeguards may be imposed. In granting any variance, the zoning board or village council, as applicable may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the comprehensive development master plan and this Code or any other duly enacted ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the land development code and shall nullify the variance.
 - 3. Time limit shall be imposed. The zoning board or village council, as applicable shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed six months from the date of the written order unless an application for development permit has been filed.
- (g) Written order. Action by the zoning board or village council upon the variance shall be announced by the chairperson or mayor, as applicable, immediately following the vote determining such action and shall thereafter be embodied in a written order prepared by the administrative official and executed by the village clerk. The applicant shall record the written order of approval in the public records of the clerk of the circuit and county court and shall return the original order to the village clerk.
 - (h) Effect and limitation of variance. A written order granting a variance shall be deemed applicable to the development for which it is granted and not to the individual applicant, provided that no written order granting a variance shall be deemed valid with respect to any use of the premises other than the use specified in the application for a variance. Any variance not exercised within a period of six months shall be deemed withdrawn and invalidated.
 - (i) Re-application. Re-application for the same or similar piece of property requesting the same or similar variance cannot be made within one year from the date the application was originally denied by the board. Upon the applicant's submittal of the same, the administrative official shall determine if the changed conditions exist. If the administrative official determines that a hearing should be held on the applicant's request, the village clerk shall provide due public notice of the scheduled public hearing in the same manner as required for the original variance request. If no hearing is deemed appropriate, the application shall be resubmitted no sooner than one year following the date of the public hearing on the original variance application.

(Ord. No. 2002-8, § 3, 11-13-02; Ord. No. 2012-14, § 1, 9-11-12; Ord. No. 2014-02, § 2, 4-8-14)



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

On Wednesday, July 27, 2016 at 7:00 p.m., the Village of Pinecrest Zoning Board will conduct a public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida for consideration of an application for variances as follows:

APPLICANT(S): BFI Pinecrest LLC; GFB Enterprises LLC (Applicants and Owners)

ITEM: Building Height Variance to allow an "elevator override" and exterior lighting to exceed the maximum permitted height of 45 feet.

LOCATION: The subject property is located at 10661 and 10601 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development Zoning District.

REQUEST: GFB Enterprises, LLC and BFI Pinecrest, LLC are requesting variances from the height requirements of Division 4.3 (e) 6. b. of the Land Development Regulations to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to a height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted.



All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

You are hereby advised that if any person desires to appeal any decision made with respect to any other matter considered at this meeting or hearing, such person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Refer to the item number when making an inquiry.

In accordance with the American with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 no later than four (4) business days prior to such proceeding.



**VILLAGE OF PINECREST
PUBLIC HEARING NOTICE**

On Wednesday, July 27, 2016, at 7:00 p.m., the Pinecrest Zoning Board will conduct the following Public Hearing to be held at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida:

Hearing #2016-_____. GFB Enterprises, LLC and BFI Pinecrest, LLC are requesting variances from the height requirements of Division 4.3 (e) 6. b. of the Land Development Regulations to permit a maximum building height of 52.35 feet (64.75 feet NGVD) for the planned "elevator override" portion of a proposed automobile sales building instead of 45 feet (57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to a height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted.

The subject property is located at 10601 and 10661 Pinecrest Parkway (US 1), Pinecrest, Florida 33156 within the BU-1A General Business Development zoning district.

All interested parties...

In accordance with the Americans with Disabilities Act...

Should any person decide to appeal...

Guido H. Inguanzo, Jr., CMC
Village Clerk

Lexus Pre-Owned
Hearing Notice
June 23, 2016



1

2



3

4

Jay and Riva Steinman

6420 SW 135th Drive

Pinecrest, FL 33156

Attention: Guido Inguanzo,

RE: Hearing # 2016-0727-2 GFB Enterprises, LLC and BFI Pinecrest, LLC

This letter is to serve as to our support of the above referenced variance. Unfortunately, we are out of the country and unable to attend the meeting scheduled for Wednesday, July 27.

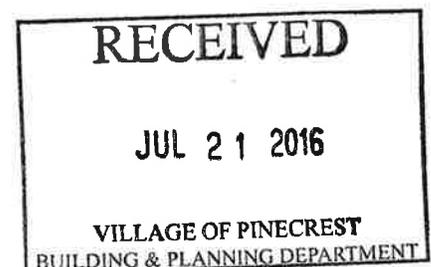
This company has been an incredible, philanthropic entity over the past 20 years supporting organizations both in Pinecrest and Miami-Dade county. Having served as a PTA president and both my husband and myself sitting on EESAC committes at Howard Drive Elementary and Palmetto Middle school as well as being an active booster at Palmetto High school, this dealership went beyond the call of duty whenever asked to support our neighborhood schools. Additionally, we have reached out personally to Mr. Chris Roberts, CEO of this entity, to fund numerous organizations such as the South Dade YMCA and the Chapman Partnership. Through the generosity of this company, at risk youths attended camps, homeless families had warm meals and roofs over their heads. We can list countless other organizations that Mr. Roberts has partnered with to help those in need in our community, but the list is endless.

Looking at the variance at the minimal height adjustment being requested, we do not see it being intrusive where the location is located along Pinecrest Parkway. In reference to the lighting on the upper deck, the lights could have filters attached to keep the brightness targeted to the front of the property so as not to impact neighbors.

We hope that the Zoning board and GFB Enterprises, LLC and BFI Pinecrest, LLC can work together on this variance as community partners and approve these plans,

Thank you

Riva and Jay Steinman



Sue Bowman

To: clerk@pinecrest-fl.gov
Cc: Mary Sue Bowman
Subject: Public Hearing For kendall Toyota's variance request

Dear Mr. Guido H. Inguanzo Jr. & Council members,
I Mary Sue Bowman own a duplex at 7753-51 S.W. 106 Ter. I object to allow Kendall Toyota to add any more to the Property at 10661 and 10601 Pinecrest Parkway, Pinecrest Florida 33156 that GFB Enterprises, LLC and BFI Pinecrest, LLC are requesting variances from the height requirements of Division 4.39€ 6.b of the Land development Regulations to permit a maximum building height of 52.35 feet 64.75 feet NGVD) for the planned " elevator override" portions of a proposed automobile sales building instead of 45 feet 57.4 feet NGVD) as otherwise permitted; and to permit light poles on the upper deck of the proposed building that are proposed to extend to the height of 49.75 feet (63.0 feet NGVD) instead of 45 feet from the finished grade as otherwise permitted., I give it a BIG NO on what Toyota's wants to do. The place is already a big eye sore. So I appeal to this proposal based on (F.S. 286.0105) This is for July 27th 2016 Council meeting.

Sincerely,

Mary Sue Bowman



BARRY J. KATZ
10844 SW 77th COURT
Miami, Florida 33156
Office 305 663-6717, Cell 305 322-4865
catsfam@aol.com

June 30, 2016

VILLAGE OF PINECREST
Pinecrest Zoning Board
Stephen R. Olmsted, Planning Director
12645 Pinecrest Parkway
Pinecrest, Fl 33156

Re: 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156

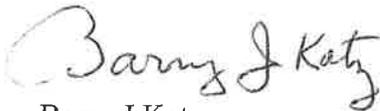
Dear Pinecrest Zoning Board,

I wish to PROTEST against the zoning variances requested by GFB Enterprises LLC and BFI Pinecrest LLC which will be heard July 27 2016 at the zoning Board hearing. The property is at 10601 & 10661 Pinecrest Parkway, Pinecrest, Fl.

I feel that granting them the variances will NEGITIVELY impact my property at 10844 SW 77 Court, Pinecrest Fl 33156. As stated in the notice, the owners have already been given adequate hight and light requirements through the zoning laws and therefore should not be given any more.

Please feel free to contact me.

Sincerely,



Barry J Katz
10844 SW 77 Court
Miami, Fl 33156



Mercedes-Benz

Mercedes-Benz of Coral Gables
A Bill Ussery Motors Company

Village of Pinecrest
Pinecrest Zoning Planning Director
12645 Pinecrest Parkway
Pinecrest, FL 33156

Re: Expansion of Kendall Lexus

Pinecrest Zoning board,

I am in protest of the expansion of Kendall Lexus to the vacant lot behind my duplex at 7763 SW 106 Terr. I have been a home owner for over 30 yr at that location. I feel the variance will adversely affect my property. Pinecrest Zoning has gone to great effort to establish rules about new buildings not to have a variances on every new construction. Several important issues must be considered. The impact of traffic on the north enters will adversely impact my street. As you can see from the plans a customer coming from the north and wants to entrance the lot has to make a u turn on US 1 or turn on 106 Terr and enter from the side street. Customer will be disoriented and turn into the cul-de-sac looking for an entrance to the Used Car Lot. In addition off street parking on 106 Terr will affect traffic on that street. I am concerned about the 3 floors of used car parking in the building. The light coming from the three floor of displayed car will light my house from all sides. I am also in the car business and the practice of locating car by the use of the cars alarm. We will have an affected by sounding the car horn late into the night. This property is not designed for a large scale retail sales activity with a larger than 4000 square floor area. I would also like to make you aware of the ground level of both properties. The ground level is about 6 feet higher than my lot level and that would make the appearance of their building much higher than the surrounding property. The noise and light glare coming from that building will have an adverse effect on the quality of life. Pinecrest must retain a high quality of life for the residents while helping business thrive. This growth can't come at the expense of having the resident's homes and family lives be adversely affected or Pinecrest will no longer be the desirable neighborhood to live in.

Sincerely,


Robert N Corso

7763 SW 106 Terr
Pinecrest, FL 33156

305-445-8593



Mercedes-Benz - are registered trademarks of Daimler, Stuttgart, Germany

300 Almeria Avenue
Coral Gables, Florida 33134
Telephone (305) 445-8593
www.mbcoralgables.com



Please check one:
 VILLAGE COUNCIL
 PLANNING BOARD
 ADMINISTRATIVE REVIEW

PUBLIC HEARING APPLICATION
 (Administrative review application

OFFICIAL USE ONLY
Application No.: _____
Date Received: _____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Non-Use Variance | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Other |
| <input type="checkbox"/> Conditional Use | |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit)		
BFI Pinecrest LLC; GFB Enterprises LLC		
Mailing Address	City, State, Zip	Telephone
10943 S. Dixie Highway	Pinecrest, FL 33156	305-728-6840
		Fax
		305-669-7213
Name of Owner		
BFI Pinecrest LLC; GFB Enterprises LLC		
Mailing Address	City, State, Zip	Telephone
10943 S. Dixie Highway	Pinecrest, FL 33156	305-728-6840
		Fax
		305-669-7213

PROPERTY INFORMATION

MIAMI 5025574.1 80142/41654

A. LEGAL DESCRIPTION. (If subdivided - lot block, complete name of subdivision, plat book and page numbers). If metes and bounds description - Complete description, including section, township and range).

Folio Numbers 20-5010-000-0191, 20-5010-000-0190

Address 10661 and 10601 South Dixie Highway, Pinecrest Fl. 33156

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

See Attached surveys

B. ADDRESS (If number has been assigned) 10661 and 10601 South Dixie Highway

C. SIZE OF PROPERTY _____ ft. X _____ ft. = 63,341 sq. ft.; 1.45 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

10945, 10943, and 10775 S. Dixie Highway - owned by affiliate of property owner

E. DATE SUBJECT PROPERTY WAS ACQUIRED: August 4, 2008 (10601 S. Dixie) and April 15, 2015 (10661 S. Dixie).

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

See letter of intent

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See letter of intent

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) CBS

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. SURVEY OF PROPERTY: For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. SITE DEVELOPMENT PLAN: Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. LETTER OF INTENT: A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS: All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. OWNER'S AFFIDAVIT: Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. TRAFFIC STUDY: A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED.

PUBLIC HEARING APPLICATION

OWNER AFFIDAVIT

I/We B.F.I. Pinecrest LLC as Owner(s) of Lot(s) Block Section PB/PG of property which is located at 10601 South Dixie Highway desire to file an application for a public hearing before the Village Council Planning Board Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing,
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the South Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Planning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Planning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Planning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners.

I/We as the owners of the subject property (check one):

do hereby authorize _____ to act on my/our behalf as the applicant.
 will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Planning Board.

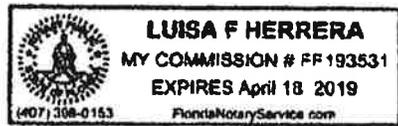
Owner's Name LOZZAINE BEAN Signature [Signature] Date 1/18/16

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name [Signature] Signature _____ Date _____

Notary to Applicant: [Signature]



MIAMI 4874212.1 80142/41654

PINE
CREST
JERRY B. PROCTOR
Tel 305-350-2361
Fax 305-351-2250
jproctor@bilzin.com

June 7, 2016

Stephen R. Olmsted, AICP, LEED-GA
Planning Director
Village of Pinecrest
12645 South Dixie Highway
Pinecrest, FL 33156

Re: Letter of Intent - Building Height Variance Approval
Parcel Owners: GFB Enterprises LLC; BFI Pinecrest LLC
10661 South Dixie Highway & 10601 South Dixie Highway, Pinecrest, Florida

Dear Mr. Olmsted:

This letter constitutes the Letter of Intent for GFB Enterprises, LLC and BFI Pinecrest, LLC, together the "Applicants," in their request for a building height variance before the Pinecrest Village Council (the "Village Council") for the development of a Lexus preowned automobile sales center and inventory garage on 10661 and 10601 South Dixie Highway, Pinecrest, Florida (the "Property").

Our firm represents the Applicants and Kendall Imports LLC, property owners of most of the property located between SW 106 Street and SW 110 Street, east of Pinecrest Parkway (the "Dealership Property"). The portion of the Dealership Property located south of the C-100 Canal to SW 110 Street houses the Kendall Toyota and Lexus of Kendall automobile dealerships. The area north of the C-100 Canal is the subject of this application for a building height variance, and the area south of the C-100 Canal is the subject of a series of separate applications. The area north of the C-100 Canal is owned by the Applicants.

The Property that is the subject of this application is a parcel consisting of approximately 1.45 acres and is shown in the below aerial photograph:



As part of the application, please accept this request for a variance pursuant to Division 3.5 of the Land Development Code to permit a maximum building height of 52.79' where a maximum of 45' is permitted. The proposed building employs a three-story design with rooftop parking, and the "elevator override" portion of the building extends to 52.79' above the highest back of sidewalk elevation specified in Division 4.3(e)(6)(b) of the Land Development Code. This portion of the building is not habitable space and is located in the center of the structure and will be completely invisible from surrounding properties and from South Dixie Highway. In addition, the proposed light poles to service this structure will extend to a maximum height of 49'-9". These light poles will also not be visible from surrounding properties and from South Dixie Highway. In your deliberation on this matter, please note:

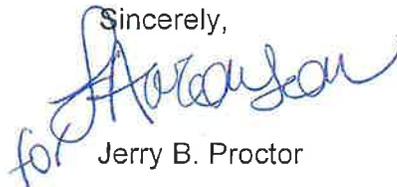
- a. *Variance consistent with authorized powers.* That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Zoning Board or Village Council, as applicable.
- b. *Existence of special conditions or circumstances.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. The particular design involved includes elevator service which includes an "override" area that is a common feature in a commercial building. The Village Land Development Code includes uses such as automobile dealers where structure parking is permitted and is, in fact, preferred over the sprawling parking lots frequently developed for vehicle display in the past in the automotive industry. This design issue does not apply to lower-scale buildings.
- c. *Conditions not created by applicant.* That the special conditions and circumstances do not result from the actions of the applicant. The variance highlights an inconsistency between the Land Development Code, which does not permit normal, non-habitable building "appurtenances" such as light poles, roof treatments, elevators, and chimneys to extend slightly above the normal maximum building height line, and the Village's Comprehensive Development Master Plan, which promotes commercial development as long as proper buffering techniques are employed to protect the residential community. The Land Development Code's omission in addressing these appurtenances does not result from actions of the Applicant.
- d. *Special privileges not conferred.* That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other lands, buildings, or structures in the same zoning district. No habitable space or other tangible benefit is conferred on the Applicant. This is merely a necessary design element. It is not merely a "design preference": The American Society of Mechanical Engineers "Elevator Code" requires that the minimum vertical distance above the elevator (known as the "refuge" area) must contain a minimum height of 3 feet, 7 inches (43 inches). Similarly, the lights must provide adequate illumination to the surrounding area and cannot do so if placed at lower heights on the garage structure.
- e. *Hardship conditions exist.* That literal interpretation of the provisions of this Land Development Code would deprive the applicant of rights commonly enjoyed by other

properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the Applicant. The Code's failure to address this issue creates a distinction between designs that employ non-habitable building appurtenances that cannot be seen from the community and designs that do not employ such techniques, without any corresponding benefit to the community. In accordance with the Florida Accessibility Code, all levels in new buildings must be accessible to persons with disabilities. The elevator cannot be terminated one level below the roof. Accordingly, it is improper as a matter of equality and illegal as a matter of law to provide a structure without complete access to workers and visitors.

- f. *Only the minimum variance granted.* That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- g. *Not injurious to public welfare or intent of the Land Development Code.* That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and his Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. For the reasons stated in this letter, the proposed development is compatible with the surrounding community and consistent in every respect with the planning principles espoused by the Village.

Thank you for your consideration of this application,

Sincerely,



for Jerry B. Proctor

JBP/id

cc: Chris Roberts
Aris Garcia
Orlando Sharpe
Leah Aaronson, Esq.



LEXUS OF KENDALL PRE-OWNED BUILDING

10601 & 10661 SOUTH DIXIE HIGHWAY
VILLAGE OF PINECREST, FLORIDA 33156



SITE PLAN APPROVAL REVISION
JUNE 6th, 2016

OWNER:
GFB ENTERPRISES LLC
10775 S DIXIE HWY MIAMI, FL 33156

HGCE
REGISTERED PROFESSIONAL ENGINEERS
HERSCHELL GIL CHRISTIAN ENGINEERS, INC.
10000 WINDY HILL BLVD., SUITE 200
CORAL GABLES, FL 33146
P 305-565-9288
F 305-565-9288

WOLFBERG ALVAREZ



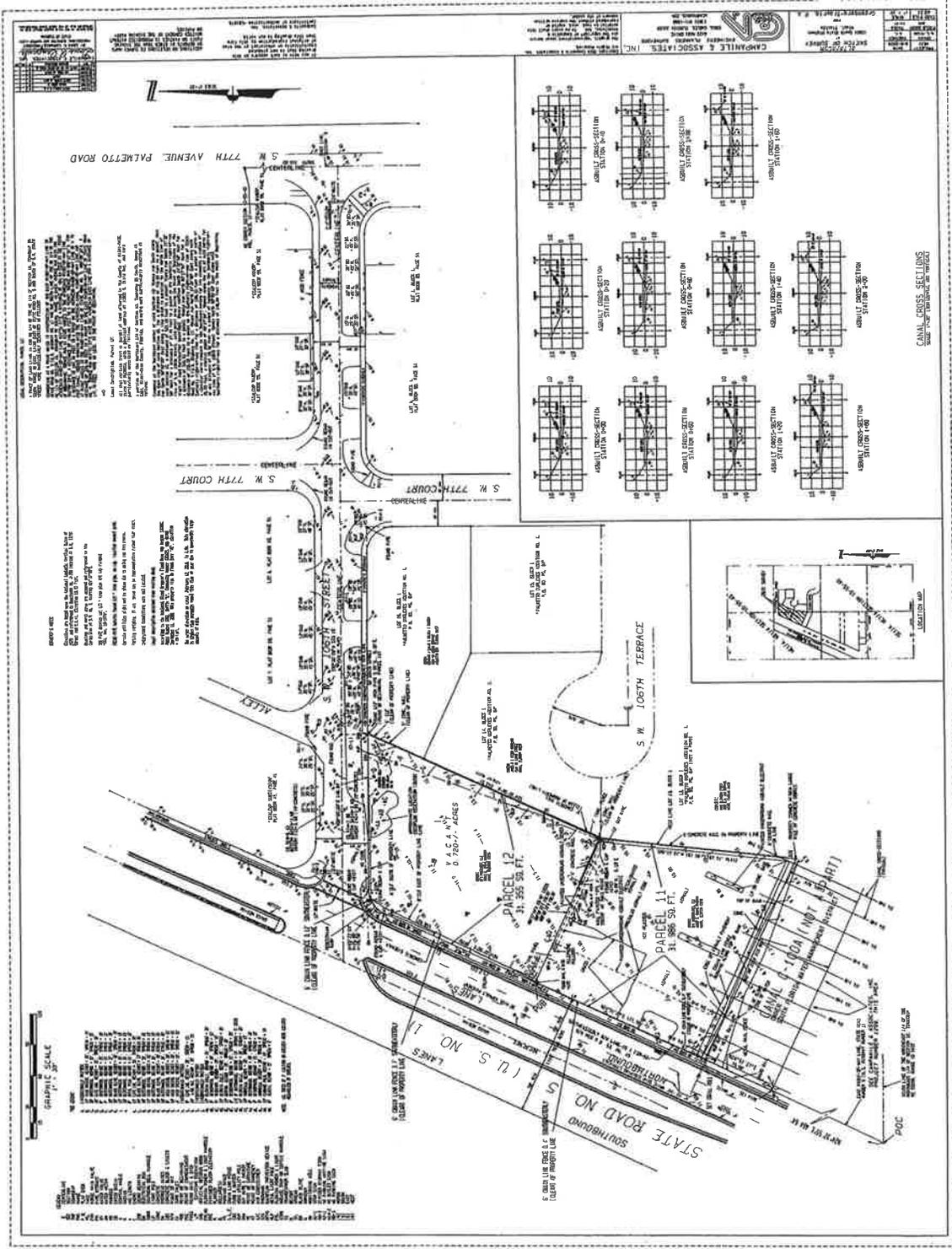
3225 AVIATION AVE., SUITE 400
MIAMI, FLORIDA 33133
P 305-566-6894
F 305-566-6894
WOLFBERGGALVAREZ.COM
AA 002415 EB 002354



Ken Gardner, ASLA, LEED AP
Kensharing Gardner Design
17670 NW 78th Avenue, Suite 214

CONSULTANT RETAINED BY OWNER

11-11-63
 11-11-63
 11-11-63



NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS APPLICABLE.
2. THE CANAL SHALL BE CONSTRUCTED TO A FINISH GRADE OF 1.00' ABOVE MEAN SEA LEVEL.
3. THE CANAL SHALL BE 10 FEET WIDE AT THE TOP WITH 1:1 SLOPES AND A 1.5 FOOT BOTTOM WIDTH.
4. THE CANAL SHALL BE CONSTRUCTED WITH A 2% GRADE FROM WEST TO EAST.
5. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE WEST SIDE.
6. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE EAST SIDE.
7. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE SOUTH SIDE.
8. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE NORTH SIDE.
9. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE WEST SIDE.
10. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE EAST SIDE.
11. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE SOUTH SIDE.
12. THE CANAL SHALL BE CONSTRUCTED WITH A 12" CURB AND GUTTER ON THE NORTH SIDE.

LEGEND

1. CANAL
 2. 12" CURB AND GUTTER
 3. 12" CURB AND GUTTER
 4. 12" CURB AND GUTTER
 5. 12" CURB AND GUTTER
 6. 12" CURB AND GUTTER
 7. 12" CURB AND GUTTER
 8. 12" CURB AND GUTTER
 9. 12" CURB AND GUTTER
 10. 12" CURB AND GUTTER
 11. 12" CURB AND GUTTER
 12. 12" CURB AND GUTTER



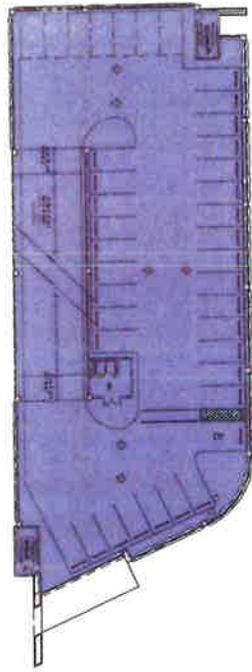
LEXUS OF KENDALL
 PRE-OWNED BUILDING
 10601 & 10661 SOUTH DIXIE HIGHWAY
 VILLAGE OF PINECREST, FL 33156



ZONING DESIGNATION MAP
 SCALE: 1" = 100'

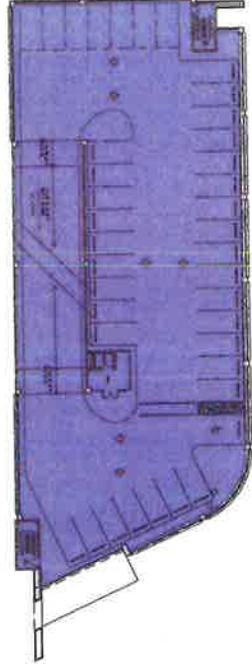


SITE PLAN
 SCALE: 1" = 100'



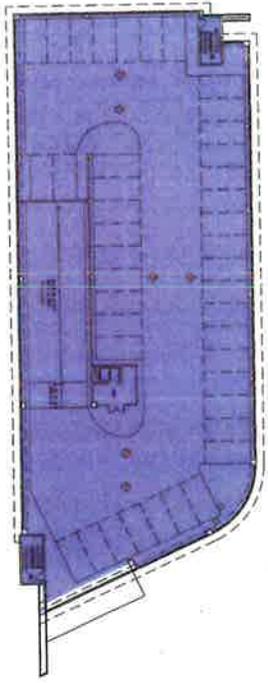
SECOND FLOOR
 SCALE: 1" = 100'

PARKING GARAGE = 18,812 SF



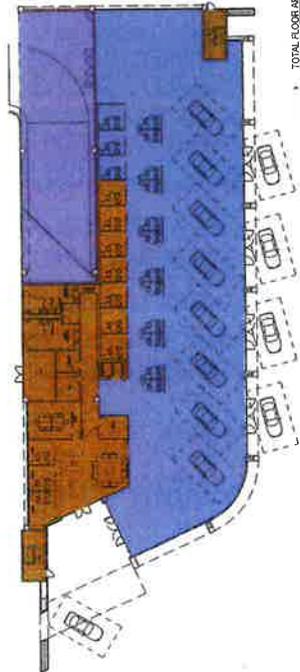
THIRD FLOOR
 SCALE: 1" = 100'

PARKING GARAGE = 19,912 SF



ROOF PLAN
 SCALE: 1" = 100'

PARKING GARAGE = 18,812 SF



GROUND FLOOR
 SCALE: 1" = 100'

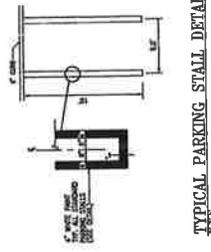
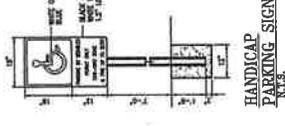
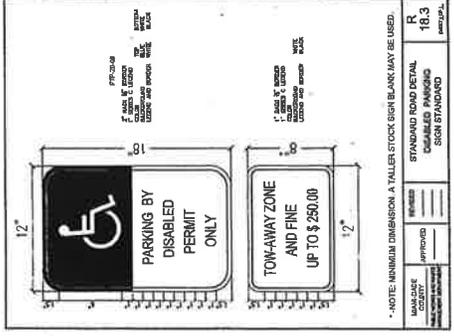
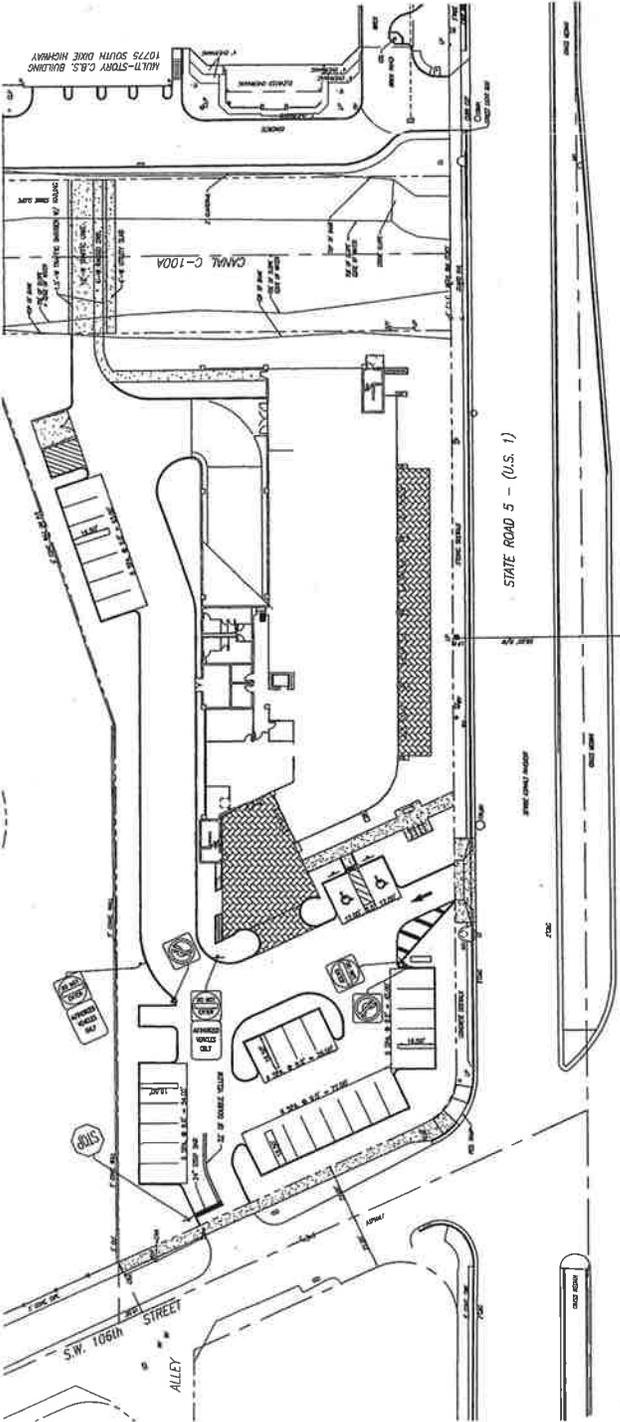
- TOTAL FLOOR AREA = 17,794 SF
- VEHICULAR SALES / SHOWROOM = 10,251 SF
- GENERAL BUSINESS / OFFICE = 4,268 SF
- PARKING GARAGE = 3,275 SF

DATE	10/24/14
BY	W. ANTONIOVE
PROJECT NUMBER	63.00
ISSUE	SCHEMATIC DEVELOPMENT
PROJECT TITLE	PRE-OWNED BUILDING
CLIENT	LEXUS OF KENDALL
ADDRESS	10601 & 10661 SOUTH DIXIE HIGHWAY
CITY	VILLAGE OF PINECREST, FL
STATE	FL
COUNTY	DADE
PROJECT NUMBER	63.00
DATE	10/24/14

To the best of the Architect's or Engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with F.S.C. 2014 Section 110.8.4.4 and Chapter 633, Florida Statutes.



LEXUS OF KENDALL
 PRE-OWNED BUILDING
 VILLAGE OF PINECREST, FL 33156



- PARKING MARKINGS AND SIGNAGE NOTES**
1. ALL PARKING MARKINGS SHALL BE PAINT UNLESS STATED OTHERWISE.
 2. ALL TRAFFIC MARKINGS SHALL BE THERMOPLASTIC PAINT.
 3. ALL TRAFFIC MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION TRANSPORTATION (2003) "TRAFFIC AND TRAFFIC CONTROL DEPARTMENT" (PART 205) AND THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
 4. NO MARKINGS SHALL BE PLACED IN THE AREAS SHOWN WITH HATCH PATTERN.
 5. MARKINGS MARKINGS IN CONTACT WITH THE PROPOSED CURB SHALL BE REPAIRED.
 6. TRAFFIC SIGNS
 - A. MATERIALS SHALL CONFORM TO THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION TRANSPORTATION (2003) "TRAFFIC AND TRAFFIC CONTROL DEPARTMENT" (PART 205) AND THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
 - B. PLACEMENT: IN ACCORDANCE WITH PART 2 OF THE MANUAL.
 7. ALL WORK SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE FLORIDA COUNTY, PUBLIC WORKS DEPARTMENT, TRAFFIC MANUAL.

PAVEMENT MARKINGS & SIGNAGE PLAN
 SCALE: 1"=40'

C-5

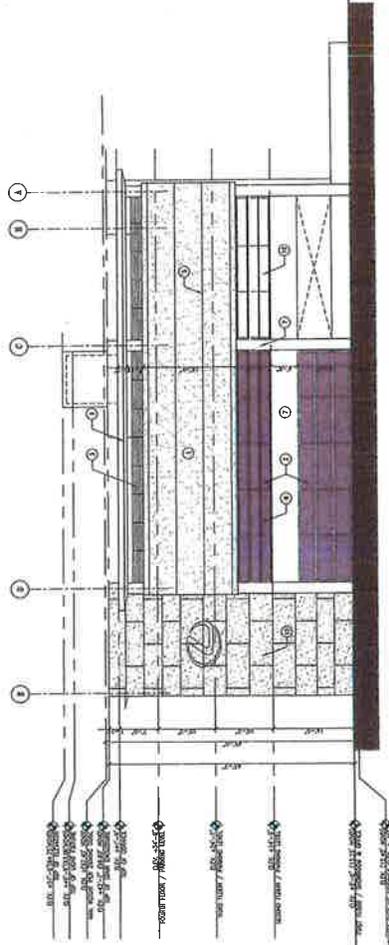
To the best of the Architect's or Engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety regulations as determined by the local authority in accordance with F.S.C. 2014 Section 110.8.4.4 and Chapter 633, Florida Statutes.



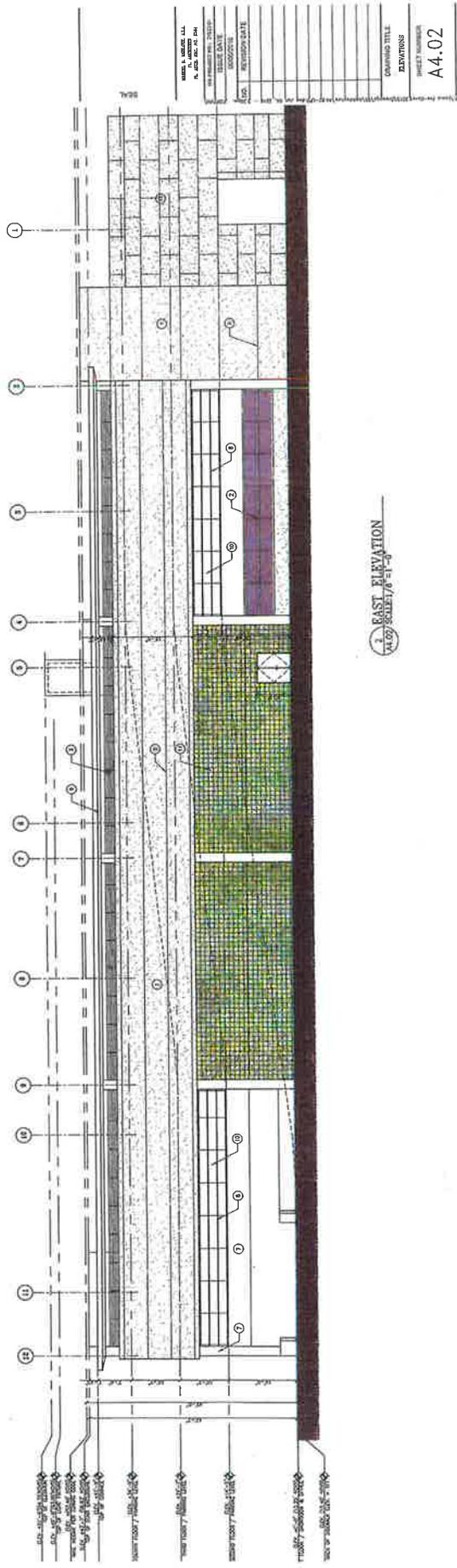
DESIGNATION: AVE. SUITE 400
 10601 SOUTH DIXIE HIGHWAY
 V. 300 555 4747
 W. 300 555 4747
 1001 BEECHAVEN BLVD
 SUITE 100
 MIAMI, FL 33134

LEXUS OF KENDALL
 PRE-OWNED BUILDING
 10601 & 10661 SOUTH DIXIE HIGHWAY,
 VILLAGE OF PINECREST, FL 33156

- NOTES:**
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1 SOUTH ELEVATION
 1/4" = 1'-0"



2 EAST ELEVATION
 1/4" = 1'-0"

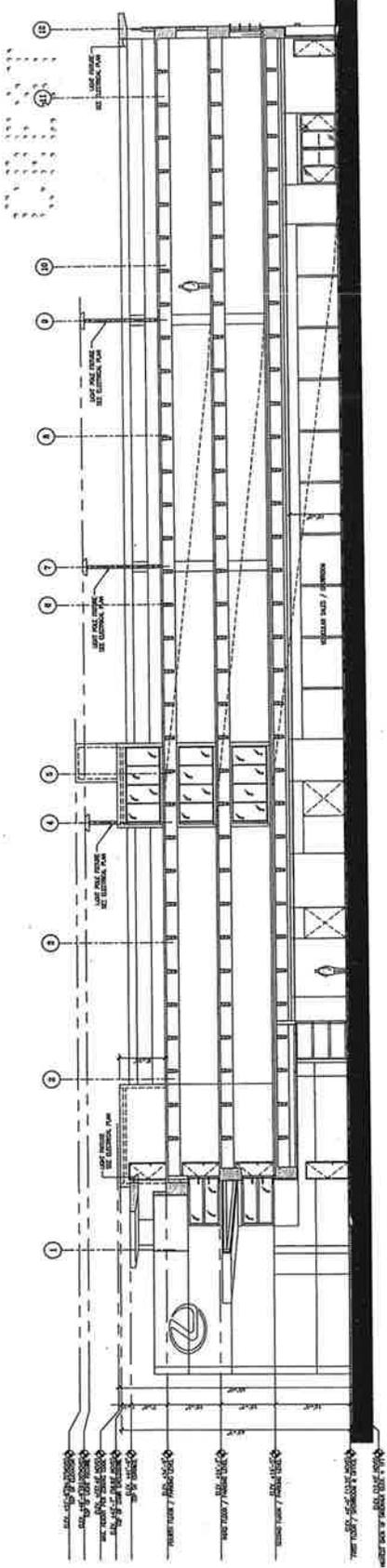
To the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with F.B.C. 2014 Section 102.8.4 and Chapter 531, Florida Statutes.

DATE: 11/11/2014
 TIME: 10:00 AM
 PROJECT: LEXUS OF KENDALL
 SHEET NUMBER: A4.02

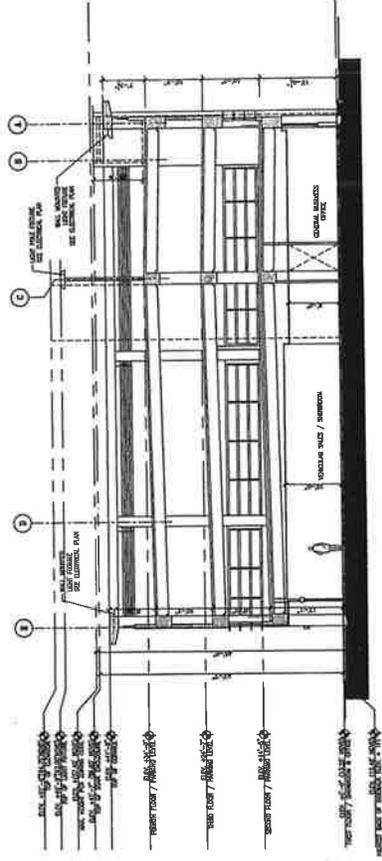


WOODRIDGE CONSULTING
 3225 AVANTAGE AVE. SUITE 400
 BOCA RATON, FL 33433
 TEL: 561.993.8800
 FAX: 561.993.8801
 WWW.WOODRIDGECONSULTING.COM
 AIA 002876 EIT 002874

LEXUS OF KENDALL
 RE-OWNED BUILDING
 10601 & 10661 SOUTH DIXIE HIGHWAY,
 VILLAGE OF PINECREST, FL 33156



SECTION 1.1
 1/8" = 1'-0"



SECTION 1.2
 1/8" = 1'-0"

SEAL

PROJECT NO.	10601 & 10661 SOUTH DIXIE HWY
DATE	08/14/2014
DESIGNER	WOODRIDGE CONSULTING
CHECKER	WOODRIDGE CONSULTING
DATE	08/14/2014
PROJECT TITLE	LEXUS OF KENDALL
DRAWING TITLE	SECTION
SHEET NUMBER	A5.01

To the best of the Architect's or Engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with F.S.C. 2014 Section 110.8.4.4 and Chapter 633, Florida Statutes.



LED W&J Series 110

High performance and integrated style, all in one luminaire

PHILIPS GARDCO LED WALL COUZE 110

The Philips Design LED Wall Couze 110 is a rugged and compact LED luminaire with a sleek, modern design and high luminosity, low energy consumption and long life.

Item No.	Description	Quantity	Unit	Notes
110-001	LED WALL COUZE 110	1	EA	
110-002	LED WALL COUZE 110	1	EA	
110-003	LED WALL COUZE 110	1	EA	

PHILIPS GARDCO

PHILIPS GARDCO

TYPE: SA, SA1, SA3, SB, SB1, SC-1

LEXUS OF KENDALL
 PRE-OWNED BUILDING
 10601 & 10661 SOUTH DIXIE HIGHWAY
 VILLAGE OF PINECREST, FL 33156

120 LINE LED
 121 LED Performance Scans - Generation 2

Page 1 of 4

Item No.	Description	Quantity	Unit	Notes
120-001	120 LINE LED	1	EA	
120-002	120 LINE LED	1	EA	
120-003	120 LINE LED	1	EA	

Item No.	Description	Quantity	Unit	Notes
121-001	121 LED Performance Scans - Generation 2	1	EA	
121-002	121 LED Performance Scans - Generation 2	1	EA	
121-003	121 LED Performance Scans - Generation 2	1	EA	

PHILIPS GARDCO

PHILIPS GARDCO

TYPE: W3

To the best of the Architect's or Engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with F.B.C. 2014, Section 110.8.4.4 and Chapter 631, Florida Statutes.

DATE: 08/14/14
 DRAWN BY: J. W. WOOD
 CHECKED BY: J. W. WOOD
 SCALE: AS SHOWN
 SHEET NUMBER: E2.02

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TAB 13

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: October 11, 2016
TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager
FROM: Stephen Olmsted, AICP, LEED-GA
Planning Director
RE: 8000 SW 122 Street
Conditional Use Permit – Outdoor Tennis Court Lighting

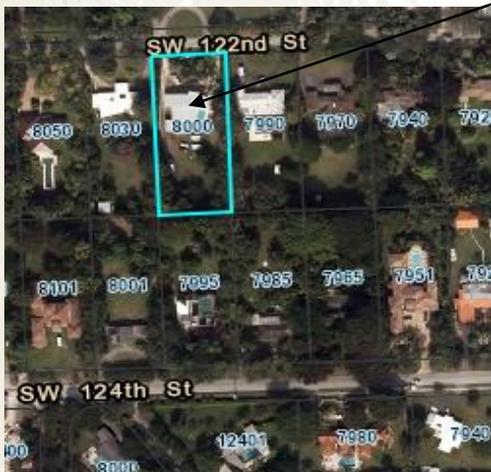
PETITION REQUEST

Ms. Rebeca Paredes is requesting approval of a conditional use permit to allow outdoor lighting of their existing tennis court pursuant to the requirements of the Village of Pinecrest Land Development Regulations, Division 5.25, Tennis Court/Basketball Court/Outdoor Recreational Area Lighting, and in compliance with the requirements and standards for a conditional use permit as provided in Division 3.3, Conditional Use Approval.

SITE LOCATION

The subject property is located at 8000 SW 122 Street, Pinecrest, Florida 33156 within the EU-1, Residential Estate zoning district.

Subject Property



-  **EU-1**
Residential Estate
One unit per gross acre
-  **EU-S**
Residential Suburban Estate
One unit per 25,000 gross sq. ft.
-  **EU-M**
Residential Modified Estate
One unit per 15,000 net sq. ft.



OWNER/APPLICANT

APPLICANT: Ms. Rebeca Paredes

BACKGROUND

Ms. Rebeca Paredes is requesting approval of a conditional use permit to allow outdoor lighting of her existing tennis court pursuant to the requirements of the Village of Pinecrest Land Development Regulations, *Division 5.25, Tennis Court/Basketball Court/Outdoor Recreational Area Lighting*, and in compliance with the requirements and standards for a conditional use permit as provided in *Division 3.3, Conditional Use Approval*. The subject property is located at 8000 SW 122 Street, Pinecrest, Florida 33156.

PUBLIC COMMENT

The Building and Planning Department has not received any comments regarding the proposed outdoor tennis court lighting.

ANALYSIS

In order to obtain approval of a conditional use, an applicant is required to demonstrate compliance with the following standards of Division 3.3 of the Land Development Regulations:

- 1. LAND USE COMPATIBILITY** - *The Conditional Use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity.*

The proposed lighting of the tennis court will be compatible with adjoining residential land uses if shielded as required and, if existing landscaping is required to remain in place. There is a landscape buffer that exists along the rear and sides of the residential property that includes a dense buffer of mature trees and shrubs that are approximately 10 feet high. The Building and Planning Department recommends that the existing landscaping on the applicant's property be maintained as a condition of approval of the requested conditional use permit.

- 2. SUFFICIENT SIZE, SITE SPECIFICATIONS AND INFRASTRUCTURE TO ACCOMMODATE THE PROPOSED USE** - *The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open*

space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

The proposed lighting is for an existing tennis court. The size of the subject property is 0.93 acres in area and of sufficient size necessary to accommodate the existing residence, swimming pool, tennis court, exterior lighting and landscaping in compliance with requirements of the Pinecrest Land Development Regulations.

3. COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDMP) AND LAND DEVELOPMENT CODE - *The conditional use and site plan shall comply with environmental, zoning and other applicable regulations of the Land Development Code, and shall be consistent with the CDMP.*

The proposed outdoor lighting will be consistent with the Village's Comprehensive Development Master Plan and regulations governing outdoor lighting, if installed and maintained in accordance with the submitted application and recommended conditions of approval.

4. PROPER USE OF MITIGATIVE TECHNIQUES - *The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.*

The Building and Planning Department recommends mitigative measures to include shielding of the proposed lights and maintenance of the existing landscape buffer along the north, south, and eastern property lines adjacent to the tennis court.

5. HAZARDOUS WASTE - HAZARDOUS WASTE - *No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Village unless the specific location is consistent with the CDMP, Land Development Code, and does not adversely impact well fields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Village Council approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare.*

This standard is not applicable to the proposed conditional use.

In addition to the general standards that are applicable to all conditional uses as provided in Division 3.3 of the Pinecrest Land Development Regulations, Division 5.25 of the Land Development Regulations includes specific standards for approval of outdoor court lighting as follows:

- (a) A photometric plan shall be submitted which specifies the illumination levels, expressed in initial foot-candles, along all affected property lines.**

A photometric plan has been submitted which shows illumination on the tennis court and a note that illumination at the property line will not exceed 0.5 foot-candles. A photometric plan indicating illumination levels of 0.5 foot-candles or less at all property lines should be required as a condition of approval, prior to the issuance of building permits.

- (b) The lighting shall be designed so that any overspill of lighting onto adjoining properties or street rights-of-way shall not exceed 0.5 foot-candles vertically or horizontally and shall not cause any reflected illumination onto adjacent properties, structures or rights-of-way.**

Lighting may not exceed 0.5 foot-candles at the property line. Lights are required to be aimed downward and are required to be shielded as necessary to prevent glare and illumination onto adjacent properties. Installation of accessory shields is recommended as a condition of approval to prevent glare and illumination on to adjoining properties.

- (c) Lighting standards and fixtures shall not exceed 18 feet in overall height and shall be located within the confines of the tennis court(s)/basketball court(s).**

Lighting standards are required to be a maximum of 18 feet in height, consistent with the maximum permitted height of outdoor sports court lighting. Although light poles shown on submitted plans are 18 feet in height, the fixture extends a few inches above the maximum permitted height. Plans should be revised to reflect a maximum overall height of 18 feet including the mounted light fixtures.

- (d) Tennis court/basketball court lighting shall not be used between the hours of 10:00 p.m. and 8:00 a.m.**

The applicants will be required to comply with the Village's hours for use of outdoor tennis court lighting as noted above.

- (e) Prior to the issuance of a certificate of use, the permittee must submit a letter of compliance from a registered engineer or architect stating that**

the installation has been inspected under operating conditions and found to be within the requirements set forth above.

If approved by the Village Council, a letter of compliance will be required to be submitted that demonstrates compliance with the approved plans, conditions of approval, and all applicable requirements of the Land Development Regulations including certification that lighting levels do not exceed 0.5 foot-candles at the property line.

(f) The lighting shall not be injurious to the area involved or otherwise detrimental to the public welfare.

The lighting will not be injurious to the public, if shielded, screened and maintained in compliance with the Village's Land Development Regulations and recommended conditions of approval.

RECOMMENDATION

The Building and Planning Department recommends approval of the proposed tennis court lighting, at 18 feet in height, subject to the following conditions:

1. Submittal of revised plans to show a maximum overall height of poles and fixtures of 18 feet.
2. Outdoor lights shall include shields provided by the manufacture and lights with shields shall be shown on a revised plan prior to the issuance of building permits.
3. Submittal of a photometric drawing prior to the issuance of building permits showing lighting levels at all property lines of 0.5 foot candles or less.
4. Maintenance of the existing landscape buffer along the east, west, and south property lines adjacent to the tennis court.
5. Outdoor court lighting shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
6. Submittal of a letter of compliance from a registered engineer or architect stating that the installation has been inspected under operating conditions and found to be consistent with the approved plans, conditions of approval, and all applicable requirements of the Village's Land Development Regulations including maximum permitted lighting levels that do not exceed 0.5 foot-candles along all property lines.
7. Approval of required building and electrical permits and inspections by the Building and Planning Department for the exterior lighting of the tennis court.

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

On **Tuesday, October 18, 2016 at 8:00 p.m.**, the Village Council will conduct a public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida for consideration of an application for a conditional use permit as follows:

APPLICANT: Ms. Rebeca Paredes

ITEM: Conditional Use Permit to allow outdoor tennis court lighting.

LOCATION: The subject property is located at 8000 Southwest 122 Street, Pinecrest, Florida 33156 within the EU-1, Residential Estate zoning district.

REQUEST: Ms. Rebeca Paredes is requesting approval of a conditional use permit to allow outdoor lighting of her tennis court pursuant to the requirements of the Village of Pinecrest Land Development Regulations, Division 5.25, Tennis Court/Basketball Court/Outdoor Recreational Area Lighting, and in compliance with the requirements and standards for a conditional use permit as provided in Division 3.3, Conditional Use Approval. The subject property is located at 8000 SW 122 Street, Pinecrest, Florida 33156.



All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

You are hereby advised that if any person desires to appeal any decision made with respect to any other matter considered at this meeting or hearing, such person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Refer to the item number when making an inquiry.

In accordance with the American with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 no later than four (4) business days prior to such proceeding.





PUBLIC HEARING
PERTAINING TO THIS PROPERTY TO BE HELD AT:
MUNICIPAL CENTER
12645 PINCKNEY PARKWAY

ADDITIONAL
INFORMATION
CALL: 813.261.3333

DEPARTMENT
OF
BUILDING
AND
PLANNING





PUBLIC HEARING APPLICATION

OFFICIAL USE ONLY	
Application No.:	_____
Date Received:	_____

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|---|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Non-Use Variance | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Appeal of Decision of Planning Board | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Conditional Use | |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) <i>Rebecca Paredes</i>		
Mailing Address <i>8000 SW 122nd St</i>	City, State, Zip <i>Miami, FL 33156</i>	Telephone <i>786 3442966</i> Fax _____
Name of Owner <i>Rebecca Paredes</i>		
Mailing Address <i>8000 SW 122nd St</i>	City, State, Zip <i>Miami, FL, 33156</i>	Telephone <i>786 3442966</i> Fax _____

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers). If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5015-005-0060 Address 8000 SW 122nd St Miami, FL 33156
 Lot(s) 6 Block 1 Section _____ Plat Book No. _____ Page No. _____

- B. ADDRESS (If number has been assigned) 8000 SW 122ND ST Miami 33156
- C. SIZE OF PROPERTY _____ ft. X _____ ft. = 40,075 sq. ft.; _____ acre(s)
Width Depth
- D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

E. DATE SUBJECT PROPERTY WAS ACQUIRED 5/17/2011

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

The Owners of 8000 SW 122nd St. would like to add lights to the existing tennis court in accordance with the existing lighting rules for a tennis court in Pinecrest. The lights will be installed with a permit by a licensed contractor. Our understanding is that lights can be no more than 18 feet above the ground.

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See Attached Sheet of paper →

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) _____

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED.

In support of this request, I submit the following items, which are attached hereto and made a part of this application:

- Plans (Standard Size)
- Letter of Intent
- Survey
- Owner's Affidavit
- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR PLANNING BOARD PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

5/31/2016
Date

Rebecca Paredes, Rebeca Paredes
Applicant's Signature Print Name

Date Applicant's Signature (if more than one) Print Name

PUBLIC HEARING APPLICATION

OWNER AFFIDAVIT

I/We Rebeca Paredes as Owner (s) of Lot(s) 6

Block 1 Section _____ PB/PG _____

of property which is located at 8000 SW 122ND ST desire to file an application for a public hearing before the Village Council Planning Board, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the South Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Planning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Planning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Planning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners.

I/We as the owners of the subject property (check one):

- do hereby authorize _____ to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Planning Board.

Owner's Name Rebeca Paredes Signature Rebeca Paredes Date 5/31/16

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name _____ Signature _____ Date _____

Notary to Applicant:

Intent

The Paredes-Restrepo family has three children one who currently has a full tennis scholarship at University of North Carolina, Wilmington. The other two children are competitive tennis players who currently attend Westminster Christian School. These girls are also hoping to get scholarships to play on college teams over the next five years. This tennis court will be used by the family to play tennis. Because the daughters are in middle and high school at certain times of the year (October thru February) it is hard to play unless there are lights. The neighbors have see the amount of time currently spent on the court and we believe are comfortable with the minimal noise produced. The current court is a clay court tennis court, In the back of the yard, on a full acre of land with lots of foliage buffering it from the three surrounding neighbors.

Addition to:
8000 S.W. 122 Street,
Miami, FL.



Professional of Record: National Electrical
Description: Architecture
Registration No. AR-0016380
08/23/15

Drawing No.:
TCE1.00

Sheet Title:
TENNIS COURT LIGHTING
Issue Date: Project No.
November 5, 2015

STRUCTURAL SUPPORT FOR SINGLE RLS-TS-100 EC LUMINAIRE
TOTAL WEIGHT INCLUDING LUMINAIRE
TOTAL WEIGHT INCLUDING LUMINAIRE
TOTAL WEIGHT INCLUDING LUMINAIRE

- SPECIFICATIONS**
1. LUMINAIRE SHALL BE AS SPECIFIED IN THE SCHEDULE.
 2. LUMINAIRE SHALL BE MOUNTED TO A STRUCTURAL SUPPORT AS SHOWN ON THE DRAWINGS.
 3. LUMINAIRE SHALL BE MOUNTED TO A STRUCTURAL SUPPORT AS SHOWN ON THE DRAWINGS.
 4. LUMINAIRE SHALL BE MOUNTED TO A STRUCTURAL SUPPORT AS SHOWN ON THE DRAWINGS.
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 10. LUMINAIRE SHALL BE MOUNTED TO A STRUCTURAL SUPPORT AS SHOWN ON THE DRAWINGS.

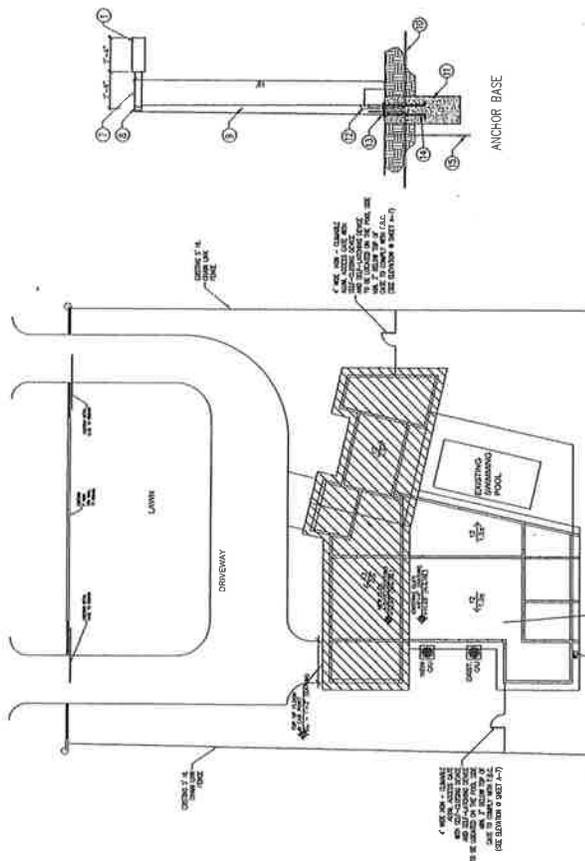
NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
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9. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).



COMPLETION NOTE
ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

ANCHOR BASE



FOOTCANDLE READINGS

59	50	46	53	62	55	46	50	59
68	26	22	29	22	26	28		
77	80	82	80	75	80	82	80	77
84	86	87	84	84	84	84	84	84
82	86	86	86	86	86	86	86	82
82	86	86	86	86	86	86	86	82
84	86	84	84	84	84	84	84	84
77	80	82	80	75	80	82	80	77
62	67	64	64	64	64	64	64	62
59	50	46	53	62	55	46	50	59
28	26	22	29	22	26	28		

SCALE: 1/16" = 1'-0"

SITE PLAN PHOTOMETRIC

EXISTING PANEL 'A'

PHASE	WIRING	TYPE	EXISTING	MAKE	EXISTING
1	120/240	1	1	1	1
2	120/240	1	1	1	1
3	120/240	1	1	1	1
4	120/240	1	1	1	1
5	120/240	1	1	1	1
6	120/240	1	1	1	1
7	120/240	1	1	1	1
8	120/240	1	1	1	1
9	120/240	1	1	1	1
10	120/240	1	1	1	1
11	120/240	1	1	1	1
12	120/240	1	1	1	1
13	120/240	1	1	1	1
14	120/240	1	1	1	1
15	120/240	1	1	1	1
16	120/240	1	1	1	1
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20	120/240	1	1	1	1
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44	120/240	1	1	1	1
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93	120/240	1	1	1	1
94	120/240	1	1	1	1
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97	120/240	1	1	1	1
98	120/240	1	1	1	1
99	120/240	1	1	1	1
100	120/240	1	1	1	1

GENERAL LOAD CALCULATION
ALL PER NEC ART. 220.42, SECTION 8.

LOADS

- 1. LIGHTING: 15,000 VA
- 2. SMALL APPLIANCE: 1,500 VA
- 3. LAUNDRY: 1,500 VA
- 4. OTHER LOADS: 15,447 VA

TOTAL VA = 33,447 VA

SEE LOAD CALCULATION

VERIFY NAME PLATE

SEE LOAD CALCULATION

SEE LOAD CALCULATION

EXISTING PANEL 'B'

PHASE	WIRING	TYPE	EXISTING	MAKE	EXISTING
1	120/240	1	1	1	1
2	120/240	1	1	1	1
3	120/240	1	1	1	1
4	120/240	1	1	1	1
5	120/240	1	1	1	1
6	120/240	1	1	1	1
7	120/240	1	1	1	1
8	120/240	1	1	1	1
9	120/240	1	1	1	1
10	120/240	1	1	1	1
11	120/240	1	1	1	1
12	120/240	1	1	1	1
13	120/240	1	1	1	1
14	120/240	1	1	1	1
15	120/240	1	1	1	1
16	120/240	1	1	1	1
17	120/240	1	1	1	1
18	120/240	1	1	1	1
19	120/240	1	1	1	1
20	120/240	1	1	1	1
21	120/240	1	1	1	1
22	120/240	1	1	1	1
23	120/240	1	1	1	1
24	120/240	1	1	1	1
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40	120/240	1	1	1	1
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42	120/240	1	1	1	1
43	120/240	1	1	1	1
44	120/240	1	1	1	1
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72	120/240	1	1	1	1
73	120/				

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TAB 14

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: October 12, 2016

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Villas of Pinecrest – Final Subdivision Plat
7520 SW 100 Street

PETITION REQUEST

GREC Pinecrest, LLC (Owner), represented by Melissa Tapanes Llahues of Bercow Radell & Fernandez, is requesting approval of a Final Subdivision Plat (“Villas at Pinecrest”) to combine two existing lots into one development lot as necessary to facilitate development of the subject property pursuant to development plans approved by the Village Council in 2011. The property is located at 7520 Southwest 100 Street (Lots 1 and 2 of Block 1 of Corrected Plat of Flagler Grove Estates Section One) within the RU-3, Residential Multi-Family Low Density Zoning District. The size of the two lots combined is 1.94 acres.

OWNER

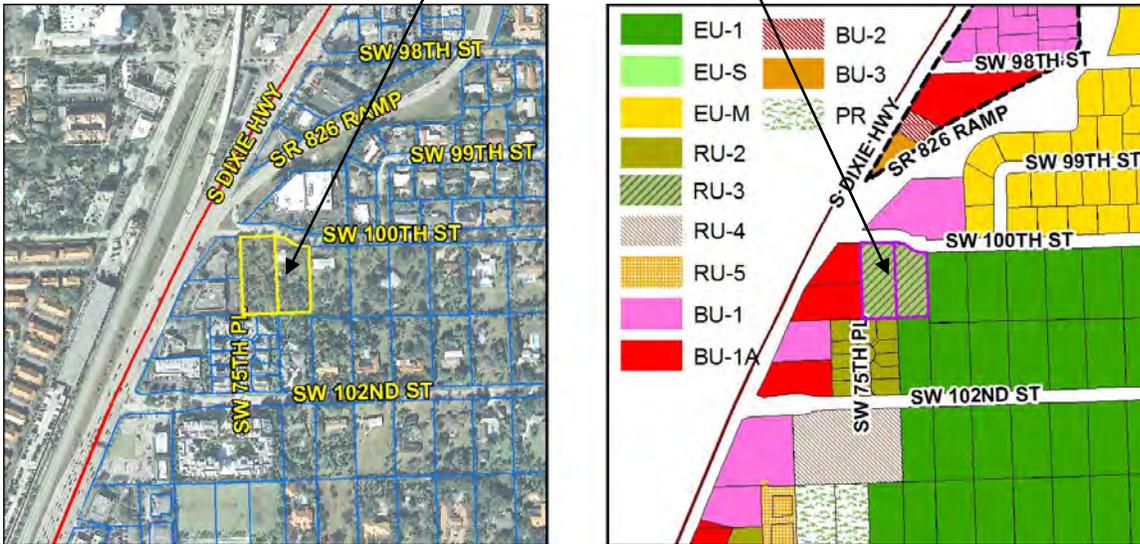
GREC Pinecrest LLC is the owner of the subject property.

SITE LOCATION

The subject property is located at 7520 SW 100 Street, Pinecrest, Florida 33156 within the RU-3, Residential Multi-Family Low Density Zoning District.



Subject Property



EXISTING CONDITIONS

On October 1, 2011, the Village Council approved a site plan for the development of eighteen (18) proposed condominium townhouses on property located at 7520 Southwest 100 Street and the adjoining lot described as lots 1 and 2 of the Corrected Plat of Flagler Grove Estates. The subject property currently includes a former single-family residence that is being utilized as a sales center for the future residential development project. Combination of the two existing lots through the platting process is necessary in order to allow the development of the townhouse project as approved by the Village Council in 2011.

Following approval of the final subdivision plat, the applicant intends to transfer building lots to unit owners with a separate metes and bounds legal description, through a Covenant in Lieu of Unity of Title. Common areas are proposed to be maintained by a homeowner’s association with a dormant special taxing district approved by Miami-Dade County.

PUBLIC COMMENT

The Building and Planning Department has not received any correspondence in opposition to the proposed final subdivision plat.

PINECREST LAND DEVELOPMENT REGULATIONS/FINDINGS

1. Longitude Surveyors has reviewed the proposed final plat and confirmed that the plat has been prepared consistent with all applicable platting regulations and that permanent control points and lot corners have been set as required.

2. The common areas within the development project and the individual dwelling units have also been described in a Covenant in Lieu of Unity of Title that has been reviewed and approved by the Village Attorney. Recording of the Covenant in Lieu of Unity of Title is required prior to the issuance of building permits.
3. Maintenance language regarding maintenance of common areas has been added to the final plat as required:

"Tract A as shown on the plat is hereby reserved for common area, for the joint and several use of the property owners within this subdivision for landscaping purposes and for the installation and maintenance of public utilities and shall be owned and maintained in accordance with a Village of Pinecrest approved homeowners' association".

4. A declaration of restrictive covenants and an easement and operating agreement are required to be provided, reviewed and approved by the Village Attorney and recorded prior to issuance of building permits. Draft documents have been submitted to the Village Attorney for review.
5. The applicant has agreed to establish a dormant special taxing district for maintenance purposes in the event that the homeowners' association ceases maintenance for any reason. Approval of the dormant special taxing unit by the Miami-Dade County Board of County Commissioners should be required as a condition of approval of the final plat. A resolution requesting establishment of the dormant special taxing district by Miami-Dade County Board of County Commissioners has been prepared by the Village Attorney for consideration during the Village Council meeting scheduled for October 18, 2016.
6. A central water system and central sewer are required to be provided in accordance with the requirements of Miami-Dade County Water and Sewer Department, including concurrency management requirements. A water and sewer agreement is attached.
7. The proposed and required fire control facilities and appurtenances have been reviewed and approved by the Miami-Dade County Fire and Rescue Department in the review of the overall site development plan.
8. Swales within the adjacent Southwest 100 Street right-of-way consistent with requirements of the Village of Pinecrest Public Works Department will be required to be provided.

9. Walls and landscaping as included in the approved development plan shall be maintained and the proposed walls shall be treated with anti-graffiti paint as required pursuant to the platting requirements of the Land Development Regulations.
10. Construction of a concrete sidewalk adjacent to SW 100 Street is recommended. The sidewalk will need to be constructed within the adjoining SW 100 Street right-of-way, and partially on the subject property where sufficient right-of-way is not otherwise available. Staff recommends that sidewalks adjacent to SW 100 Street be constructed and that a public easement for public access to the sidewalk outside of the existing public right-of-way be provided prior to issuance of a certificate of occupancy for the first dwelling unit.
11. Management of stormwater is required pursuant to the requirements of the Village's Land Development Regulations. A stormwater management plan will be required to be submitted, reviewed, and approved prior to the issuance of building permits.
12. Street lighting will be required to comply with the requirements of the platting requirements of the Land Development Regulations.
13. Comments have been provided by the Village's Public Works Director as follows:
 - Signage should be placed on-site by the developer letting the residents know that if they exist left or west, they will be forced onto the Palmetto Expressway, SR 826.
 - All driveway connections, all utility work, and any work in the public right-of-way will require a Village of Pinecrest Public Works permit.

RECOMMENDATION

Staff recommends approval of the proposed final subdivision plat subject to the following conditions of approval:

1. Compliance with all requirements of the Village's Land Development Regulations and permitting requirements, and all platting and development requirements of Miami-Dade County.
2. Recording of the Covenant in Lieu of Unity of Title as approved by the Village Attorney prior to the issuance of building permits.

3. Execution and recording of the Declaration of Restrictive Covenants and Easement and Operating Agreement prior to issuance of building permits.
4. Village Council approval of a resolution requesting establishment of the dormant special taxing district by Miami-Dade County Board of County Commissioners.
5. Approval of the dormant special taxing unit by the Miami-Dade County Board of County Commissioners prior to final approval and recording of the final plat.
6. Provision of a central water system and central sewer in accordance with the requirements of Miami-Dade County Water and Sewer Department, concurrency management requirements, and an approved water and sewer agreement.
7. Provision of swales within the adjacent Southwest 100 Street right-of-way consistent with requirements of the Village of Pinecrest Department of Public Works prior to issuance of building permits.
8. Maintenance of landscaping and treatment of walls and with anti-graffiti paint.
9. Construction of sidewalks adjacent to SW 100 Street and provision of a public easement for public access to the sidewalk outside of the existing public right-of-way prior to issuance of a certificate of occupancy for the first dwelling unit in accordance with provisions of the Land Development Regulations.
10. Approval of a stormwater management plan and management of stormwater pursuant to the requirements of the Village's Land Development Regulations.
11. Placement of signage on-site by the developer letting the residents know that if they exist left or west, they will be forced onto the Palmetto Expressway, SR 826.
12. Review and approval of any proposed street lighting by the Public Works Director prior to installation.
13. Provision of an engineer's cost estimate of public improvements and provision of a performance bond in the amount of 125% of the estimated cost of public improvements prior to the issuance of building permits.



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: October 12, 2016

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Villas at Pinecrest - Special Taxing District

GREC Pinecrest, LLC (Owner), represented by Melissa Tapanes Llahues of Bercow Radell & Fernandez, is requesting approval of a Final Subdivision Plat ("Villas at Pinecrest") to combine two existing lots into one development lot as necessary to facilitate development of 18 townhomes on the subject property pursuant to development plans approved by the Village Council in 2011. The property is located at 7520 Southwest 100 Street (Lots 1 and 2 of Block 1 of Corrected Plat of Flagler Grove Estates Section One) within the RU-3, Residential Multi-Family Low Density Zoning District. The size of the two lots combined total 1.94 acres.

The approved development plans include private roads, landscaping, and common areas and facilities that will be owned and maintained by the Villas at Pinecrest Homeowners' Association pursuant to the requirements and provisions of the Declaration of Restrictive Covenants and an Easement and Operating Agreement that will be reviewed by the Village Attorney and recorded prior to the issuance of building permits. However, in the event that the Homeowners' Association defaults or ceases maintenance of the facilities for any reason, the developer proposes to establish the Villas at Pinecrest Special Taxing District, a dormant special taxing district that would allow for the collection of taxes and maintenance of facilities by the Village of Pinecrest.

Pursuant to the requirements of Chapter 18 of the Miami-Dade County Code of Ordinances, in order to establish a special taxing district in Miami-Dade County, the local municipality in which a taxing district is proposed to be located is required to approve and adopt a resolution authorizing Miami-Dade County to establish said district. A proposed resolution authorizing Miami-Dade County to establish the "Villas at Pinecrest Special Taxing District" has been prepared by the Village Attorney and is attached for the Village Council's consideration.



RESOLUTION NO. 2016-

**A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA
APPROVING AND AUTHORIZING MIAMI-DADE COUNTY
TO CREATE AND ESTABLISH THE VILLAS AT PINECREST
SPECIAL TAXING DISTRICT PURSUANT TO CHAPTER 18,
ARTICLE I OF THE MIAMI-DADE COUNTY CODE OF
ORDINANCES; PROVIDING FOR TRANSMITTAL;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article I of Chapter 18 of the Miami-Dade County Code of Ordinances ("County Code") allows for the creation and establishment of special taxing districts within incorporated areas for the purpose of acquiring, constructing, reconstructing and installing public improvements or to provide special services; and

WHEREAS, Article I of Chapter 18 of the County Code sets forth the procedure for creating special taxing districts; and

WHEREAS, Section 18-2 of the County Code provides that no special taxing district shall be created within a municipality without the approval of the governing body of the municipality; and

WHEREAS, pursuant to Section 18-3 of the County Code, GREC Pinecrest, LLC ("the Applicant") filed a petition with the Clerk of the Board of Miami-Dade County requesting the creation and establishment of a special taxing district, known as the "Villas at Pinecrest Special Taxing District," within the geographic boundaries of the Village of Pinecrest as legally described in Exhibit "A," which is incorporated herein and made a part hereof by this reference; and

WHEREAS, the Applicant's petition provides that the multipurpose maintenance component of the district will be dormant, such that service will only commence following failure of any homeowner's association to provide the required services as described in the petition; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA AS FOLLOWS:

Section 1. In accordance with Chapter 18 of the County Code, the Village Council hereby approves and authorizes Miami-Dade County to create and establish the Villas at Pinecrest Special Taxing District, with the boundaries of said district being those as legally described in Exhibit "A," which is incorporated herein and made a part hereof by this reference.

Section 2. The Village Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Clerk of the Miami-Dade County Board of County Commissioners and the Miami-Dade County Mayor.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of October, 2016.

Cindy Lerner, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency

Mitch Bierman
Village Attorney

Motion by:
Second by:

Vote:

EXHIBIT A

Legal Description:

Lots 1 and 2 of Block 1 of "Corrected Plat of Flagler Groves Estates Section One" according to the Plat thereof as recorded in Plat Book 40 at Page 71 of the Public Records of Miami-Dade County, Florida.

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

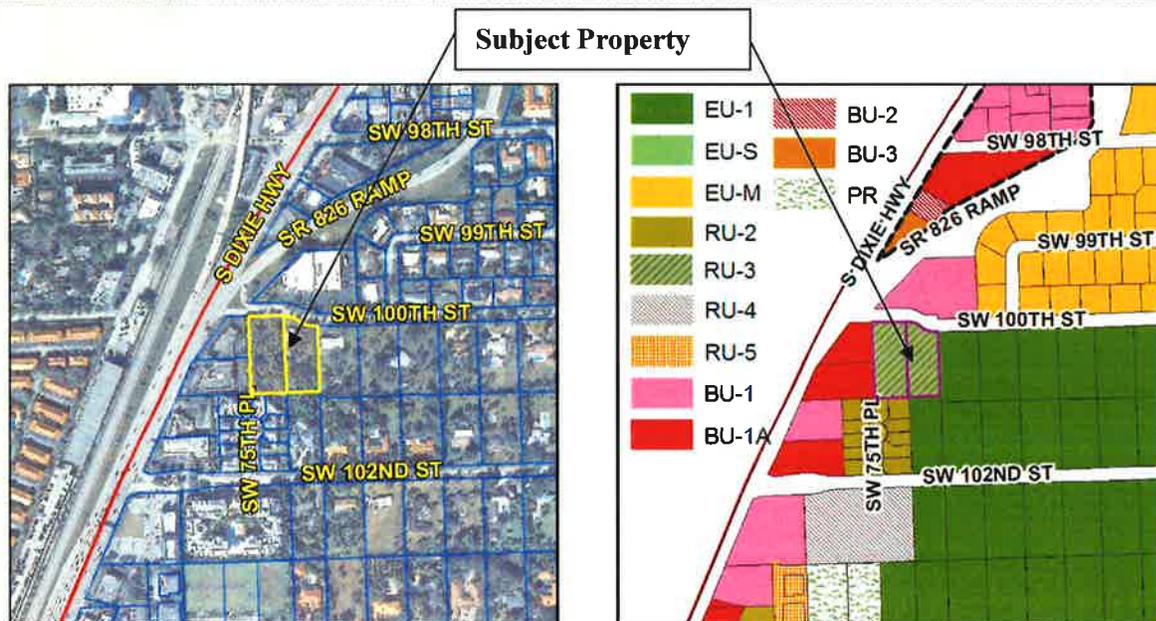
On **Tuesday, October 18, 2016 at 8:00 p.m.**, the Village Council will conduct the following public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida:

APPLICANT: Grec Pinecrest, LLC (Owner) and Bindor Townhomes, Inc (Applicant)

ITEM: Preliminary Subdivision Plat

LOCATION: The subject property is located at 7520 Southwest 100 Street, Pinecrest, FL 33156

REQUEST: Grec Pinecrest, LLC (Owner) and Bindor Townhomes, Inc (Applicant) are requesting approval of a Final Subdivision Plat ("Villas at Pinecrest") for the combination of two parcels of property located at 7520 Southwest 100 Street (Lots 1 and 2 of Block 1 of Corrected Plat of Flagler Grove Estates Section One) within the RU-3, Residential Multi-Family Low Density Zoning District. The size of the two lots combined is 1.94 acres.

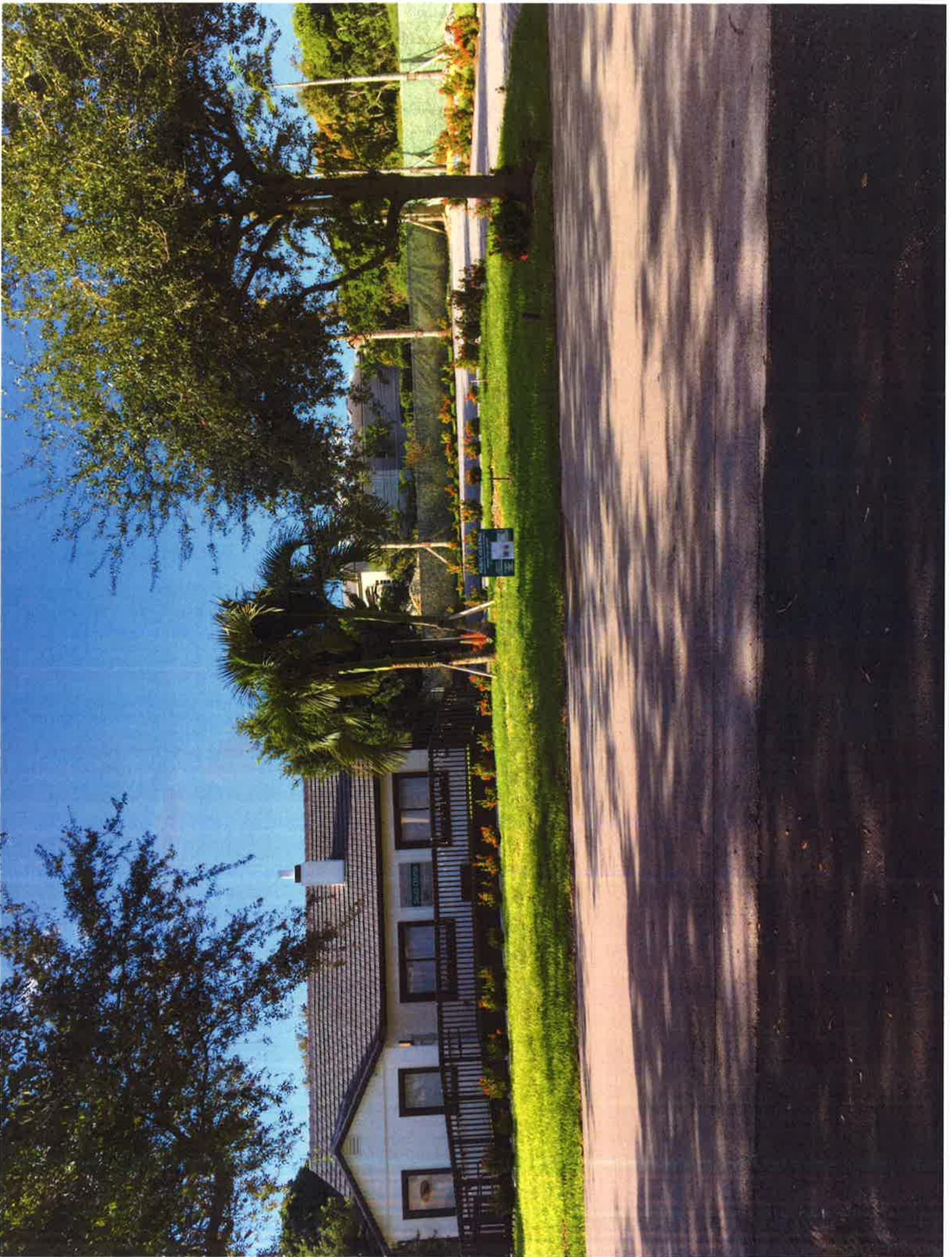


All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

You are hereby advised that if any person desires to appeal any decision made with respect to any other matter considered at this meeting or hearing, such person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Refer to the item number when making an inquiry.

In accordance with the American with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 no later than four (4) business days prior to such proceeding.







PUBLIC HEARING APPLICATION

Please check one:
[X] VILLAGE COUNCIL
[] PLANNING BOARD

OFFICIAL USE ONLY
Application No:
Date Received:

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- Change in Zoning District
Use Variance
Non-Use Variance
Appeal of Decision of Planning Board
Conditional Use
Plat
Entry Feature
Site Plan
Other

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit)
Bindor Townhomes, Inc.
Mailing Address: 200 S. Biscayne Blvd, Suite 850
City, State, Zip: Miami, FL 33131
Telephone: (305) 377-6227
Fax: (305) 377-6222
Name of Owner: Grec Pinecrest, LLC
Mailing Address: 8500 SW 8th Street, Suite 228
City, State, Zip: Miami, FL 33144
Telephone: (305) 262-6533
Fax: (305) 262-1703

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided - lot, block, complete name of subdivision, plat book and page numbers). If metes and bounds description - Complete description, including section, township and range).

Folio Number 20-5002-008-0010/0020 Address 7520 SW 100th Street, Pinecrest, FL 33156
Lot(s) 1&2 Block 1 Section 2-55-40 Plat Book No. 40 Page No. 71

Corrected Plat of Flagler Grove Estates Section One.

B. ADDRESS (If number has been assigned) 7520 SW 100th Street, Pinecrest, FL 33156

C. SIZE OF PROPERTY 280 ft. X 341.40 ft. = 84,617 sq. ft.; 1.94 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

None.

E. DATE SUBJECT PROPERTY WAS ACQUIRED 03-15-2006

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

Submittal of Final Plat for approval in order to build 18 residential units approved by the Village Council on November 3, 2011 (Hearing No. 2011-0906-1).

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

Bindor seeks approval of a Final Plat to create one unified parcel.

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) Wood Structure

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORESEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED.

In support of this request, I submit the following items, which are attached hereto and made a part of this application:

- Plans (Standard Size)
- Letter of Intent
- Survey
- Owner's Affidavit
- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

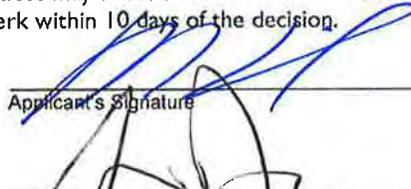
FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR PLANNING BOARD PURPOSES

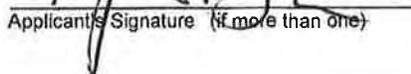
I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

02/24/2016
Date


Applicant's Signature

Melissa Tapanes Llahues
Print Name

3/2/16
Date


Applicant's Signature (if more than one)

James Porsy
Print Name

PUBLIC HEARING APPLICATION

OWNER AFFIDAVIT

I/We Grec Pinecrest, LLC as Owner (s) of Lot (s) 1 & 2

Block 1 Section 2-55-40 PB/PG 40-71

of property which is located at 7520 SW 100th Street, Pinecrest, FL 33153 desire to file an application for a public hearing before the Village Council Planning Board, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the South Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Planning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Planning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Planning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners.

I/We as the owners of the subject property (check one):

- do hereby authorize Melissa Tapanes Llahues & Bercow Radell & Fernandez, PLLC to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Planning Board.

Owner's Name James Doisy Signature [Signature] Date 3/2/16

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name Melissa Tapanes Llahues Signature [Signature] Date 3/3/16

Notary to Applicant: Cristina D. Gonzalez





PUBLIC HEARING APPLICATION SUPPLEMENT

OPTIONAL

However, applicants are encouraged to contact neighbors regarding application.

_____ has applied to the Village of Pinecrest for a variance,
 Name of Applicant
 which will affect the property located at _____ as follows:
 Property Address
 To permit _____

The Village Council Planning Board will hold a public hearing on this request. I have read the above requested variance, the applicable plans and understand that I am waiving any objection to the proposed variance and related construction as described above. By subscribing my name below, I hereby certify that I have done so freely and without any duress or misrepresentation on the part of the applicant.

Parcel #1 _____ Owner Name Address Signature Date	Parcel #2 _____ Owner Name Address Signature Date	Parcel #3 _____ Owner Name Address Signature Date
Parcel #4 _____ Owner Name Address Signature Date	SUBJECT PROPERTY Please indicate the NORTH direction. (Circle one) 	Parcel #5 _____ Owner Name Address Signature Date
STREET / AVENUE / TERRACE / ROAD / COURT		
Parcel #6 _____ Owner Name Address Signature Date	Parcel #7 _____ Owner Name Address Signature Date	Parcel #8 _____ Owner Name Address Signature Date



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6227
E-MAIL: mtapanes@brzoninglaw.com

VIA HAND DELIVERY

April 8, 2016

Mr. Stephen Olmsted, AICP
Planning and Zoning Director
Village of Pinecrest
12645 South Dixie Highway
Pinecrest, Florida 33156

Re: Updated LOI for Final Plat Application at 7520 S.W. 100th Street, Village of Pinecrest, FL, Folio # 20-5002-008-0010 & 20-5002-008-0020 ("Property").

Dear Mr. Olmsted:

This law firm represents Bindor Townhomes, Inc., the contract purchaser of the Property and applicant ("Applicant"). This letter shall serve as the Applicant's letter of intent to request final plat approval for the Property and authorization of a special taxing district. Please note that this updated letter of intent provides three (3) modifications to the conditions agreed upon, to reflect the accuracy of the circumstances surrounding the Property.

Property Description. The Property is located at 7520 SW 100 Street and consists of lots 1 and 2 of Block 1 of Corrected Plat of Flagler Grove Estates Section One as recorded in Plat Book 40 at Page 71 of the Public Records of Miami-Dade County, Florida. The Property is within the RU-3, Residential Multi-Family Low Density Zoning District and is approximately 1.94 acres.

Development Program. It is the Applicant's intent to develop eighteen (18) townhouse units, together with amenities which shall be maintained by a homeowner's association, in accordance with the Pinecrest Village Council's site plan approval, dated November 3, 2011. Creation of the unified parcel will permit the transfer of title to future unit owners with a separate metes and bounds legal description. Combination of the two existing lots through the platting process is necessary in order to allow for development of the townhouse project as approved by the Village Council in 2011.

Mr. Stephen Olmsted

April 8, 2016

Page 2

Restrictions. On October 13, 2015, the Village Council issued a Development Order approving a preliminary subdivision plat for the Property pursuant to conditions laid out by the Village of Pinecrest staff. See Exhibit A. Consistent with this Development Order, in requesting final plat approval, the Applicant resolves to:

- Establish a dormant special taxing unit approved by the Miami-Dade County Board of County Commissioners for maintenance purposes in the event that the homeowners association ceases maintenance for any reason;
- Provide a central water system in accordance with the requirements of Miami-Dade County Water and Sewer Department and provide fire control facilities and appurtenances in accordance with the Miami-Dade County Fire Rescue Department;
- Connect to available public sewer, as approved by the Miami-Dade County Health Department and Department of Environmental Resource Management;
- Provide swales within the adjacent Southwest 100 Street right-of-way consistent with the requirements of the Village of Pinecrest Department of Public Works;
- Provide walls and landscaping as included in the approved development plan with anti-graffiti paint as required pursuant to the platting requirements of the Land Development Regulations;
- Provide monuments of stone or concrete at all block corners in conjunction with review and approval of the final plat;
- Provide payment of a fee in lieu of sidewalks if approved by the Village Manager prior to the issuance of building permits;
- Provide a stormwater management plan and engineering plans to be approved prior to the issuance of building permits;
- Provide street lighting in compliance with the requirements of the platting requirements of the Land Development Regulations;
- Provide deed restrictions and covenants prior to review and approval of final plat;
- Provide signage on-site to let residents know that if they exist left or west of the Property, they will be forced onto the Palmetto Expressway (826);
- Obtain a Village of Pinecrest public works permit for all driveway connections;
- Obtain a Village of Pinecrest public works permit for all utility work
- Obtain a Village of Pinecrest permit for any work in the Public Right-of-way;

- Plant street trees along the Right-of-way swale fronting the Property in accordance with the Land Development Regulations;
- Install street trees and ground covering in the landscape median on SW 100 Street adjacent to US-1; and
- Adhere to the Miami-Dade County on-site stormwater requirements as outlined in the Miami-Dade County Code of Ordinances.

Final Plat Approval Request. The request meets all applicable requirements set forth in Art. 8 of the Village of Pinecrest, Land Development Regulations, and Section 28-4 of the Miami-Dade County Code. In addition, the request is consistent with past actions taken by the Village Council and Miami-Dade County in connection with the same subdivision. Specifically, the French Village project is immediately south of the Property and contains twelve (12) individually platted lots in accordance with the Land Development Regulations for the RU-2 zoning district. See Exhibit B, The French Subdivision of Pinecrest, plat book 162, page 83.

Special Taxing District Request. The request is consistent with Chapter 18 of the Miami-Dade County Code of Ordinances. A special taxing district may be created in Miami-Dade County for the purpose of providing certain special services within a district. The owners of the property within a special taxing district guarantee payment of all costs and expenses incident to creating such a district.

On October 13, 2015 the Village Council required that the Applicant establish a special taxing district for the maintenance of the proposed development's common areas. The Applicant has prepared a Special Taxing District application for Miami-Dade County in accordance with Chapter 18 of the Code of Ordinances and Village Council Development Order 2015-1013-2. See Exhibit C, Miami-Dade County Special Taxing District Application. In accordance, the Applicant submits this resolution to Village Council for approval of a Special Taxing District for maintenance purposes in the event that the homeowners association of the proposed development ceases maintenance for any reason.

Request for Correction. While the former Letter of Intent submitted on April 1, 2015 reflected the conditions provided as they are stated in the October 13, 2015 Village Council Development Order found in Exhibit A, we have noticed that three (3) of the conditions do not reflect the reality of the circumstances surrounding the project. As such, we request that the items be corrected on the Development Order conditions as they are stated in this Letter of Intent.

Mr. Stephen Olmsted

April 8, 2016

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We respectfully request your expeditious review of this application and your approval. Should you have any questions, comments, or require additional information, please do not hesitate to phone me at (305) 377-6227.

Very truly yours,



Melissa Tapanes Llahues

Enclosures

PINE

14-06-16

CHRY

EXHIBIT A



VILLAGE OF PINECREST, FLORIDA
VILLAGE COUNCIL

DEVELOPMENT ORDER

HEARING NUMBER: 2015-1013-2

APPLICANT: GREC PINECREST LLC AND BINDOR TOWNHOMES

HEARING DATE: OCTOBER 13, 2015

RELIEF SOUGHT: APPROVAL OF A PRELIMINARY SUBDIVISION PLAT ("VILLAS AT PINECREST") FOR THE COMBINATION OF TWO PARCELS OF PROPERTY (LOTS 1 AND 2 OF BLOCK 1 OF CORRECTED PLAT OF FLAGLER GROVE ESTATES SECTION ONE)

LOCATION: 7520 SOUTHWEST 100 STREET

The request for approval of a request filed by GREC Pinecrest LLC and Bindor Townhomes (the "Applicant") came to be heard before the Village Council of the Village of Pinecrest, Florida (the "Village Council") at a public hearing held on October 13, 2015. The Village Council having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant and their representative, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations adopted by the Village of Pinecrest, Florida.
2. The Applicant has established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby granted subject to the conditions included in Paragraph 6 of this approval.
4. This Order shall take effect immediately upon execution by the Village Clerk.
5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.
6. The Village Council hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:

- a) The Applicant shall comply with all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
 - b) The Applicant shall comply with all terms, conditions and provisions imposed by the Village Council, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
 - c) This approval is conditioned upon satisfactory resolution of the findings provided in the staff memorandum dated October 6, 2015, subject to compliance with all requirements of the Land Development Regulations, subject to compliance with all requirements of Miami-Dade County prior to submittal of the final plat, and subject to zoning regulations in effect at present or in the future.
 - d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.
7. The public record, including but not limited to the Village Council and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the Village Council, along with sworn testimony and evidence established before the Village Council are hereby incorporated by reference.

PASSED AND ADOPTED this 13th day of October, 2015 by the Village Council as follows:

Councilmember Ball	Aye
Councilmember Kraft	Aye
Councilmember McDonald	Aye
Vice Mayor Ross	Aye
Mayor Lerner	Aye

EXECUTED this 9th day of November, 2015.

VILLAGE OF PINECREST, FLORIDA



Guido H. Inguanzo, Jr., CMC
Village Clerk



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: October 6, 2015

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Villas of Pinecrest – Preliminary Subdivision Plat
7520 SW 100 Street

PETITION REQUEST

Grec Pinecrest, LLC (Owner) and Bindor Townhomes, Inc (Applicant) are requesting approval of a Preliminary Subdivision Plat ("Villas at Pinecrest") to combine two existing lots into one development lot as necessary to facilitate development of the subject property pursuant to development plans approved by the Village Council in 2011. The property is located at 7520 Southwest 100 Street (Lots 1 and 2 of Block 1 of Corrected Plat of Flagler Grove Estates Section One) within the RU-3, Residential Multi-Family Low Density Zoning District. The size of the two lots combined is 1.94 acres.

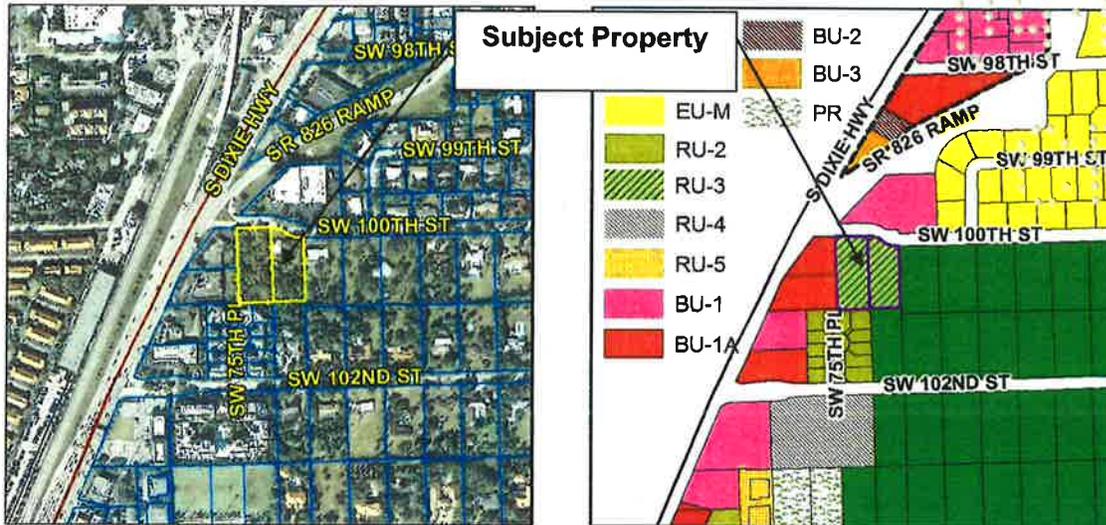
OWNER/APPLICANT

Grec Pinecrest LLC is the owner of the subject property. Bindor Townhomes, Inc. is the applicant.

SITE LOCATION

The subject property is located at 7520 SW 100 Street, Pinecrest, Florida 33156 within the RU-3, Residential Multi-Family Low Density Zoning District.





EXISTING CONDITIONS

On October 1, 2011, the Village Council approved a site plan for the development of eighteen (18) proposed condominium townhouses on property located at 7520 Southwest 100 Street and the adjoining lot described as lots 1 and 2 of the Corrected Plat of Flagler Grove Estates. The subject property currently includes a former single-family residence that is being utilized as a sales center for the future residential development project. Combination of the two existing lots through the platting process is necessary in order to allow for development of the townhouse project as approved by the Village Council in 2011. Townhomes are proposed to be sold individually through subsequent division of the property via metes and bounds descriptions.

PUBLIC COMMENT

The Building and Planning Department has not received any correspondence in opposition to the proposed preliminary plat.

PINECREST LAND DEVELOPMENT REGULATIONS/FINDINGS

1. A pre-application conference was convened with the applicants on Friday, August 14, 2015 at 2:00 p.m. During the pre-application conference, participants discussed the applicant’s intent as described on their submitted application:

“Bindor seeks approval of a Tentative Plat to create one unified parcel in order to facilitate the transfer to unit owners with a separate metes and bounds legal

description, through a covenant in lieu of unity of title. The common areas shall be maintained by a homeowner's association with a dormant special taxing district approved by Miami-Dade County."

The Transfer of separate parcels to unit owners via separate metes and bounds, legal descriptions is consistent with the Village's Land Development Regulations that were recently amended to allow separate parcels to be created through metes and bounds without being considered a subdivision.

2. The common areas within the development project and the individual dwelling units will be described in a covenant in lieu of unity of title that will be submitted prior to the sale of individual dwelling units. Maintenance language regarding maintenance of common areas should be added to the final plat as follows:

"Tract _____ as shown on the plat is hereby reserved for common area, for the joint and several use of the property owners within this subdivision for landscaping purposes and for the installation and maintenance of public utilities and shall be owned and maintained in accordance with a Village of Pinecrest approved homeowners' association".

4. Common areas will be maintained by a homeowners' association. The applicant has stated, and staff recommends, that a dormant special taxing unit be established for maintenance purposes in the event that the homeowners association ceases maintenance for any reason. Approval of the dormant special taxing unit by the Miami-Dade County Board of County Commissioners should be required as a condition of approval of the final plat.
5. A central water system is required to be provided in accordance with the requirements of Miami-Dade County Water and Sewer Department, including concurrency management requirements. Additionally, review and approval of proposed and required fire control facilities and appurtenances by the Miami-Dade County Fire and Rescue Department will also be required.
6. Individual on-site septic tanks are proposed for sewage disposal. Approval by the Miami-Dade County Health Department and Department of Environmental Resource Management (DERM) will be required for installation of septic tanks. However, as previously indicated by the Village's Public Works Director, the developer is required to contact the Miami-Dade County Water and Sewer

- Department for water and sewer requirements. Central sewer does not exist adjacent to the subject property although Miami-Dade County may require a sewer extension to the subject property based on proximity and feasible distance.
7. Swales within the adjacent Southwest 104 Street right-of-way consistent with requirements of the Village of Pinecrest Department of Public Works will be required to be provided.
 8. Walls and landscaping as included in the approved development plan shall be maintained and treated with anti-graffiti paint as required pursuant to the platting requirements of the Land Development Regulations.
 9. Iron pipes are indicated at the lot corners. Permanent monuments of stone or concrete are required to be placed at all block corners and can be placed in conjunction with review and approval of the final plat.
 10. Sub-paragraph (p) of the Village's platting provisions requires sidewalks adjacent to proposed and existing streets. Alternatively, the Land Development Regulations allow for payment of a fee in lieu of sidewalks if approved by the Village Manager prior to the issuance of building permits.
 11. Management of stormwater is required pursuant to the requirements of the Village's Land Development Regulations. A stormwater management plan and engineering plans will be required to be submitted, reviewed, and approved prior to the issuance of building permits.
 12. Street lighting will be required to comply with the requirements of the platting requirements of the Land Development Regulations.
 13. A copy of existing and proposed deed restrictions and covenants should be required prior to review and approval of the final plat.
 14. Comments have been provided by the Village's Public Works Director as follows:
 - Signage should be placed on-site by the developer letting the residents know that if they exist left or west, they will be forced onto the Palmetto (826)
 - All driveway connections will require a Village of Pinecrest public works permit.
 - All utility work will require a Village of Pinecrest public works permit.

- Any work in the Public Right-of-way will require a Village of Pinecrest permit.
- Street trees are required to be planted along the Right-of-way swale fronting the property in accordance with our Land Development Regulations.
- Developer should be required to install street trees and ground covering in the landscape median on SW 100 Street adjacent to US-1. This can be coordinated with the proposed improvements on US-1 by O'Leary and Associates as contracted by the Village of Pinecrest.
- Developer shall be required to adhere to the Village's on-site stormwater requirements as outlined in our Land Development Regulations.

RECOMMENDATION

Staff recommends approval of the proposed preliminary plat subject to satisfactory resolution of the findings provided above; subject to compliance with all requirements of the Village's Land Development Regulations; and subject to compliance with all requirements of Miami-Dade County prior to submittal of the final plat.

PHE

0408-16

CRIST

EXHIBIT B

FRENCH SUBDIVISION OF PINECREST

A REPLAT OF LOTS 7 AND 8, BLOCK 1 OF "CORRECTED PLAT OF FLEMING GROVE TRACT, SECTION ONE" ACCORDING TO THE TOWNSHIP IS SOUTH, RANGE 40 EAST, VILLAGE OF PINECREST, MIAMI-DADE COUNTY, FLORIDA.



Position of SW 1/4 of Section 2, Township 26 South, Range 40 East
 Miami-Dade County, Florida
 LOCATION MAP
 SCALE 1" = 300'



KNOW ALL BY THESE PRESENTS, THAT I, **FRANCOISE L. MADONNE**, of the County of Miami-Dade, State of Florida, do hereby certify that the above and foregoing plat is a true and correct copy of the original plat as the same appears on file in the office of the Clerk of the Board of County Commissioners, Miami-Dade County, Florida, and that the same has been duly recorded in the Public Records of Miami-Dade County, Florida, in accordance with the provisions of the Statutes of the State of Florida, and that the same is a true and correct copy of the original plat as the same appears on file in the office of the Clerk of the Board of County Commissioners, Miami-Dade County, Florida, and that the same has been duly recorded in the Public Records of Miami-Dade County, Florida, in accordance with the provisions of the Statutes of the State of Florida.

LEGAL DESCRIPTION:
 LOT 7 AND 8 OF BLOCK 1 OF "CORRECTED PLAT OF FLEMING GROVE TRACT, SECTION ONE" ACCORDING TO THE TOWNSHIP IS SOUTH, RANGE 40 EAST, VILLAGE OF PINECREST, MIAMI-DADE COUNTY, FLORIDA.

LEGAL DESCRIPTION:
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LEGAL DESCRIPTION:
 LOT 7 AND 8 OF BLOCK 1 OF "CORRECTED PLAT OF FLEMING GROVE TRACT, SECTION ONE" ACCORDING TO THE TOWNSHIP IS SOUTH, RANGE 40 EAST, VILLAGE OF PINECREST, MIAMI-DADE COUNTY, FLORIDA.

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LEGAL DESCRIPTION:
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FINE
04-08-16
0851

EXHIBIT C

AND OPEN SPACES DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Document Preparation
Date

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) VILLAS AT PINECREST

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Parks, Recreation and Open Spaces Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
GREC PINECREST LLC	8500 SW 8 St, No. 228		20-5002-008-0010
BY: FSE INVESTMENTS, INC	Miami, FL 33144		20-5002-008-0020
James A. Dorsy		MORE FULLY	
President		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT A"	

PLACE NOTARY STATEMENT AND STAMP HERE:

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

THE FORGOING INSTRUMENT was acknowledged before me this ___ day _____, 20___, by **James A. Dorsy, President** of **FSE INVESTMENTS, INC.**, a Florida Corporation, who is () personally known to me and not take an oath, or () produce identification in the form of _____.

Notary Public, State of Florida

My Commission expires _____

FINE

04-08-10

0123456789

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S)

KNOWN AS VILLAS AT PINECREST.

DATED _____ FOR THE CREATION OF

SPECIAL TAXING DISTRICT(S).

LOTS 1 AND 2 OF BLOCK 1 OF "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS VILLAS AT PINECREST.

DATED _____, FOR THE CREATION OF A MULTIPURPOSE SPECIAL TAXING DISTRICT FOR MULTIPURPOSE MAINTENANCE.

AREAS TO BE MAINTAINED:

- DECORATIVE WALL ALONG SW 100TH STREET
- LANDSCAPING ALONG SW 100TH STREET

MAINTENANCE SCHEDULE:

- 1) LAWN / GRASS
 - a) CUT BIMONTHLY AS REQUIRED
 - b) FERTILIZE AND WEED CONTROL AS NEEDED
 - c) TREAT FOR PESTS / DISEASES AS NEEDED
 - d) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME
- 2) TREES / SHRUBS
 - a) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
 - b) REPLACE AS REQUIRED
- 2) WALL MAINTENANCE
 - a) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND FENCE AND THE REMOVAL OF THE GRAFFITI AS NEEDED

Note: THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE DORMANT. SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

INGRESS/EGRESS EASEMENT AND COMMON AREAS

1177

DECLARATION OF COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS the undersigned, James A. Dorsy, the President of FSE Investments, Inc., a Florida Corporation, the Manager of GREC PINECREST LLC; a Delaware Limited Liability Company the owner of the following subdivision, to wit: VILLAS AT PINECREST as recorded in Plat Book _____ and Page _____ of the Public Records of Miami-Dade County, Florida, and

WHEREAS, Miami-Dade County, Florida, requires notice to purchasers of new residential property of the existence, or the proposed creation, of special taxing districts affecting their property,

NOW, THEREFORE, in consideration of the approval of the aforesaid plat of VILLAS AT PINECREST by Miami-Dade County, Florida, the undersigned do(es) hereby declare and agree that upon the sale of said subdivision or of any lot or lots therein, the undersigned will incorporate in such conveyances the following covenant, to wit:

THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN THE _____ MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT PROPOSED FOR CREATION BY THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF PROVIDING THE FOLLOWING LOCAL SERVICES: _____. THE COST FOR PROVIDING SUCH SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.

The undersigned hereby declare (s) that this said covenant shall constitute a covenant running with the land and shall be binding upon the undersigned, his successors and assigns.

IN WITNESS WHEREOF, the , James A. Dorsy, the President of FSE Investments, Inc., a Florida Corporation, the Manager of GREC PINECREST LLC; a Delaware Limited Liability Company has (have) executed these presents for the purposes set forth, this _____ day of _____, A.D.20 ____.

Signed: _____
Print name: James A. Dorsy
the President of FSE INVESTMENTS, INC

Notary Statement and Stamp:
STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared James A. Dorsy, President of FSE INVESTMENTS, INC. a Florida Corporation, who is () personally known to me, or () who produced identification in the form of _____, and who executed the foregoing resolution and acknowledged before me that _____ executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this _____ day of _____, 20____.

(SEAL)

Notary Public, State of Florida
My commission expires _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 for
 GREC PINECREST LLC
 prepared by:

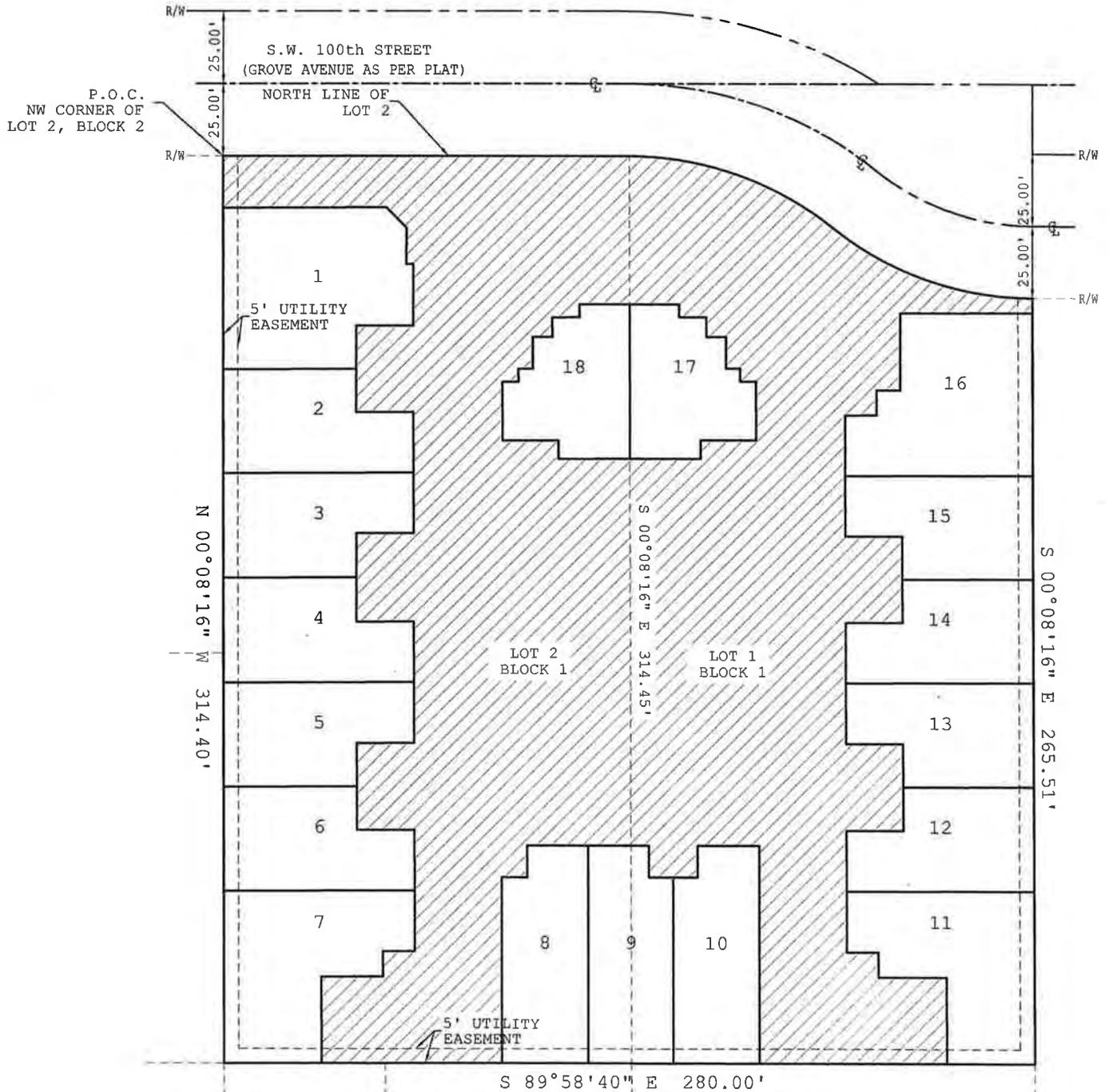
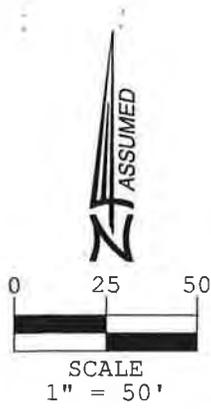


HADONNE

LAND SURVEYOR AND MAPPERS
 LAND DEVELOPMENT CONSULTANTS
 SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"
TRACT "A"

(COMMON AREA, INGRESS EGRESS AND NON-EXCLUSIVE UTILITY EASEMENT)



TRACT "A"
COMMON AREA, INGRESS EGRESS AND NON-EXCLUSIVE
UTILITY EASEMENT

A portion of Land Lying and being within Lots one and 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Beginning at the Northwest corner of said lot 2 thence N 90°00'00" E a distance of 140.00 feet; thence S 00°08'16" E a distance of 51.38 feet; thence S 89°51'44" W a distance of 17.25 feet; thence S 00°08'16" E a distance of 4.50 feet; thence S 89°51'44" W a distance of 9.33 feet; thence S 00°08'16" E a distance of 6.79 feet; thence S 89°51'44" W a distance of 6.75 feet; thence S 00°08'16" E a distance of 11.04 feet; thence S 89°51'44" W a distance of 4.92 feet; thence S 00°08'16" E a distance of 4.50 feet; thence S 89°51'44" W a distance of 5.50 feet; thence S 00°08'16" E a distance of 20.33 feet; thence N 89°51'44" E a distance of 19.25 feet; thence S 00°08'16" E a distance of 6.42 feet; thence N 89°51'44" E a distance of 24.50 feet; thence S 00°08'16" E a distance of 133.99 feet; thence N 89°58'40" W a distance of 35.76 feet; thence S 00°01'20" W a distance of 11.00 feet; thence N 89°58'40" W a distance of 8.75 feet; thence S 00°01'20" W a distance of 64.50 feet; thence N 89°58'40" W a distance of 61.91 feet; thence N 00°16'01" W a distance of 30.04 feet; thence N 89°51'44" E a distance of 21.19 feet; thence N 00°08'16" W a distance of 8.75 feet; thence N 89°51'44" E a distance of 11.00 feet; thence N 00°08'16" W a distance of 42.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence N 00°08'16" W a distance of 30.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence N 00°08'16" W a distance of 42.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence N 00°08'16" W a distance of 30.75 feet; thence N 89°51'44" E a distance of 19.83 feet; thence N 00°08'16" W a distance of 42.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence N 00°08'16" W a distance of 30.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence N 00°08'16" W a distance of 21.33 feet; thence S 89°51'44" W a distance of 2.33 feet; thence N 00°04'03" E a distance of 12.66 feet; thence N 45°24'48" W a distance of 9.91 feet; thence S 89°50'33" W a distance of 56.18 feet; thence N 00°08'16" W a distance of 18.00 feet; to the Point of Beginning.

And

Beginning at the Northeast corner of said lot 1 thence S 00°08'16" E a distance of 5.19 feet; thence S 89°52'48" W a distance of 46.22 feet; thence S 00°04'25" E a distance of 26.70 feet; thence S 89°51'44" W a distance of 8.25 feet; thence S 00°08'16" E a distance of 8.75 feet; thence S 89°51'44" W a distance of 11.00 feet; thence S 00°08'16" E a distance of 42.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence S 00°08'16" E a distance of 30.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence S 00°08'16" E a distance of 42.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence S 00°08'16" E a distance of 30.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence S 00°08'16" E a distance of 42.00 feet; thence N 89°51'44" E a distance of 11.00 feet; thence S 00°08'16" E a distance of 8.75 feet; thence N 89°51'44" E a distance of 23.69 feet; thence S 00°08'16" E a distance of 30.04 feet; thence N 89°58'40" W a distance of 65.00 feet; thence N 00°01'20" E a distance of 75.50 feet; thence N 89°58'40" W a distance of 21.33 feet; thence S 00°01'20" W a distance of 11.00 feet; thence N 89°58'40" W a distance of 16.83 feet; thence N 00°01'20" E a distance of 11.00 feet; thence N 89°58'40" W a distance of 6.24 feet; thence N 00°08'16" W a distance of 133.99 feet; thence N 89°51'44" E a distance of 24.50 feet; thence N 00°08'16" W a distance of 6.42 feet; thence N 89°51'44" E a distance of 19.25 feet; thence N 00°08'16" W a distance of 20.33 feet; thence S 89°51'42" W a distance of 5.50 feet; thence N 00°08'16" W a distance of 4.50 feet; thence S 89°51'44" W a distance of 4.92 feet; thence N 00°08'16" W a distance of 11.04 feet; thence S 89°51'44" W a distance of 6.75 feet; thence N 00°08'16" W a distance of 6.79 feet; thence S 89°51'44" W a distance of 9.33 feet; thence N 00°08'16" W a distance of 4.50 feet; thence S 89°51'44" W a distance of 17.25 feet; thence N 00°08'16" W a distance of 51.38 feet; thence with a curve turning to the right with an arc length of 75.64 feet, with a radius of 112.42 feet, with a chord bearing of S 70°43'30" E, with a chord length of 74.22 feet; thence with a reverse curve turning to the left with an arc length of 75.64 feet, with a radius of 112.42 feet, with a chord bearing of S 70°43'30" E, with a chord length of 74.22 feet; to the Point of Beginning,

Containing 43,900 square feet more or less by calculation

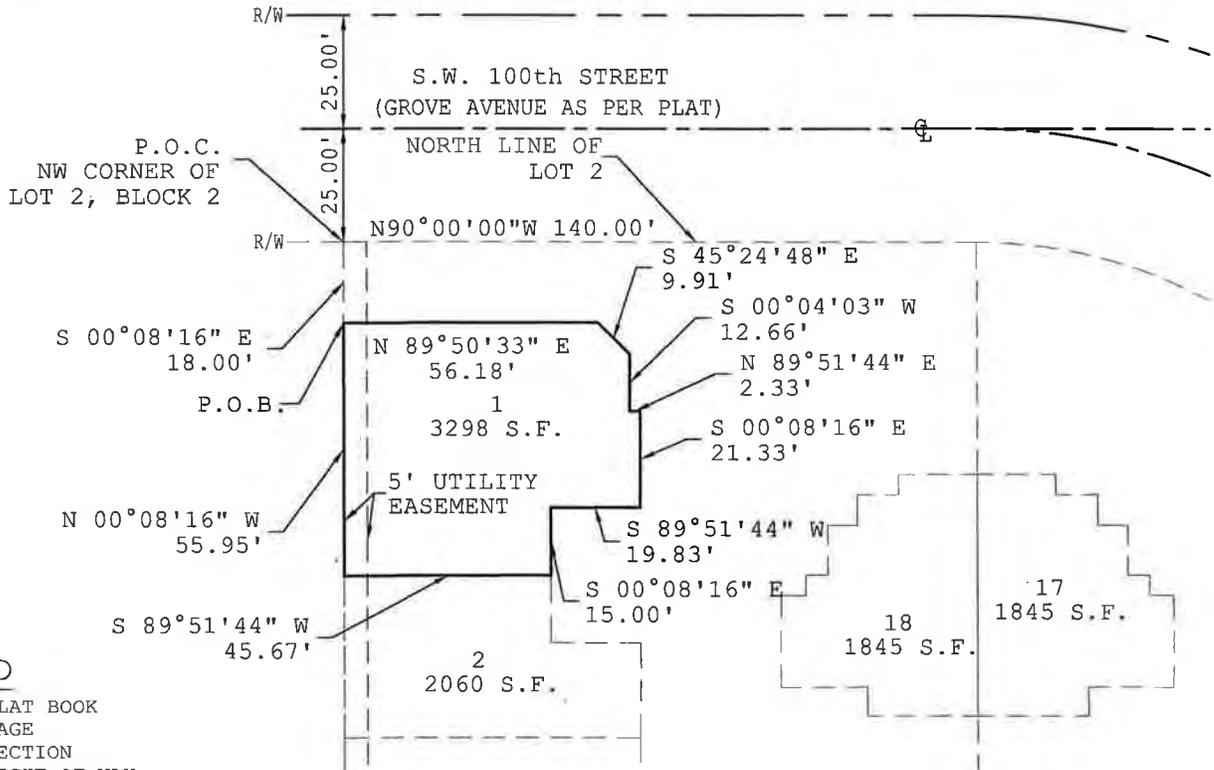
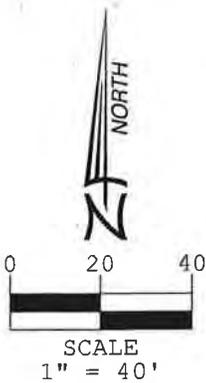
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 1)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Northwest Corner of Said Lot 2; thence S 00°08'16" E a distance of 18.00 feet to the Point of Beginning; thence N 89°50'33" E a distance of 56.18 feet; thence S 45°24'48" E a distance of 9.91 feet; thence S 00°04'03" W a distance of 12.66 feet; thence N 89°51'44" E a distance of 2.33 feet; thence S 00°08'16" E a distance of 21.33 feet; thence S 89°51'44" W a distance of 19.83 feet; thence S 00°08'16" E a distance of 15.00 feet; thence S 89°51'44" W a distance of 45.67 feet; thence N 00°08'16" W a distance of 55.95 feet; to the Point of Beginning.

Containing 3298.27 Square Feet more or less by calculation

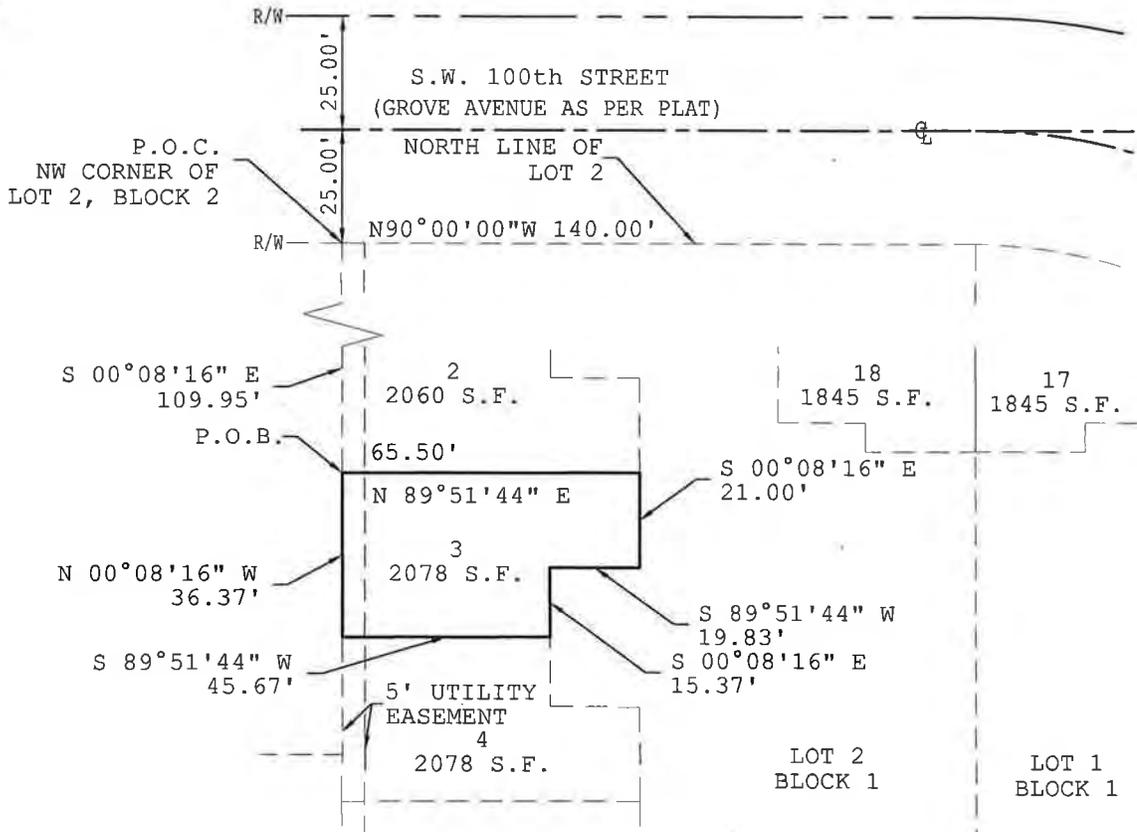
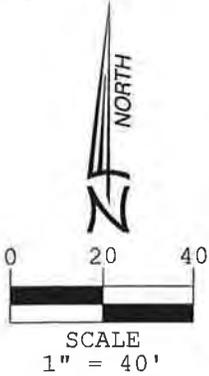
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 3)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
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LEGAL DESCRIPTION:

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Commence at the Northwest Corner of Said Lot 2; thence S 00°08'16" E a distance of 109.95 feet to the Point of Beginning; thence N 89°51'44" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 21.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence S 00°08'16" E a distance of 15.37 feet; thence S 89°51'44" W a distance of 45.67 feet; thence N 00°08'16" W a distance of 36.37 feet; to the Point of Beginning.

Containing 2077.62 Square Feet more or less by calculation

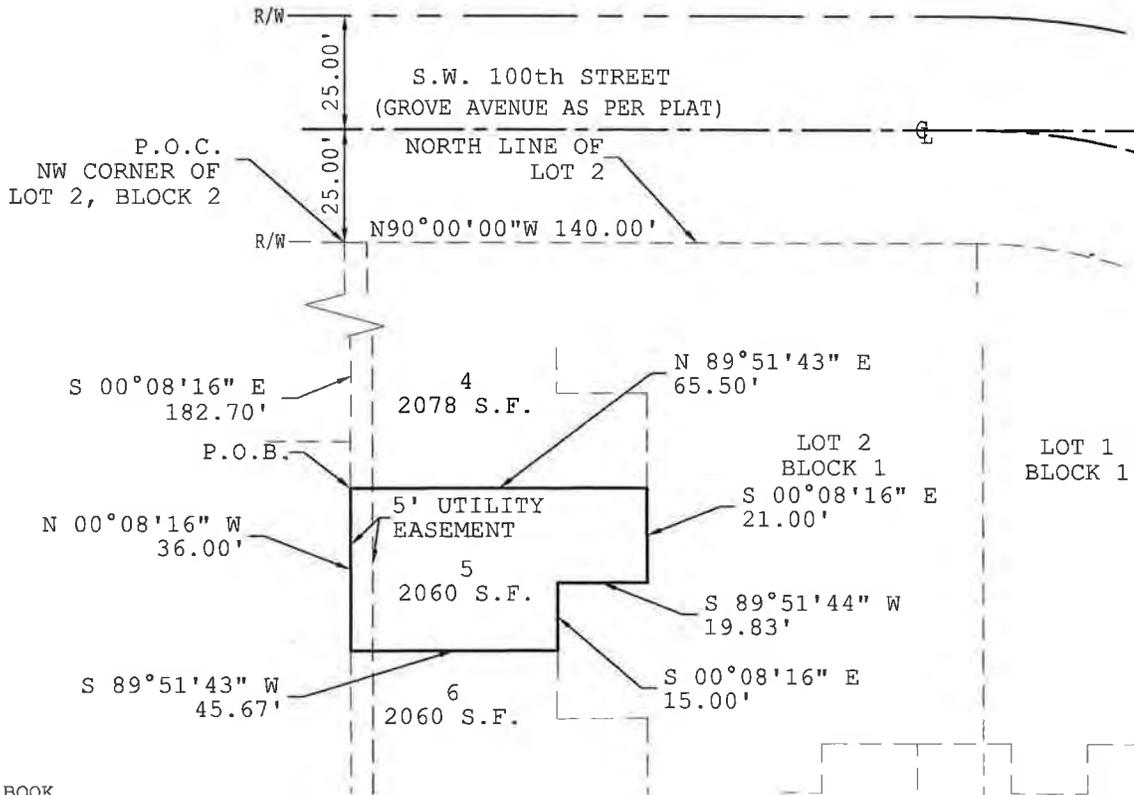
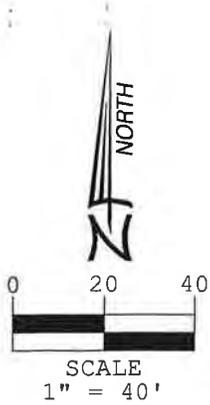
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 5)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
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LEGAL DESCRIPTION:

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Commence at the Northwest Corner of Said Lot 2; thence S 00°08'16" E a distance of 180.70 feet to the Point of Beginning; thence N 89°51'43" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 21.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence S 00°08'16" E a distance of 15.00 feet; thence S 89°51'43" W a distance of 45.67 feet; thence N 00°08'16" W a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.49 Square Feet more or less by calculation

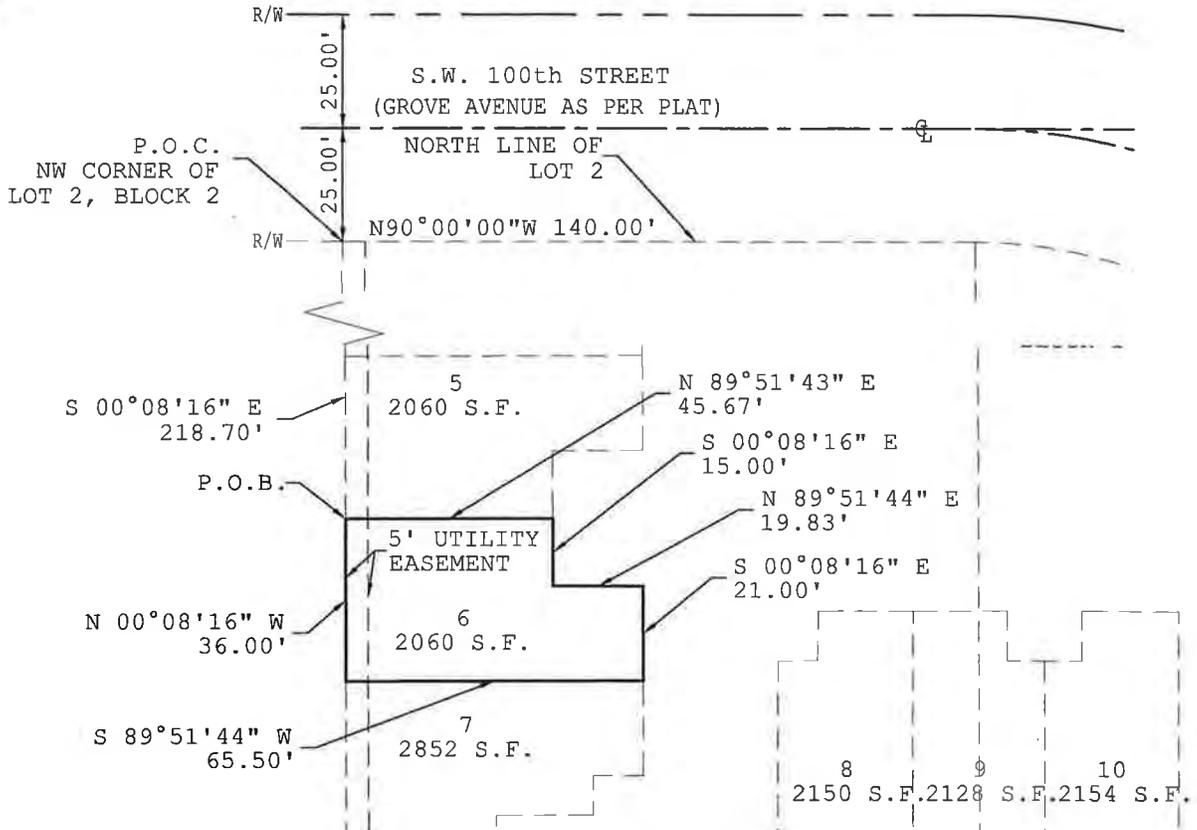
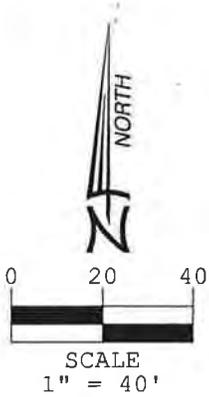
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 6)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
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- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

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Commence at the Northwest Corner of Said Lot 2; thence S 00°08'16" E a distance of 218.70 feet to the Point of Beginning; thence N 89°51'43" E a distance of 45.67 feet; thence S 00°08'16" E a distance of 15.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence S 00°08'16" E a distance of 21.00 feet; thence S 89°51'44" W a distance of 65.50 feet; thence N 00°08'16" W a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.49 Square Feet more or less by calculation

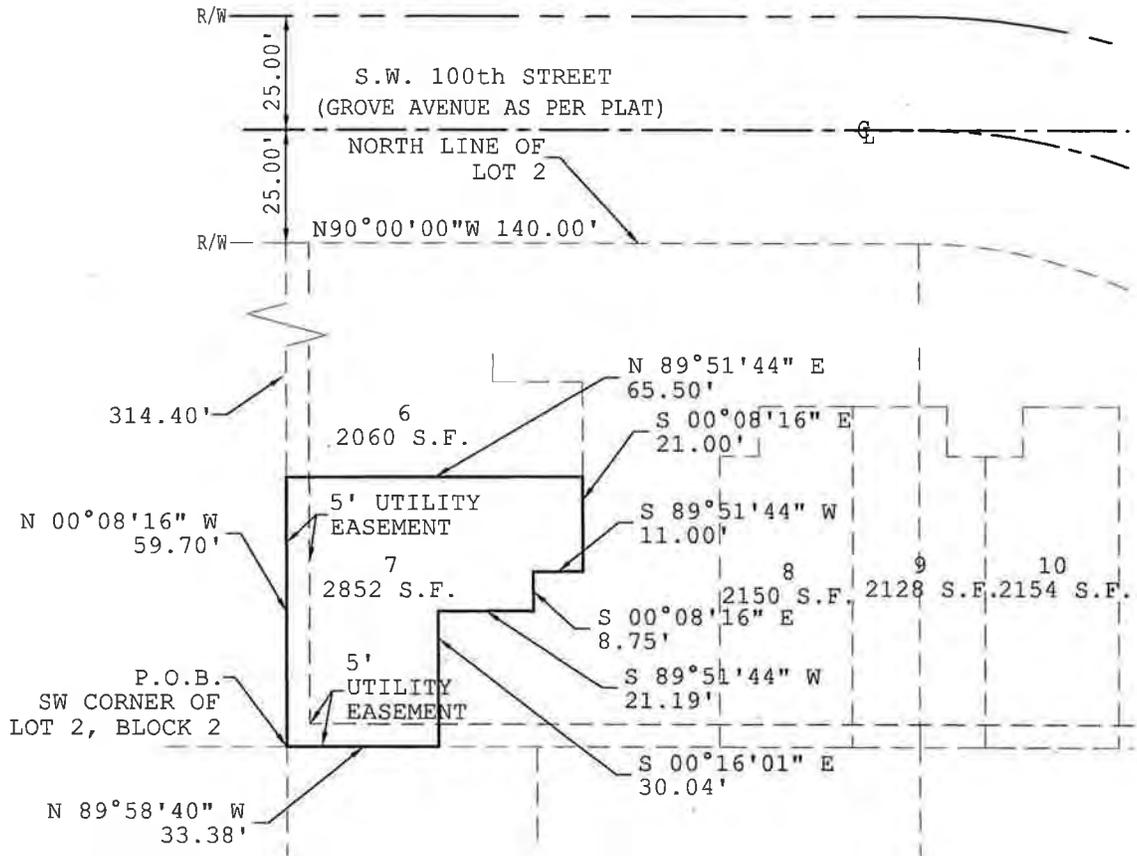
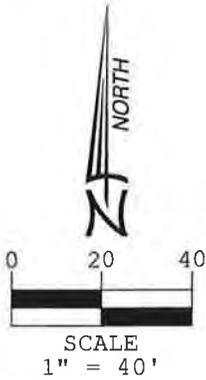
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 7)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Beginning at the Southwest corner of said lot 2; thence N 00°08'16" W a distance of 59.70 feet; thence N 89°51'44" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 21.00 feet; thence S 89°51'44" W a distance of 11.00 feet; thence S 00°08'16" E a distance of 8.75 feet; thence S 89°51'44" W a distance of 21.19 feet; thence S 00°16'01" E a distance of 30.04 feet; thence N 89°58'40" W a distance of 33.38 feet; to the Point of Beginning.

Containing 2852.36 Square Feet more or less by calculation

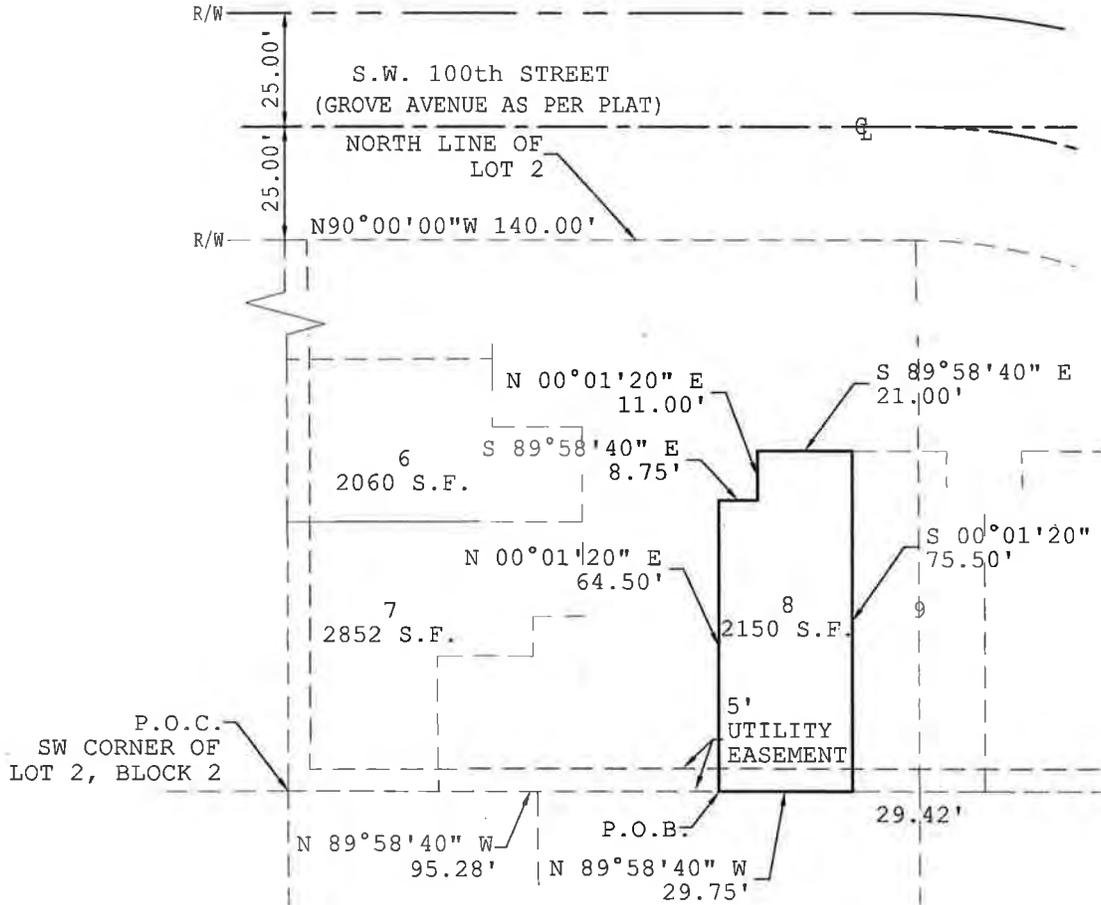
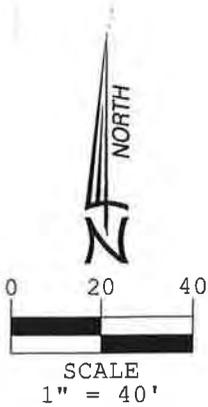
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 8)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southwest Corner of Said Lot 2; thence $S 89^{\circ}58'40'' E$ a distance of 95.28 feet to the Point of Beginning; thence $N 00^{\circ}01'20'' E$ a distance of 64.50 feet; thence $S 89^{\circ}58'40'' E$ a distance of 8.75 feet; thence $N 00^{\circ}01'20'' E$ a distance of 11.00 feet; thence $S 89^{\circ}58'40'' E$ a distance of 21.00 feet; thence $S 00^{\circ}01'20'' W$ a distance of 75.50 feet; thence $N 89^{\circ}58'40'' W$ a distance of 29.75 feet; to the Point of Beginning.

Containing 2149.88 Square Feet more or less by calculation

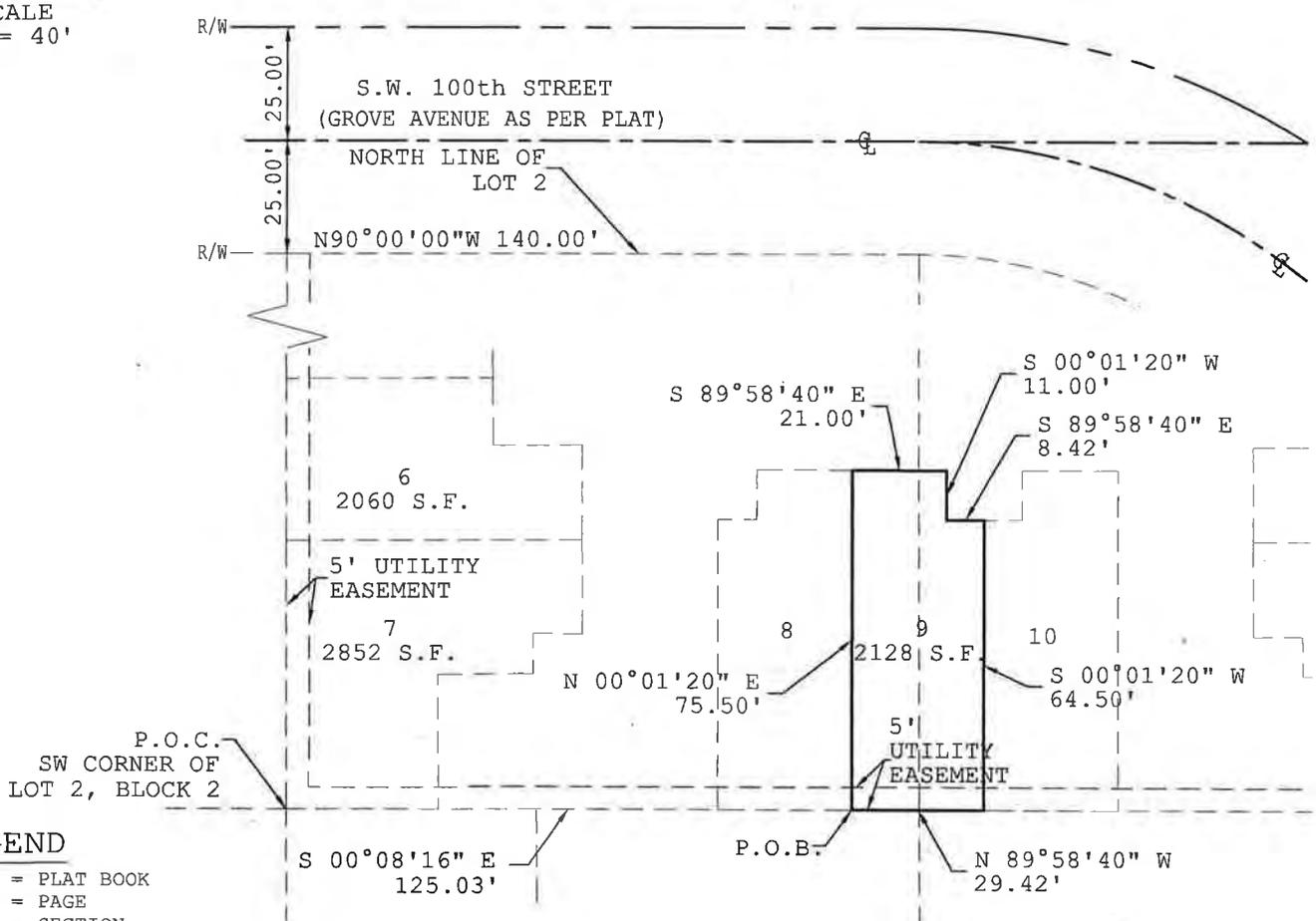
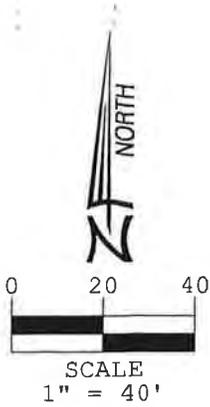
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 9)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 and 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southwest Corner of Said Lot 2; thence S 89°58'40" E a distance of 125.03 feet to the Point of Beginning; thence N 00°01'20" E a distance of 75.50 feet; thence S 89°58'40" E a distance of 21.00 feet; thence S 00°01'20" W a distance of 11.00 feet; thence S 89°58'40" E a distance of 8.42 feet; thence S 00°01'20" W a distance of 64.50 feet; thence N 89°58'40" W a distance of 29.42 feet; to the Point of Beginning.

Containing 2128.37 Square Feet more or less by calculation

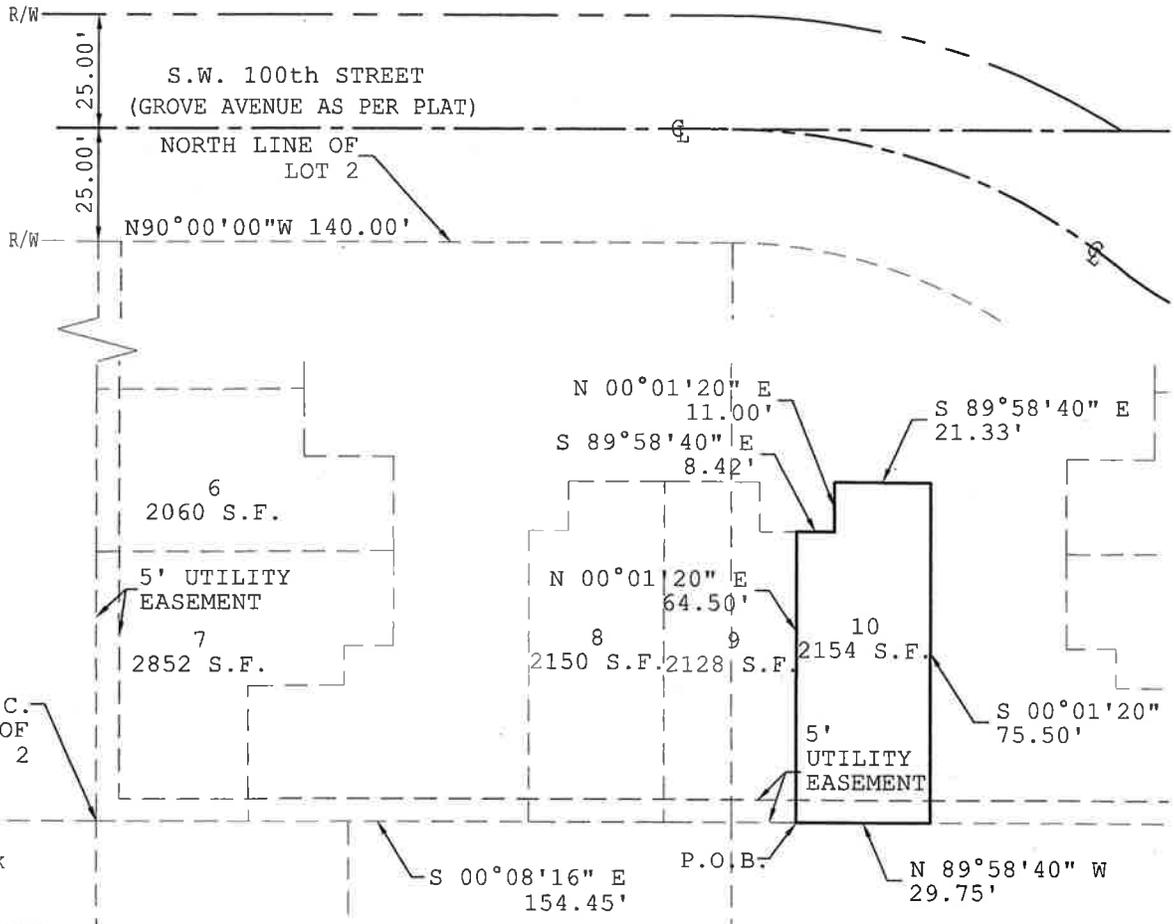
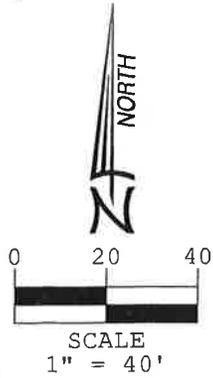
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 10)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southwest Corner of Said Lot 1; thence S 89°58'40" E a distance of 14.45 feet to the Point of Beginning; thence N 00°01'20" E a distance of 64.50 feet; thence S 89°58'40" E a distance of 8.42 feet; thence N 00°01'20" E a distance of 11.00 feet; thence S 89°58'40" E a distance of 21.33 feet; thence S 00°01'20" W a distance of 75.50 feet; thence N 89°58'40" W a distance of 29.75 feet; to the Point of Beginning.

Containing 2153.54 Square Feet more or less by calculation

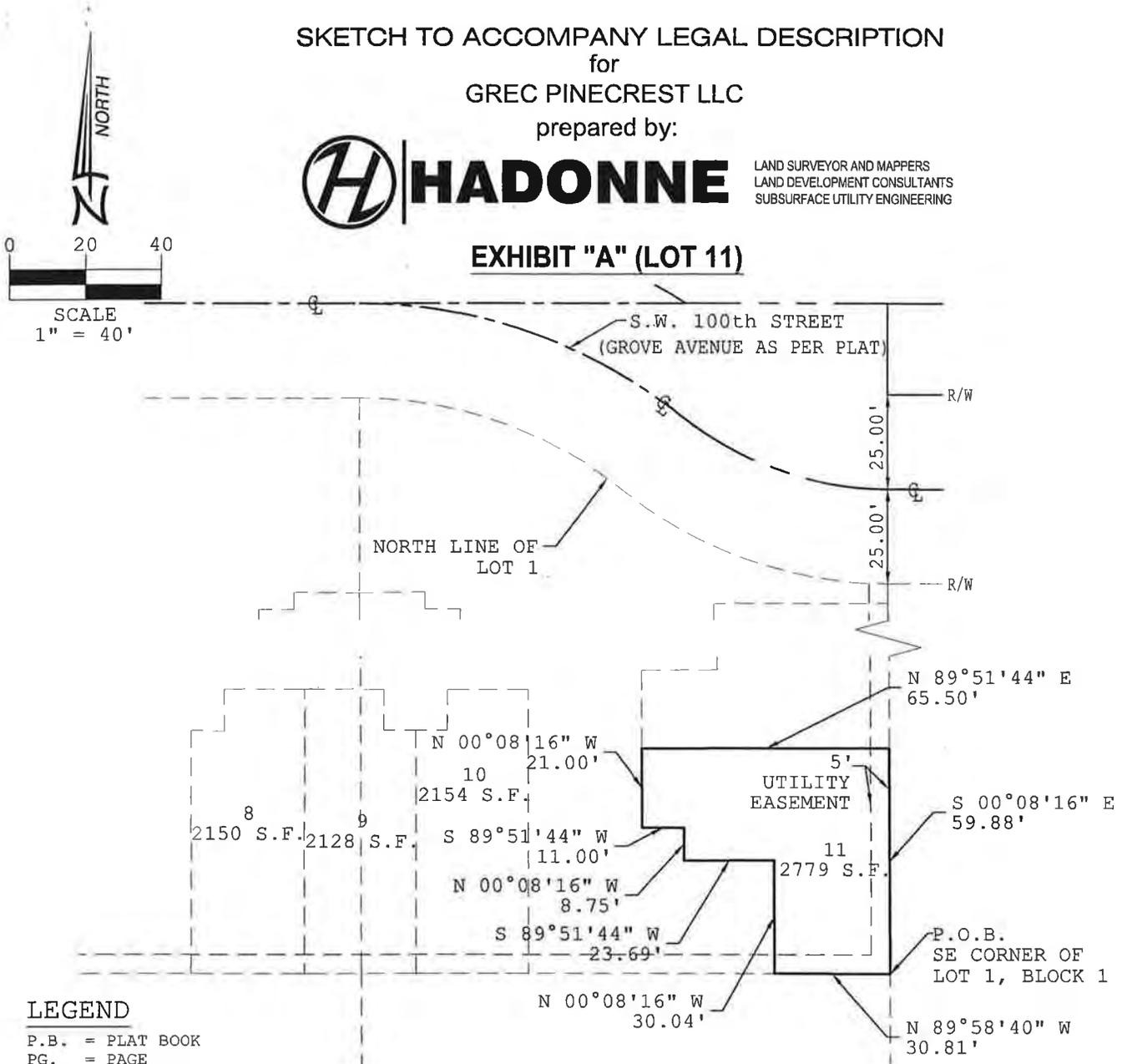
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 11)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Beginning at the Southeast corner of said lot 1; thence N 89°58'40" W a distance of 30.81 feet; thence N 00°08'16" W a distance of 30.04 feet; thence S 89°51'44" W a distance of 23.69 feet; thence N 00°08'16" W a distance of 8.75 feet; thence S 89°51'44" W a distance of 11.00 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 59.88 feet; to the Point of Beginning.

Containing 2779.22 Square Feet more or less by calculation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

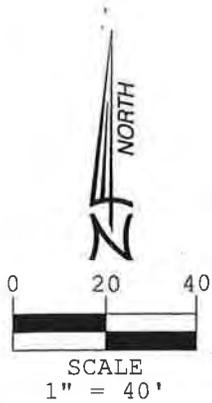
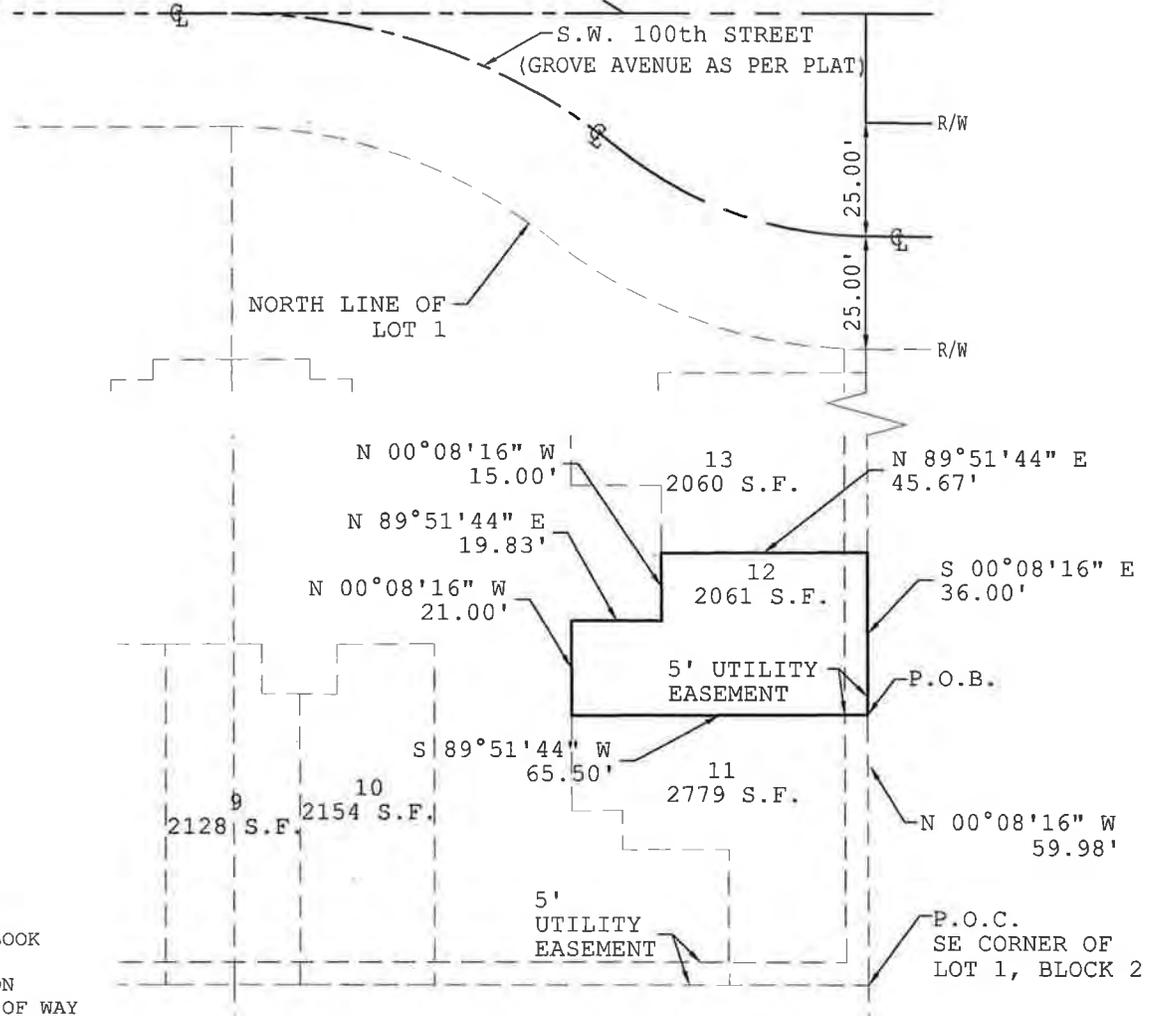


EXHIBIT "A" (LOT 12)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southeast Corner of Said Lot 1; thence N 00°08'16" W a distance of 59.88 feet to the Point of Beginning; thence S 89°51'44" W a distance of 65.50 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence N 00°08'16" W a distance of 15.00 feet; thence N 89°51'44" E a distance of 45.67 feet; thence S 00°08'16" E a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.50 Square Feet more or less by calculation

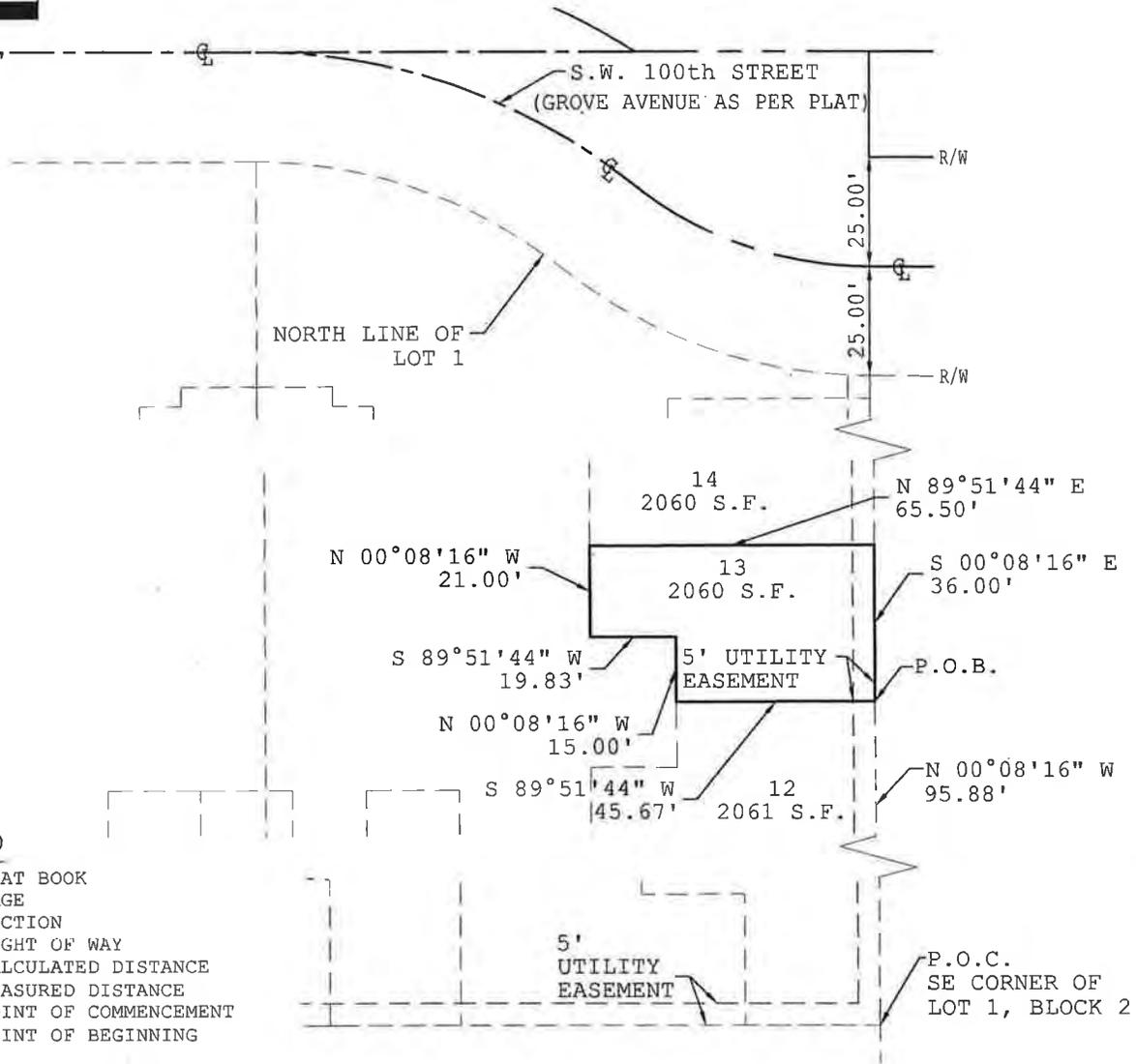
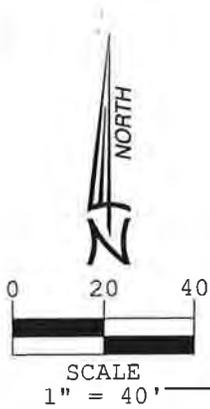
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 13)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southeast Corner of Said Lot 1; thence N 00°08'16" W a distance of 95.88 feet to the Point of Beginning; thence S 89°51'44" W a distance of 45.67 feet; thence N 00°08'16" W a distance of 15.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.50 Square Feet more or less by calculation

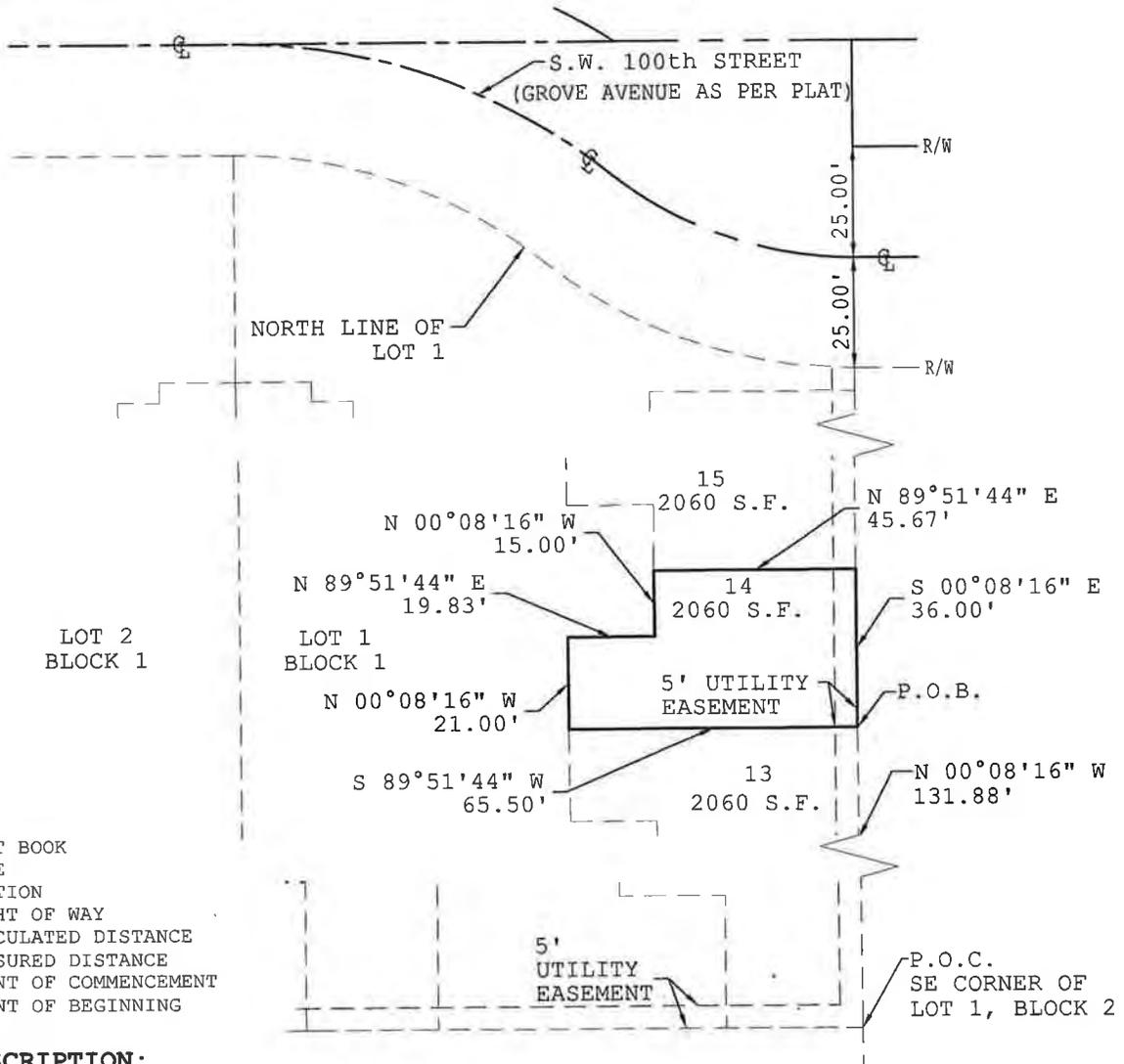
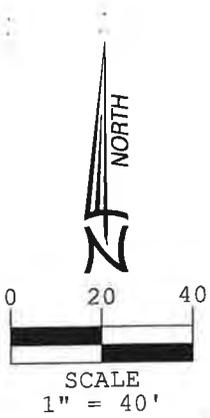
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 14)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southeast Corner of Said Lot 1; thence N 00°08'16" W a distance of 131.88 feet to the Point of Beginning; thence S 89°51'44" W a distance of 65.50 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 19.83 feet; thence N 00°08'16" W a distance of 15.00 feet; thence N 89°51'44" E a distance of 45.67 feet; thence S 00°08'16" E a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.50 Square Feet more or less by calculation

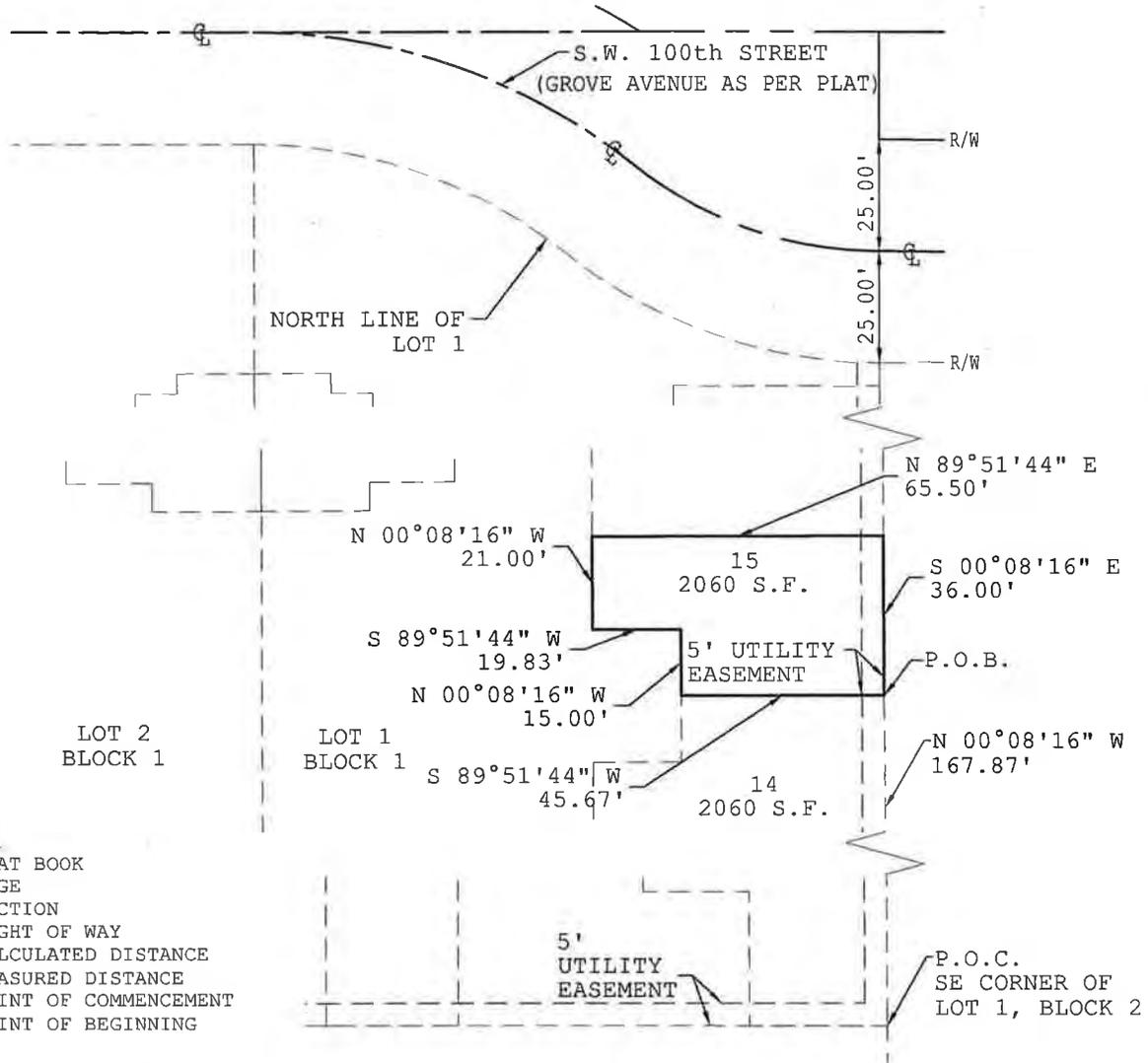
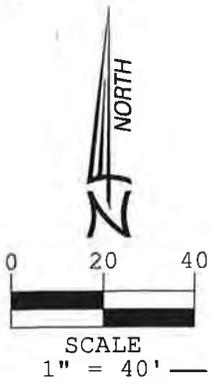
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 15)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southeast Corner of Said Lot 1; thence N 00°08'16" W a distance of 167.88 feet to the Point of Beginning; thence S 89°51'44" W a distance of 45.67 feet; thence N 00°08'16" W a distance of 15.00 feet; thence S 89°51'44" W a distance of 19.83 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 65.50 feet; thence S 00°08'16" E a distance of 36.00 feet; to the Point of Beginning.

Containing 2060.50 Square Feet more or less by calculation

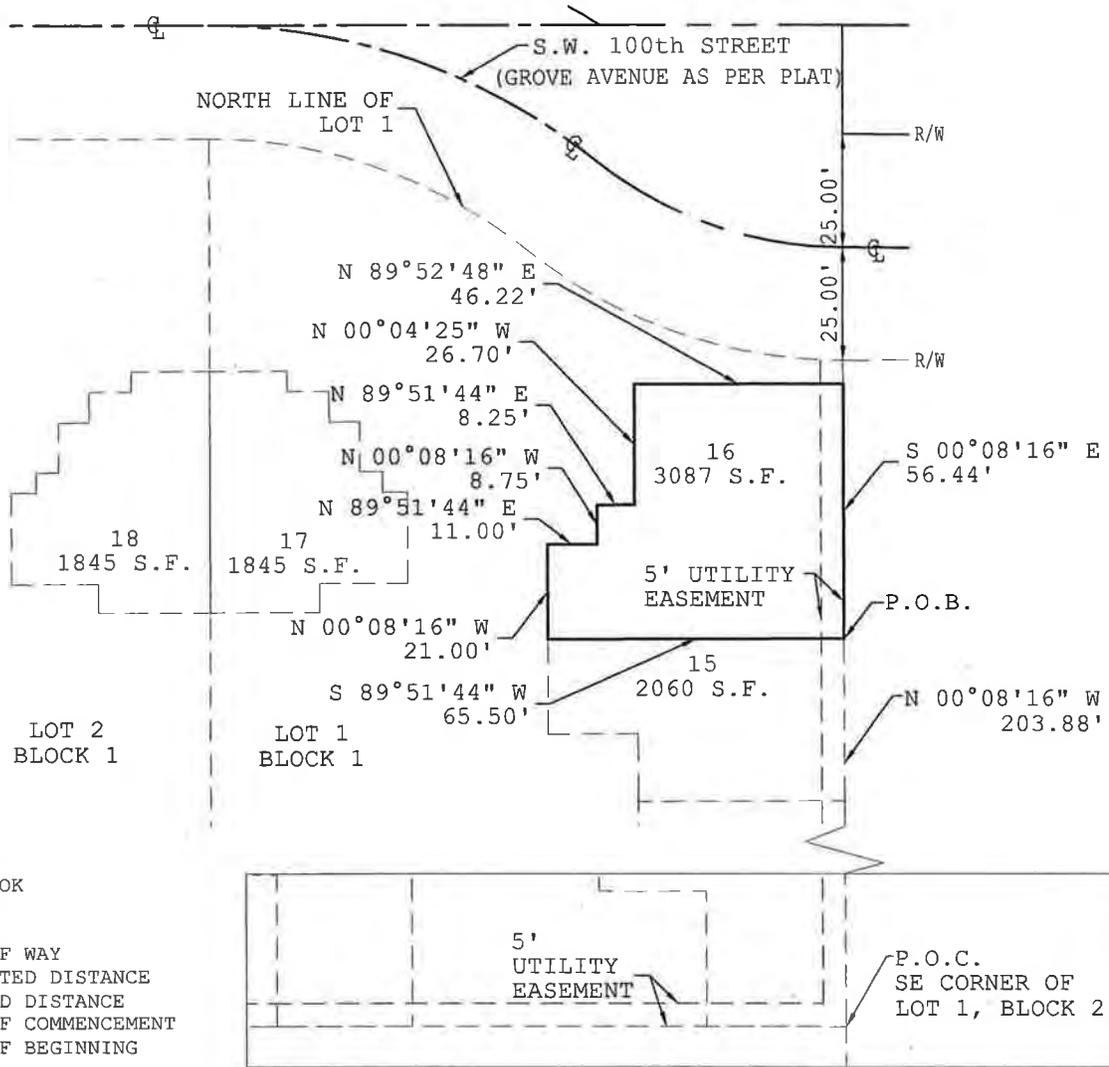
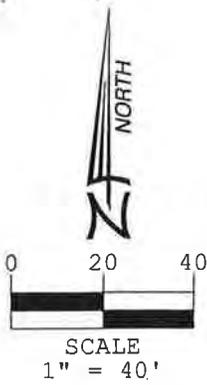
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 16)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Southeast Corner of Said Lot 1; thence N 00°08'16" W a distance of 203.88 feet to the Point of Beginning; thence S 89°51'44" W a distance of 65.50 feet; thence N 00°08'16" W a distance of 21.00 feet; thence N 89°51'44" E a distance of 11.00 feet; thence N 00°08'16" W a distance of 8.75 feet; thence N 89°51'44" E a distance of 8.25 feet; thence N 00°04'25" W a distance of 26.70 feet; thence N 89°52'48" E a distance of 46.22 feet; thence S 00°08'16" E a distance of 56.44 feet; to the Point of Beginning.

Containing 3086.52 Square Feet more or less by calculation

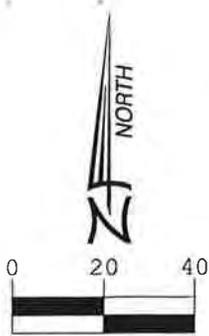
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



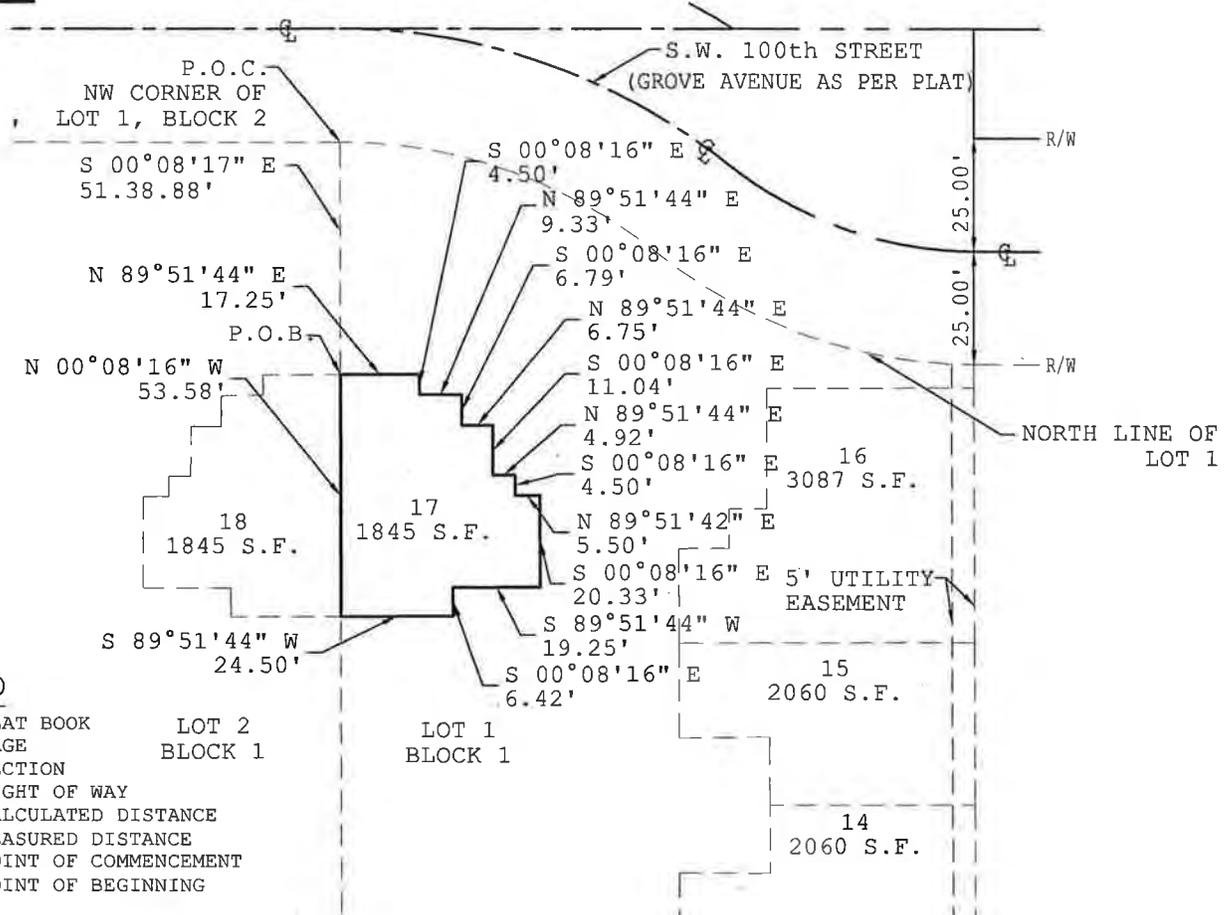
HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 17)



SCALE
1" = 40'



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Northwest Corner of Said Lot 1; thence S 00°08'17" E a distance of 51.38 feet to the Point of Beginning; thence N 89°51'44" E a distance of 17.25 feet; thence S 00°08'16" E a distance of 4.50 feet; thence N 89°51'44" E a distance of 9.33 feet; thence S 00°08'16" E a distance of 6.79 feet; thence N 89°51'44" E a distance of 6.75 feet; thence S 00°08'16" E a distance of 11.04 feet; thence N 89°51'44" E a distance of 4.92 feet; thence S 00°08'16" E a distance of 4.50 feet; thence N 89°51'42" E a distance of 5.50 feet; thence S 00°08'16" E a distance of 20.33 feet; thence S 89°51'44" W a distance of 19.25 feet; thence S 00°08'16" E a distance of 6.42 feet; thence S 89°51'44" W a distance of 24.50 feet; thence N 00°08'16" W a distance of 53.58 feet; to the Point of Beginning.

Containing 1845.15 Square Feet more or less by calculation

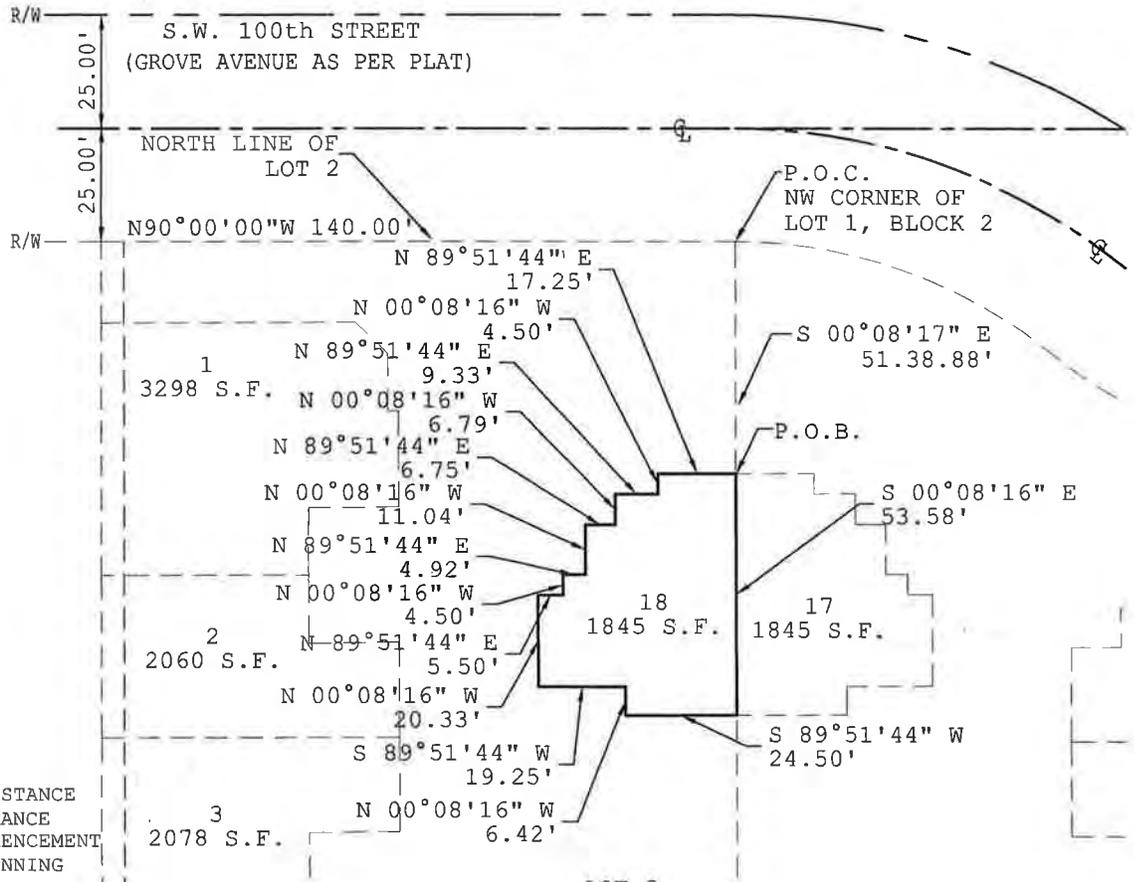
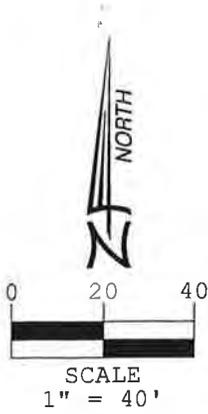
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (LOT 18)



LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- (C) = CALCULATED DISTANCE
- (M) = MEASURED DISTANCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION:

A portion of Land Lying and being within Lot 1 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida. more particularly described as follows:

Commence at the Northwest Corner of Said Lot 1; thence S 00°08'17" E a distance of 51.38 feet to the Point of Beginning; thence S 00°08'16" E a distance of 53.58 feet; thence S 89°51'44" W a distance of 24.50 feet; thence N 00°08'16" W a distance of 6.42 feet; thence S 89°51'44" W a distance of 19.25 feet; thence N 00°08'16" W a distance of 20.33 feet; thence N 89°51'44" E a distance of 5.50 feet; thence N 00°08'16" W a distance of 4.50 feet; thence N 89°51'44" E a distance of 4.92 feet; thence N 00°08'16" W a distance of 11.04 feet; thence N 89°51'44" E a distance of 6.75 feet; thence N 00°08'16" W a distance of 6.79 feet; thence N 89°51'44" E a distance of 9.33 feet; thence N 00°08'16" W a distance of 4.50 feet; thence N 89°51'44" E a distance of 17.25 feet; to the Point of Beginning.

Containing 1845.15 Square Feet more or less by calculation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
GREC PINECREST LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
LAND DEVELOPMENT CONSULTANTS
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

SOURCES OF DATA:

Bearings as shown hereon are based upon the North Boundary Line of Lot 2, with an assumed bearing of N90°00'00"W.

Lots 1 and 2 of Block 1 of "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" according to the plat thereof as recorded in Plat Book 40 at Page 71 of the public records of Miami-Dade County, Florida

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear. This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify to City of Doral: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: _____ Date: **10-15-15**
Abraham Hadad, P.S.M.
Professional Surveyor and Mapper LS6006
HADONNE CORP.
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 201
Doral, Florida 33172
+1(305)266-1188 phone
+1(305)207-6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17 of the Florida Administrative Code.



Land Surveyors and Mappers
3-D Laser Scanning
Sub-Surface Utilities
Land Development Consultants

September 21, 2016

Mr. Stephen R. Olmsted, AICP, LEED-GA
Planning Director
Village of Pinecrest
Building and Planning Department
12645 Pinecrest Parkway
Pinecrest, Florida, 33156

Re: Final Plat of "VILLAS AT PINECREST"
SE Corner of South Dixie Highway and SW 100th Street
Pinecrest, Florida, 33156

Dear Mr. Olmsted:

On September 20, 2016 a field inspection of the Permanent Reference Monuments (PRM's) and Permanent Control Points (PCP's) was performed under my direction and supervision, and I can report that all required points were set on the field, as the same being depicted on the above referred Plat.

With the above inspection, I found that the referred Plat meets the requirements of the Village of Pinecrest as well as Miami-Dade County Code, Chapter 28 - Subdivisions and the State of Florida, Florida Administrative Code, Chapter 177, Part I – Platting.

You may contact me at 305.463.0912 should you have any questions or comments.

Respectfully yours,

Jose Senas, PSM
Professional Surveyor and Mapper LS 5938
State of Florida



MARTINEZ MORALES
Attorneys at Law

2600 S. Douglas Road
Suite 305
Coral Gables, FL 33134
Tel: 305-501-5011
Fax: 786-272-7997
Web: www.mmlawfl.com

September 6th, 2016

VIA EMAIL AND US MAIL

Stephen R. Olmstead, AICP, LEED-GA
Planning Director
Building and Planning Department
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156

**RE: OPINION OF TITLE - GREC PINECREST LLC
LOTS 1 AND 2, FLAGLER GROVE ESTATES SECTION ONE, AS
RECORDED IN PLAT BOOK 40, PAGE 71**

Dear Mr. Olmsted:

Enclosed please find the Opinion of Title on the above referenced matter.

If you should have any questions or concerns with respect to the foregoing, please feel free to contract me at your earliest convenience.

Sincerely,

for 
Tony Martinez

Enclosure.

OPINION OF TITLE

TO: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida, as an inducement for acceptance of a Declaration of Use/Unity of Title/ Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined a complete "Abstract of Title" covering the period from the beginning based on a prior policy with effective date March 15, 2006 by Attorneys' Title Insurance Fund, Inc. (Policy No. OPM-2837158) along with Old Republic National Title Insurance Company title update dated to the 11th day of August, 2016 at 11:00 PM, inclusive, of the following described property:

LOTS 1 AND 2 OF BLOCK 1, OF THE CORRECTED PLAT OF FLAGLER GROVE ESTATES SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, AT PAGE 71, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

I am of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in:

GREC PINECREST LLC, a Florida limited liability company

James A. Dorsy, as President of FSE Investments Inc., the sole Manager is duly authorized to execute the necessary documents on behalf of the limited liability company.

Subject to the following liens, encumbrances and other exceptions:

1. RECORDED MORTGAGES:

None.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

3. GENERAL EXCEPTIONS:

1. Taxes or assessments now or hereafter due.
2. Rights of persons other than the above owners who are in possession or with a right to possession.
3. Encroachments, overlays, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
4. Any unrecorded laborer's, mechanics', materialmen's, or municipal liens.
5. Any lien provided by Chapter 159, Florida Statutes, or provided by Miami-Dade County Ordinance No. 84-10 in favor of any city, town, village, port authority, etc., for unpaid service charges for services by any water systems, sewer systems, or gas systems serving the land described herein.
6. Zoning and other restrictions imposed by governmental authority.
7. Easements, or claims of easements, not shown on the public records.
8. Any adverse claim to any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.
9. Any unpaid charges due for waste, water and sewer services.

4. SPECIAL EXCEPTIONS:

10. Restrictions, conditions, reservations, easements and other matters contained on the Plat of Flagler Grove Estates Section One, as recorded in Plat Book 40, Page 71, Public Records of Miami-Dade County, Florida.
11. Board Order No. 07-36 recorded in Official Records Book 26063, Page 2832, Public Records of Miami-Dade County, Florida.
12. Board Order No. 09-26 recorded in Official Records Book 26924, Page 421, Public Records of Miami-Dade County, Florida.
13. Agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and GREC Pinecrest LLC, recorded in Official Records Book 29391, Page 987, Public Records of Miami-Dade County, Florida.
14. Covenant Running with the Land in favor of Miami-Dade County, Florida, recorded in Official Records Book 29470, Page 4347, Public Records of Miami-Dade County, Florida.
15. Covenant of Construction within Right of Way, recorded in Official Records Book 29538, Page 1019, of the Public Records of Miami-Dade County, Florida.

ALL RECORDINGS REFERENCED HEREIN ARE TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

I HEREBY CERTIFY that I have reviewed all of the aforementioned encumbrances and exceptions.

Therefore it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>NAME</u>	<u>INTEREST</u>	<u>SPECIAL EXCEPTION #</u>
GREC PINECREST LLC	Owner	

The following is a description of the aforementioned abstract and its continuations:

<u>Number:</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
15-459AM	Attorney's Title Fund Services LLC	25	3/15/2006- 08/11/2016

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney at law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this 31 day of August, 2016.

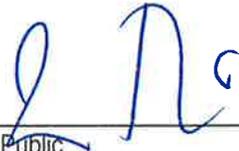


Antonio L. Martinez, Esq.
Martinez & Morales LLC
2600 S. Douglas Road, Suite 305
Coral Gables, FL 33134
Tel # (305) 501-5011
FBN #668621

STATE OF FLORIDA

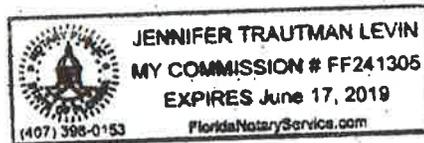
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31 day of August, 2016 by Antonio L. Martinez, Esq., who is personally known to me.



Notary Public

My Commission Expires:



**MIAMI DADE COUNTY PLAT COMMITTEE
NOTICE OF ACTION**

Plat No.: T - 23738 - 2 - CORR.

STR: 02 55 40

Municipality: PINECREST

Zoning:

District: 7

Name: VILLAS AT PINECREST

Location by Streets: SW 100 ST. & SW 73 CT.

Owner: GREC PINECREST, LLC

8500 SW 8 ST., # 228

MIAMI, FL 33144

Surveyor: HADONNE CORPORATION

1985 NW 88 CT., SUITE 201

DORAL, FL 33172

Phone: 3052661188

This is to advise you that on January 22, 2016 the Dade County Plat Committee reviewed the above plat and that the same was:

- Recommended for approval subject to conditions indicated on attached action copy.
- Approved as an extension of time, subject to previous requirements and:
- Deferred for reasons indicated below:
- Denied for the reasons indicated below:

CONCURRENCY APPROVAL BY THE MUNICIPALITY IS REQUIRED PRIOR TO FINAL PLAT REVIEW.
TENTATIVE PLAT VALID UNTIL 10-22-16.

10

VILLAS AT PINECREST

TENTATIVE PLAT NO. **23738-2-COR.**
 Sec. 2 Twp. 55 Rge. 40
 Municipality: PINECREST
 Zoned: RU-3
 RECOMMENDS APPROVAL 1-22-16 
 Date, Regulatory and Economic Resources Dept. (Plating)
 RECOMMENDS APPROVAL 1-22-16 
 Date, Regulatory and Economic Resources Dept. (Zoning)

- Recommends approval subject to the Village of Pinecrest requirements and the requirements checked below:
- Concurrency approval by the Municipality is required prior to final plat review and prior to the issuance of a building permit. Municipality concurrency review to include all City, State and County roads.
- The Tentative Plat recommended approval is valid for 9 months from the date indicated above, but will not exceed concurrency expiration date. Tentative recommended approval does not necessarily guarantee final plat approval.
- Tentative Plat valid until October 22, 2016
Note: The Plat Committee must officially review the Extension of Time request prior to the expiration of the Tentative Plat. Application request must be submitted at least ten (10) days prior to said Plat Committee meeting.
- No road, sidewalks or drainage facilities within unincorporated Miami Dade County or on County maintained rights-of-ways are to be constructed or installed without prior knowledge, approval and complete progressive inspection by the Public Works and Waste Management Dept. Construction or installation of these facilities does not guarantee acceptance by the County unless final plat is approved and recorded.
- Final approval and recording subject to the Department of Regulatory and Economic Resources (Environmental Resources Management) and the Florida Department of Health approval on sewage disposal facilities and water supply.
- Site to be filled to County Flood Criteria Elevation of 7.75 N.G.V.D. or to an elevation not less than the approved crown of the road fronting the property. Cutting of existing grade is not permitted below the established base flood elevation of the F.I.R.M. for Miami Dade County Florida Community #125098.
- Property owner/ Developer must provide the needed improvements within the right-of-way.
- For the removal of any tree a permit is required.
- See the attached Department of Regulatory and Economic Resources (Environmental Resources Management) memorandum for environmental concerns and requirements.
- Existing pavement along SW 100th Street is to be relocated away from the property line prior to final plat.

- School Board approval required prior to final plat review.
- MDWASD approval required prior to final plat review.
- See attached Miami Dade Water and Sewer Department (MDWASAD) memorandum for water and sewer concerns and requirements. Contact Maria Capote at (786) 268-5329 for details.
- Final Mylar(s) plus five (5) prints.
- Opinion of Title (Valid for 30 days, unincorporated; 45 days municipality). An update is usually required before the County Commissioners meeting and/or recordation.
- Paid Tax receipts (and escrow, if applicable).
- Processing fee for Final Plat.
- Recording fee for Final Plat.
- Water Control Division approval after final plat submittal. (DRER)
- Approval regarding method of water supply.
- Approval regarding method of sewage disposal.
- Certified copy of municipal ordinance and/or resolution accepting final plat and letter(s) stating paving and drainage plans have been approved and Improvement Bond held by Municipality (if applicable).
- Letter from F.P.&L. Company (TP-7 letter) regarding underground electric service (ORD. 68-69).
- State Plane Coordinate Data Sheet.
- AFTER SUBMITTAL OF FINAL PLAT, CHECK THE PUNCH LIST AT THE FOLLOWING WEBSITE FOR ADDITIONAL SCHEDULING AND/OR RECORDATION REQUIREMENTS. (<http://www.miamidade.gov/platstatus>)



Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 4th Floor
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6543

miamidade.gov

Date: 1/21/2016

To: Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Re: Tentative Plat, Number: T-23738 (2)
Subdivision: Villas at Pinecrest
Agenda Date: 01/22/2016

RECOMMENDATION: Overall Approved

This office has reviewed the referenced PLAT and recommends the following:

Office of Code Coordination and Public Hearings: (Approved)

Voice: 305-372-6764, Fax: 305-372-6543

A public water supply must be utilized to serve this entire subdivision. The Health Department has approved plans for extension of existing water mains. Therefore, we have no objection to the recordation of this plat.
APPROVAL # 2015-WAT-EXT-00163

A public sewerage system must be utilized to serve this entire subdivision. DERM has approved plans for the extension of the existing sanitary sewer system. Therefore, we have no objection to the recordation of this plat.
APPROVAL # 2015-SEW-EXT-00215

Concurrency Issued by the Municipality

Please note that the regional sewer system is operating under a capacity allocation program in accordance with the new USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013). Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity, which will be evaluated and determined at the time of agency review of the building permit plans for the referenced project.

Delivering Excellence Every Day

Water Control (Approved)

Voice: 305-372-6681, Fax: 305-372-6489

Project Area: 1.94 Acres

County Flood Criteria: + 7.75 ft. N.G.V.D.

FEMA Flood Zone & Flood Elevation: X - 99

Site shall be filled in a manner so as to prevent the flooding of adjacent properties. Interceptor swales shall be constructed on-site with no encroachment over adjacent properties.

Trees (Approved)

Voice: 305-372-6574

The referenced properties lie within the incorporated limits of the City of Pinecrest. Applicable tree related issues within the City should be referred to the City's tree program. Therefore, the applicant should contact the City of Pinecrest at 305-234-2121 for information relating to tree permitting and preservation requirements.

The referenced properties contain exotic and nuisance plant species as referenced in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code which is also applicable in this municipality, all prohibited plant species shall be removed from the subject properties prior to development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. In accordance with the previously aforementioned code section, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

If you have any questions regarding elements of this review please contact the appropriate office using the provided contact phone number.

Sincerely,



Jose Gonzalez, P.E.

Senior Division Chief

Division of Environmental Resources Management

Regulatory and Economic Resources Department



Miami-Dade County Public Schools

Concurrency Management System School Concurrency Determination

MDCPS Application Number: PT2016011900044 Local Government (LG): Pinecrest
 Date Application Received: 1/19/2016 3:59:59 PM LG Application Number: PLT1507-0001
 Type of Application: Plats Sub Type: Re-Plat

Applicant's Name: GREC PINECREST LLC
 Address/Location: 8500 SW 8 ST STE 228, MIAMI, FL 33144
 Master Folio Number: 2050020080010
 Additional Folio Number(s): 205002008020,
 Name of Subdivision: VILLAS OF PINECREST T-Plat number:

PROPOSED # OF UNITS 18
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 18
 MULTIFAMILY UNITS: 0

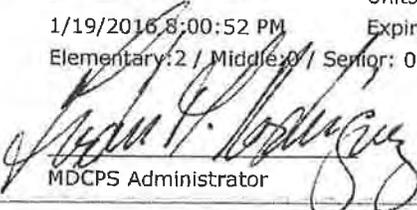
CONCURRENCY SERVICE AREA SCHOOLS						
GSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4421	PINECREST ELEMENTARY	76	2	2	YES	Current CSA
6701	PALMETTO MIDDLE	101	0	0	YES	Current CSA
7431	MIAMI PALMETTO SENIOR	209	0	0	YES	Current CSA

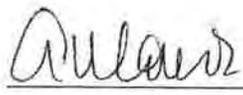
ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of 22.82% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number:	<u>MA2016011900044</u>	Total Number of Units:	<u>18</u>
Issue Date:	<u>1/19/2016 8:00:52 PM</u>	Expiration Date:	<u>1/19/2017 8:00:52 PM</u>
Capacity Reserved:	<u>Elementary: 2 / Middle: 0 / Senior: 0</u>		

 MDCPS Administrator


 MDCPS Authorized Signature

VILLAGE OF PINECREST TOWNHOMES, ID# 21966

**AGREEMENT
FOR
WATER AND SANITARY SEWER FACILITIES
BETWEEN
MIAMI-DADE COUNTY
AND
GREC PINECREST LLC**

This instrument prepared by:

**Nora Palou
Miami-Dade Water and Sewer Department
3575 S. LeJeune Road
Miami, Florida 33146-2221**

21

THIS AGREEMENT, made and entered into at Miami-Dade County, Florida, this 12 day of November, 2014, by and between **Miami-Dade County**, a political subdivision of the State of Florida, hereinafter designated as the "**COUNTY**", whose mailing address is: c/o Miami-Dade Water and Sewer Department, P.O. Box 330316, Miami, Florida 33233-0316, and **Greco Pinecrest LLC**, a Florida limited liability company, hereinafter designated as the "**DEVELOPER**", whose mailing address is: 8500 S.W. 8 Street #228, Miami, Florida 33144.

W I T N E S S E T H:

WHEREAS, the **DEVELOPER** desires water and sewer service to be rendered to property owned by the **DEVELOPER**, and

WHEREAS, the **Miami-Dade Water and Sewer Department**, hereinafter designated as the "**DEPARTMENT**", operates the water and sewer systems owned by the **COUNTY**.

NOW, THEREFORE, in consideration of the mutual covenants entered into between the parties hereto to be made and performed and in consideration of the benefits to accrue to each of the respective parties, it is covenanted and agreed to as follows:

1. **DEVELOPER'S PROPERTY.** The **DEVELOPER** owns a certain tract of land in Miami-Dade County, Florida, which is legally described in **Exhibit "A"** attached hereto and made a part hereof, hereinafter sometimes described as the "**DEVELOPER'S** property". The **DEVELOPER** has requested that the **DEPARTMENT** render water and sewer service to the **DEVELOPER'S** property and the **COUNTY** agrees to do so subject to the terms, covenants and conditions contained herein.

2. **WAIVER.** No delay or failure to exercise a right under this Agreement or any other Agreement shall impair or shall be construed to be a waiver thereof. No waiver or indulgence of any breach of this Agreement or series of breaches shall be deemed or construed as a waiver of any other breach of same or as voiding or altering any other obligation of the parties under this Agreement or any other Agreement. No order or directive given by the **COUNTY** or its agents shall be considered as waiving any portion of this Agreement unless done in writing by a person having actual authority to grant such waiver.

3. **DEVELOPER ACKNOWLEDGMENT.** The **DEVELOPER** hereby acknowledges and agrees that any right to connect the **DEVELOPER'S** property to the **COUNTY'S** sewage system is subject to the terms, covenants and conditions set forth in

court orders, judgments, consent orders, consent decrees and the like entered into between the **COUNTY** and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Decree entered on April 9, 2014, in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

4. **PROVISION OF SERVICE AND CONNECTION CHARGES.** The **COUNTY** will provide an adequate domestic water supply for the **DEVELOPER'S** property and will receive and dispose of sanitary sewage from the **DEVELOPER'S** property. The **DEVELOPER** shall pay water and sewer connection charges for all those units to be constructed on the **DEVELOPER'S** property subject to the limitations specified herein. The **DEVELOPER** acknowledges that, to the extent that water or sewer service will ultimately be rendered to the **DEVELOPER'S** property by a volume customer, the **DEVELOPER** is a new retail user provided water or sewer service from a volume customer, and acknowledges that it is responsible for payment of connection charges; however, in the event that water or sewer service is provided directly by the **COUNTY**, the **DEVELOPER** acknowledges that it is a new retail customer of the **COUNTY** and accordingly also liable for payment of connection charges. The **DEVELOPER** may be considered both a new retail customer and a new retail user provided service by a volume customer in the event that the **COUNTY** provides water service to the **DEVELOPER'S** property and a volume customer provides sewer service, or vice-versa. The connection charges are based on the average daily gallons for the various building units and/or use as shown on **Exhibit "B"** attached hereto and made a part hereof, and as revised by the **COUNTY** from time to time, multiplied by the applicable rates established by the **COUNTY**. The **DEVELOPER** intends to construct and connect eighteen (18) townhouse residence units replacing vacant land. Therefore, the agreed total average daily gallonage is three thousand two hundred forty (3,240) gallons, resulting in combined water and sewer connection charges in the amount of twenty-two thousand six hundred forty-seven dollars and sixty cents (\$22,647.60). However, water and sewer connection charges shall be calculated at the rates in effect at the time of actual connection to the **COUNTY'S** water and sewer systems. The **DEPARTMENT'S** current connection charge rates are one dollar and thirty-nine cents (\$1.39) and five dollars and sixty cents (\$5.60) per gallon per day for water and sewer, respectively. The water and sewer connection charge rates are subject to revision by the Board of County Commissioners at any time. The **DEVELOPER** shall pay fees and/or charges specified herein at the time of issuance of Verifications Form(s). The **DEPARTMENT** shall not, under any circumstances, render water and/or sewer service to the **DEVELOPER'S** property until such time as the fees and/or charges specified herein have been paid in full.

5. OTHER USES ON THE PROPERTY. If the **DEVELOPER** constructs buildings other than those outlined in paragraph 4 above, or otherwise changes the use of structures built such that paragraph 4 is no longer an accurate description of the uses at the **DEVELOPER'S** property, the **COUNTY** shall determine if additional capacity is needed, as calculated using **Exhibit "B"** attached hereto and as revised by the **COUNTY** from time to time. If additional capacity is required, connection charges, computed at prevailing rates, capacity allocation, if available, and construction connection charges, if any, shall be required to be paid by the **DEVELOPER**. If requested by the **DEPARTMENT**, the **DEVELOPER** shall provide the **COUNTY** a list of all tenants and building units and/or use prior to the installation of any water meters and/or rendition of sewer service by the **COUNTY** for the **DEVELOPER'S** property.

6. POINTS OF CONNECTION. The **COUNTY** owns and operates existing twelve (12) inch and eight (8) inch water mains main located in S.W. 100 Street, abutting the northern boundary of the property to either of which the **DEVELOPER** shall connect for water service. Any public water main extension within the property shall be eight (8) inch minimum diameter. If two (2) or more fire hydrant are to be connected to a public water main extension within the property, then the water system shall be looped with two (2) points of connection. The **COUNTY** also owns and operates an existing eight (8) inch gravity sewer main stub-out located in an easement within the property Folio Number 20-5002-084-0060, abutting the southern boundary of the property, to which the **DEVELOPER** shall connect and install an eight (8) inch gravity sewer main northerly within an easement or right-of-way as required to provide service to all lots in the **DEVELOPERS** property, provided that there is sufficient depth and that there are no obstacles that would preclude construction of the sewer facilities. Any gravity sewer within the property shall be public and eight (8) inch minimum in diameter. Other points of connection may be established subject to approval of the **DEPARTMENT**.

7. SPECIAL CONDITION TO SERVICE. The **COUNTY'S** obligations to provide water and sewer service under this Agreement is conditioned upon the **DEVELOPER** obtaining access to the gravity sewer system, either by right-of-way dedication and/or easement, located within a property that is not part of the **DEVELOPER'S** property (Folio Number 20-5002-084-0060). The easements must be conveyed to the **COUNTY** in accordance with paragraphs twenty-three (23) and twenty-four (24) herein below. Furthermore, it shall be the **DEVELOPER'S** sole responsibility to obtain and secure conveyance of said easements to the **COUNTY**. The conveyance of aforesaid easements by the **DEVELOPER** to the **COUNTY** is a precedent to any duty of the **COUNTY** to provide water and sewer service to the **DEVELOPER'S** property.

8. **DESIGN AND CONSTRUCTION OF FACILITIES.** The **DEVELOPER** at its own cost and expense shall cause to be designed, constructed and installed all of the necessary water and/or sewer facilities provided for in this Agreement unless otherwise specified. The facilities shall include any and all water mains, valves, fittings, fire hydrants, firelines, service connections, service lines, shutoffs, meter boxes, air release valves, gravity sewer mains, laterals, manholes and all appurtenances thereto for a complete installation. The final design and construction of the facilities shall meet the requirements set forth in the latest revision of the **DEPARTMENT'S** "Rules and Regulations" for water and/or sewer service, shall be in accordance with the latest revision of the **DEPARTMENT'S** "Design and Construction Standard Specifications and Details", and shall be subject to approval by the **DEPARTMENT**.

9. **INSPECTION.** The **COUNTY** shall have the right but not the obligation to make engineering inspections of all the construction work performed by the **DEVELOPER** under the terms of this Agreement including private facilities not to be conveyed to the **COUNTY**. Such inspections shall not be construed to constitute any guarantee on the part of the **COUNTY** as to the quality and condition of materials and workmanship. Any inspections by the **DEPARTMENT** shall not relieve the **DEVELOPER** of any responsibility for proper construction of said facilities in accordance with approved plans and specifications. Furthermore, any inspections by the **DEPARTMENT** shall not relieve the **DEVELOPER** of responsibility for the quality and condition of materials and workmanship.

10. **TESTS.** During construction and at the time when various tests are required, the **COUNTY'S** engineer or its authorized representative, together with the **DEVELOPER'S** engineer and contractor, shall jointly be present to witness tests for determination of conformance with approved plans and specifications. The **DEVELOPER** shall notify the **COUNTY** a minimum of twenty-four (24) hours in advance of the tests.

11. **CONSTRUCTION MEETINGS.** The **COUNTY** reserves the right to schedule construction meetings with the **DEVELOPER'S** representatives (Engineer, Project Manager, Construction Superintendent and others) at a place designated by the **COUNTY** with respect to project related matters upon twenty-four (24) hours notice.

12. **SUBCONTRACTORS AND CONSULTANTS.** The **COUNTY** reserves the right, at any time, to bar any subcontractor or consultant employed by the **DEVELOPER** from engaging in any sort of work or activity related to this Agreement, if such be in the interests of the **COUNTY**. In the event the **COUNTY** rejects any subcontractor or consultant, said subcontractor or consultant will immediately cease work on anything related to this Agreement. The **DEVELOPER** shall not be entitled to compensation for any

monies previously paid to any subcontractor or consultant if said subcontractor or consultant is rejected by the COUNTY.

13. **COMPLIANCE WITH ALL LAWS.** The DEVELOPER, at its own cost and expense, shall comply with all applicable laws, statutes, rules, and ordinances in carrying out the activities contemplated herein.

14. **APPROVALS AND PERMITS.** The DEVELOPER shall be fully responsible for obtaining all required approvals from all appropriate governmental and regulatory agencies and all necessary permits for all facilities contemplated in this Agreement. Notwithstanding anything else contained herein to the contrary, this Agreement shall not constitute or be interpreted as a waiver of any requirements of any other agency of Miami-Dade County and/or any requirements of the Code of Miami-Dade County. The DEVELOPER is responsible for obtaining all permits as may be required for the work contemplated herein pursuant to the Code of Miami-Dade County.

15. **COUNTY AS PERMITTEE.** Certain federal, state and county agencies, including but not limited to the State of Florida Department of Transportation, the South Florida Water Management District, the U.S. Army Corps of Engineers and the Florida East Coast Railroad may require that the COUNTY be named as permittee for certain construction activities even though the DEVELOPER or the DEVELOPER'S contractor will actually perform the work. To insure that the COUNTY will incur no costs or liability as a result of being named permittee on such permits, the DEVELOPER shall provide sufficient security as acceptable to the COUNTY which shall indemnify and protect the COUNTY from all claims, actions, judgments, liability, loss, cost and expense, including reasonable attorney's fees, related to work performed by the DEVELOPER pursuant to such permits. The security shall be furnished prior to the start of construction and shall be in an amount equal to the COUNTY'S cost estimate for the permit work. The DEVELOPER shall have sixty (60) days to resolve any claims by a permittor. Otherwise, the DEPARTMENT shall be entitled to pay said claims from the security. The DEVELOPER shall be liable for all costs in excess of the security.

16. **WATER SERVICE LINES.** Any water service lines two (2) inches or less in diameter that are required for the DEVELOPER'S property which will be directly connected to existing mains owned by the COUNTY shall be installed by COUNTY personnel only. The DEVELOPER hereby agrees to pay to the COUNTY its standard water service line installation charge, permit fees and service fees prior to any such installation.

17. **OWNERSHIP OF WATER METER.** The COUNTY shall own and install the required water meter as a part of any water service installation. Ownership by the

COUNTY shall terminate at the outlet side of each water meter. The DEVELOPER shall pay all applicable installation fees.

18. SEWAGE PUMPING STATION AND SEWER FORCE MAIN CONSTRUCTION CONNECTION CHARGE. The DEVELOPER shall pay the COUNTY a sewer construction connection charge equal to one dollar and forty-five cents (\$1.45) per each average daily gallon to be connected to the COUNTY'S sewer system for its pro-rata share of the actual construction cost of COUNTY Sewage Pumping Station Number 240 and related sewer force main, constructed and installed by other parties (ID# 17595), resulting in a construction connection charge of four thousand six hundred ninety-eight dollars (\$4,698.00). Per annum simple interest as established and authorized by **Section 687.01, Florida Statutes** will accrue on the construction connection charge from July 26, 2004, to the date of payment by the DEVELOPER. The interest rate used shall be the rate established by **Section 687.01, Florida Statutes**, at the time of payment by the DEVELOPER. The DEPARTMENT shall not, under any circumstances, render water and/or sewer service to the DEVELOPER'S property until such time as the construction connection charge(s) and interest specified herein have been paid in full.

19. TREATMENT AND TRANSMISSION CAPACITY. In addition to the covenants and conditions set forth herein, water and sewer service to be rendered by the COUNTY is subject to the following:

- a. Issuance of a valid operation permit by the State of Florida for the COUNTY'S sewage treatment facility serving the DEVELOPER'S property which allows additional connections,
- b. Sufficient available capacity in the COUNTY'S sewage system and connection approval, as specified in paragraph 3 herein,
- c. Available water by the COUNTY.

However, in no event will the COUNTY be obligated to supply any more water or sewage treatment capacity in any one year than is called for by the building connection schedule attached hereto and made a part hereof as **Exhibit "C"**. Any variation from said connection schedule which results in increased yearly demand on the water resources or sewage treatment facility capacity of the COUNTY not specifically provided for in **Exhibit "C"** shall be subject to the written approval and consent of the DEPARTMENT and shall be dependent on the availability of the water resource and the various restrictions placed on the supply of water or the disposal of sewage by local, state and federal government agencies and the physical limitations on the COUNTY'S supply and treatment capacity. If the DEVELOPER does not utilize the yearly amount of water or sewage treatment facility allocation specified in **Exhibit "C"**, said amount will be available to the DEVELOPER in the next calendar year subject to the limitations and provisions specified herein.

20. **ALLOCATION OF CAPACITY.** The COUNTY agrees to include the aforesaid allocation in its regional water supply, production and transmission facilities and regional sanitary sewer system, once the DEVELOPER is granted necessary sewer allocation, as specified in paragraph 3 hereinabove. However, it is mutually agreed and understood by the COUNTY and the DEVELOPER that the allocation of capacity by the COUNTY does not guarantee the ability of the COUNTY to supply water for the DEVELOPER'S property or the ability to receive and dispose of sewage originating from the DEVELOPER'S property. Capacity allocation is subject to local, state and federal agencies and other regulatory bodies having jurisdiction. In connection therewith, the DEVELOPER agrees that the COUNTY shall not be liable or in any way responsible for any costs, claims or losses incurred by the DEVELOPER as a result of actions by regulatory bodies, which are related to capacity allocation.

21. **FACILITIES EASEMENTS.** If the facilities contemplated herein or any portion thereof are installed within private property outside of public right-of-way, the facilities shall be installed in the center of a twelve (12) foot wide easement for water facilities and fifteen (15) foot wide easement for sewer facilities. Both require a twenty-five (25) foot minimum vertical clearance above the finished grade. The DEPARTMENT shall have twenty-four (24) hour access to the easement for emergency purposes. If the facilities are not located in platted easements, then easements shall be granted to the COUNTY by the DEVELOPER prior to the COUNTY'S installation of a water meter and/or the rendition of sewer service to the DEVELOPER'S property. The DEVELOPER may not place any pavers or other structures in an easement area which would prevent the DEPARTMENT, at its sole discretion, from making full use of the easement, and the DEVELOPER shall remove same, at the DEVELOPER'S cost, at the direction of the COUNTY. The DEVELOPER may place pavers or other structures in the easement area if such pavers or other structures can be removed, with minimal effort by the DEPARTMENT, in the event that such pavers or other structures need to be removed in order for the DEPARTMENT to make use of the easement; the DEVELOPER places such pavers or other structures in the easement area at its own risk, and the DEPARTMENT shall not be liable for any costs incurred by the DEVELOPER in replacing any such pavers or other structures removed by the DEPARTMENT.

22. **CONNECTION/FRONTAGE BY OTHERS.** Parties other than the DEVELOPER who own property, other than the DEVELOPER'S property, which has frontage to any water main installed pursuant to this Agreement, may apply to the COUNTY for connections to said water main. If said parties actually connect and/or abut said facilities, the COUNTY will impose a construction connection charge equal to thirty dollars (\$30.00) for the eight (8) inch water main, multiplied by the front foot length of the connecting/abutting property which fronts and/or abuts the water main as measured along

the route of the main. The **COUNTY** will also impose construction connection charges on such other parties if said water main is required, in accordance with guidelines and criteria established by the **DEPARTMENT**, in order to provide adequate service for the fronting/abutting property. Said construction connection charges will not be required or collected from other parties for single-family residences occupied or under construction prior to the date of this Agreement. The **COUNTY** shall repay said construction connection charges to the **DEVELOPER** within one hundred eighty (180) days of receipt of same. However, the **COUNTY'S** liability for repayment to the **DEVELOPER** shall be limited to those amounts actually collected from others. This provision shall remain in effect for a period of twelve (12) years from the date of the Absolute Bill of Sale for the water main facilities constructed by the **DEVELOPER**. Per annum simple interest as established and authorized by **Section 687.01, Florida Statutes**, will accrue on all construction connection charges from the date of the Absolute Bill of Sale for the water main facilities constructed by the **DEVELOPER** to the date of payment by the connecting/abutting party. The interest rate used shall be the rate established by **Section 687.01, Florida Statutes**, at the time of payment by the connecting/abutting party. It shall be the **DEVELOPER'S** responsibility to provide the **COUNTY** with current mailing addresses during the twelve (12) year period. In accordance with the **DEPARTMENT'S** "Schedule of Water and Wastewater Fees and Charges" the **DEPARTMENT** shall retain a "Developer Repayment Fee" currently in the amount of 2.5% of the gross repayment amount established herein. This fee is subject to revision by the Board of County Commissioners at any time. The fee percentage used will be the current rate at the time of the payment.

23. **CONVEYANCE OF TITLE.** Conveyance of all easements shall be by separate instruments in recordable form as approved by the **COUNTY** and shall be accompanied by a written opinion of title by an attorney licensed to practice law in the State of Florida, which states that the **DEVELOPER** is the owner of the property interest to be conveyed, subject only to liens, encumbrances and restrictions as are acceptable to the **COUNTY**. The opinion shall also state that upon execution by the **DEVELOPER**, a valid and enforceable easement will be vested to the **COUNTY**. The **DEVELOPER** shall pay for all recording fees and for all documentary stamps. The details for all conveyances are specified herein. Failure of the **DEVELOPER** to provide proper conveyances shall be cause for the **COUNTY** to refuse to render service to the **DEVELOPER'S** property.

24. **DRAWINGS AND CONVEYANCE DOCUMENTS.** Following completion of the water and/or sewer facilities contemplated herein for **COUNTY** ownership, the **COUNTY** shall provide conveyance documents, which may include bills of sale, releases of lien, grants of easement for execution by the **DEVELOPER**. The properly executed documents shall be delivered to and accepted by the **COUNTY** prior to the rendition of water and/or sewer service by the **COUNTY**. The **DEVELOPER** shall pay for all recording

fees and for all documentary stamps. These conveyances shall be accompanied by copies of paid bills and/or lien waivers, releases, or satisfactions from all persons who performed work on the **DEVELOPER'S** property and all persons who incorporate materials into the property, together with a breakdown of the actual cost of said facilities. Concurrently, the **DEVELOPER** shall furnish the **COUNTY** with one (1) set of mylar as-built drawings showing specific locations and depths among other things, of all facilities as located by a licensed surveyor, along with five (5) prints of the as-built drawings which have been sealed by a surveyor and certified by the engineer of record. Approval by the **COUNTY** of all required conveyance documents, drawings and survey specified herein shall constitute final acceptance by the **COUNTY** of said facilities. After final acceptance, the facilities shall remain at all times the sole, complete, and exclusive property of the **COUNTY** and under the exclusive control and operation of the **COUNTY**.

25. **WARRANTY AND MAINTENANCE BOND.** The **DEVELOPER** warrants that the water and sewer facilities to be owned by the **COUNTY** shall be free from defects in materials and workmanship for a period of one (1) year from final acceptance by the **COUNTY**. Simultaneously with the conveyance of the water and/or sewer facilities, the **DEVELOPER** shall deliver to the **COUNTY** an executed maintenance bond or alternate security deposit acceptable to the **DEPARTMENT**, which guarantees the warranty. If it becomes necessary to repair and/or replace any of the facilities during the initial one (1) year period, then the warranty as to those items repaired and/or replaced shall continue to remain in effect for an additional period of one (1) year from the date of final acceptance by the **COUNTY** of those repairs and/or replacement. The bond shall be in the amount equal to the sum of those portions of the actual cost of construction of said facilities as follows:

<u>Types of Facilities</u>	<u>Percentage of Actual Construction Cost</u>
Water mains	25
Gravity sewers	50

The bonds shall have as the surety thereon only such surety company as is acceptable to the **COUNTY** and which is authorized to write bonds of such character and amount under the laws of the State of Florida. A surety company must have a **Best's Key Rating Guide General Policyholder's Rating of "A"** or better and a **Financial Category of Class "V"** or better or be acceptable to the **COUNTY**. The attorney-in-fact or other officer who signs a bond must file with such bonds a certified copy of his power-of-attorney authorizing him to do so. The Maintenance Bond may be written with the **DEVELOPER'S** contractor as "Principal" and the **DEVELOPER** and the **COUNTY** as "Co-obligees" or the **COUNTY** as sole "Obligee". In the alternative, the **DEVELOPER** may be named as "Principal" and the **COUNTY** as "Obligee". The Maintenance Bond shall remain in force for one (1) year following the date of final acceptance by the **COUNTY** of the work done pursuant to this

Agreement to protect the **COUNTY** against losses resulting from any and all defects in materials or improper performance of work. If there is no building construction underway within the **DEVELOPER'S** property at the time of conveyance, the **COUNTY** shall have the right to require that the term of the Maintenance Bond be extended for a period not to exceed an additional two (2) years. Upon demand by the **COUNTY**, the **DEVELOPER** shall cause to be corrected all such defects which are discovered within the warranty period or periods as set forth above, failing which the **COUNTY** shall make such repairs and/or replacements of defective work and/or materials and the **DEVELOPER** and/or its Surety shall be liable to the **COUNTY** for all costs arising therefrom. The **DEVELOPER** also warrants that it shall be solely responsible for the repair of any damages to said facilities caused by persons in its employment.

26. **TERM OF AGREEMENT.** Both the **DEVELOPER** and the **COUNTY** recognize that time is of the essence and that this Agreement shall be deemed null and void and unenforceable if the **DEVELOPER** fails to comply with any of the following conditions, where applicable:

- a. After execution of this Agreement, work on the water and sewer facilities shall commence within three hundred sixty-five (365) days from the execution date. Work shall be considered to have commenced and be in active progress when engineering drawings are submitted to the **DEPARTMENT** for review and approval, and, upon the **DEPARTMENT'S** issuance of said approval, a full complement of workmen and equipment is present at the site to diligently incorporate materials and equipment into the construction of the water and sewer facilities throughout the day on each full working day, weather permitting.
- b. Once the **DEVELOPER** commences work on the water and sewer facilities, said work cannot be suspended, abandoned, or not in active progress for a period exceeding three hundred sixty-five (365) days.
- c. The remedies specified herein are cumulative with and supplemental to any other rights which the **COUNTY** may have pursuant to the law or any other provision of this agreement.

27. **INDEMNIFICATION CLAUSE.** The **DEVELOPER** shall indemnify and hold harmless the **COUNTY** and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the **COUNTY** or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the **DEVELOPER** or its employees, agents, servants, partners, principals, contractors and/or subcontractors. The **DEVELOPER** shall pay all claims and losses in connection therewith and shall

investigate and defend all claims, suits or actions of any kind or nature in the name of the **COUNTY**, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. The **DEVELOPER** expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the **DEVELOPER** shall in no way limit the responsibility to indemnify, keep and save harmless and defend the **COUNTY** or its officers, employees, agents and instrumentalities as herein provided. The provisions in this clause shall survive the termination or expiration of this Agreement.

28. **FORCE MAJEURE.** Should either party be prevented from performing any obligations herein, including but not limited to water and/or sewer service, due to or resulting from a force majeure or inevitable accident or occurrence, such party shall be excused from performance. As used herein, force majeure shall mean an act of God which includes but is not limited to sudden, unexpected or extraordinary forces of nature such as floods, washouts, storms, hurricanes, fires, earthquakes, landslides, epidemics, explosions or other forces of nature. Inevitable accidents or occurrences shall mean those which are unpreventable by either party and shall include but not be limited to strikes, lockouts, other industrial disturbances, wars, blockades, acts of public enemies, insurrections, riots, federal, state, county and local governmental restraints and restrictions, military action, civil disturbances, explosions, conditions in federal, state, county and local permits, bid protests, manufacturing and delivery delays, unknown or unanticipated soil, water or ground conditions and cave-ins, or otherwise, and other causes reasonably beyond the control of either party, whether or not specifically enumerated herein.

29. **SERVICE CHARGES.** The **DEVELOPER** agrees to pay to the **COUNTY** the prevailing service charges for water supply and fire protection, sewage collection and disposal within the **DEVELOPER'S** property as may be applicable until the responsibility for payment of said charges is properly transferred in accordance with the **COUNTY'S** regulations.

30. **USE OF FACILITIES BY COUNTY.** The **COUNTY** reserves the right to make full use of the water and/or sewer facilities to be owned by the **COUNTY** as contemplated herein to serve other customers at any time.

31. **OPINION OF TITLE.** With the execution of this Agreement, the **DEVELOPER** at its own expense shall deliver to the **DEPARTMENT** an opinion of title for the **DEVELOPER'S** property, issued by a qualified attorney licensed to practice law in the State of Florida, which states that the **DEVELOPER** owns fee simple title to the property referred to herein.

32. **BACTERIOLOGICAL TESTS AND INDEMNIFICATION.** DEP requires that prior to the rendition of any new water service by the **DEPARTMENT**, bacteriological tests must be performed. It is the responsibility of the **DEVELOPER** to comply with all such requirements and to obtain all necessary approvals. In addition, the use of floating meters for construction purposes is subject to State of Florida requirements and approval by the **COUNTY**. The **DEVELOPER** may request approval for the use of floating meters prior to actual conveyance of title to the facilities to the **COUNTY**. However, the **COUNTY** may be required to execute documents to Miami-Dade Department of Regulatory and Economic Resources (**RER**) or State of Florida Department of Health (**DOH**), which state that the **COUNTY** has accepted title to the facilities. If the **COUNTY** is required to execute such documents, the **DEVELOPER** agrees to indemnify and hold the **COUNTY** harmless from and against all claims, actions, judgments, damages, loss, cost and expense including reasonable attorney's fees which may be incurred by the **COUNTY** in connection with the rendition of water service through the facilities constructed and installed by the **DEVELOPER** prior to conveyance of title to the **COUNTY**, including but not limited to those that result from failure to properly maintain and repair the water facilities.

33. **ASSIGNMENT OF AGREEMENT.** No right to any water supply and sewage disposal service commitment provided for in this Agreement shall be transferred, assigned or otherwise conveyed to any other party without the express written consent of the Director of the **DEPARTMENT** or his designee except as noted below. The consent of the **DEPARTMENT** shall not be required in connection with the sale, lease or other conveyance of property or any residential units or commercial establishments to any party who will be the ultimate user of the property, including but not limited to a bona fide purchaser, lessee, resident or occupant. The intent of this paragraph is to require consent of the **DEPARTMENT** for assignments or transfers of any water and sewage disposal capacity allocation to any party who holds such property as an investment for resale or who intends to develop for sale a portion of the **DEVELOPER'S** property, so that the **COUNTY** can adequately determine the demand for water and sewage disposal capacity and plan for the fair and equitable allocation of water and sewage disposal capacity among the residents of Miami-Dade County. Consent, when required, shall not unreasonably be withheld by the **DEPARTMENT**. If the **DEVELOPER'S** property is transferred or conveyed, the **DEVELOPER** shall remain liable to the **COUNTY** for all sums of money and all obligations due hereunder unless released in writing by the **COUNTY**.

34. **ENTIRE AGREEMENT.** This Agreement supersedes all previous agreements and representations, whether oral or written, between the **DEVELOPER** and the **COUNTY** and made with respect to the matters contained herein and when duly executed constitutes the complete Agreement between the **DEVELOPER** and the **COUNTY**.

35. **NOTICE.** All notices given pursuant to this Agreement shall be mailed by United States Postal Service registered or certified mail to the parties at the addresses specified on page 2 of this Agreement or addresses otherwise properly furnished.

36. **RECORDING OF AGREEMENT.** This Agreement is being recorded in the public records of Miami-Dade County, Florida, for the particular purpose of placing all owners and occupants, their successors and assigns, upon notice of the provisions herein contained. The **DEVELOPER** shall pay all recording fees.

37. **FLORIDA LAW.** This Agreement shall be interpreted under Florida law. Venue for any litigation relating to this Agreement shall be had in Miami-Dade County, Florida.

38. **SEVERABILITY.** If any section, subsection, sentence, clause or provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected by such invalidity.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officials as of the day and year above written.

WITNESSETH:

MIAMI-DADE COUNTY

[Signature]
signature

[Signature]
print name

By: [Signature]
Tom Marko, Development Coordinator
For: Bill Johnson, Director
Miami-Dade Water and Sewer Department

[Signature]
signature

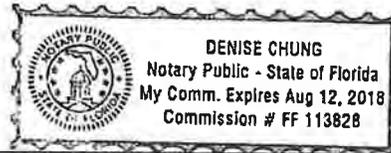
[Signature]
print name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 12 day of November, 2014, by Tom Marko, Development Coordinator for Bill Johnson, Director, of the Miami-Dade Water and Sewer Department, who is personally known to me and did not take an oath.

[Signature]
Notary Public

[Signature]
print name

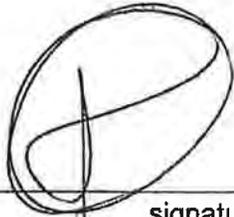


Serial Number

WITNESSETH:

GREC PINECREST LLC, A FLORIDA LIMITED LIABILITY COMPANY

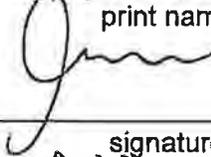
By: GREC COMMERCIAL VENTURES, INC., A FLORIDA CORPORATION, MANAGING MEMBER



signature

Ahmed Andrade

print name

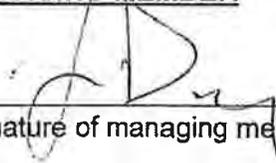


signature

Dixie Andrade

print name

By:



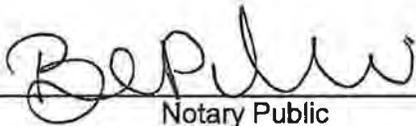
signature of managing member

James Doray

print name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 16 day of October, 2014, by James Doray, who is personally known to me or and has/has not produced _____ as identification and did/did not take an oath.



Notary Public

Bruny Dominguez

print name



BRUNY DOMINGUEZ
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE839184
Expires 9/30/2016

Serial Number

Approved for Legal Sufficiency:

SARA FRANK DAVIS 1117114
Assistant County Attorney

VILLAGE OF PINECREST TOWNHOMES, ID# 21966

**EXHIBIT "A" OF AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
GREC PINECREST LLC**

LEGAL DESCRIPTION

LOTS 1 AND 2 OF "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



MIAMI - DADE WATER AND SEWER DEPARTMENT

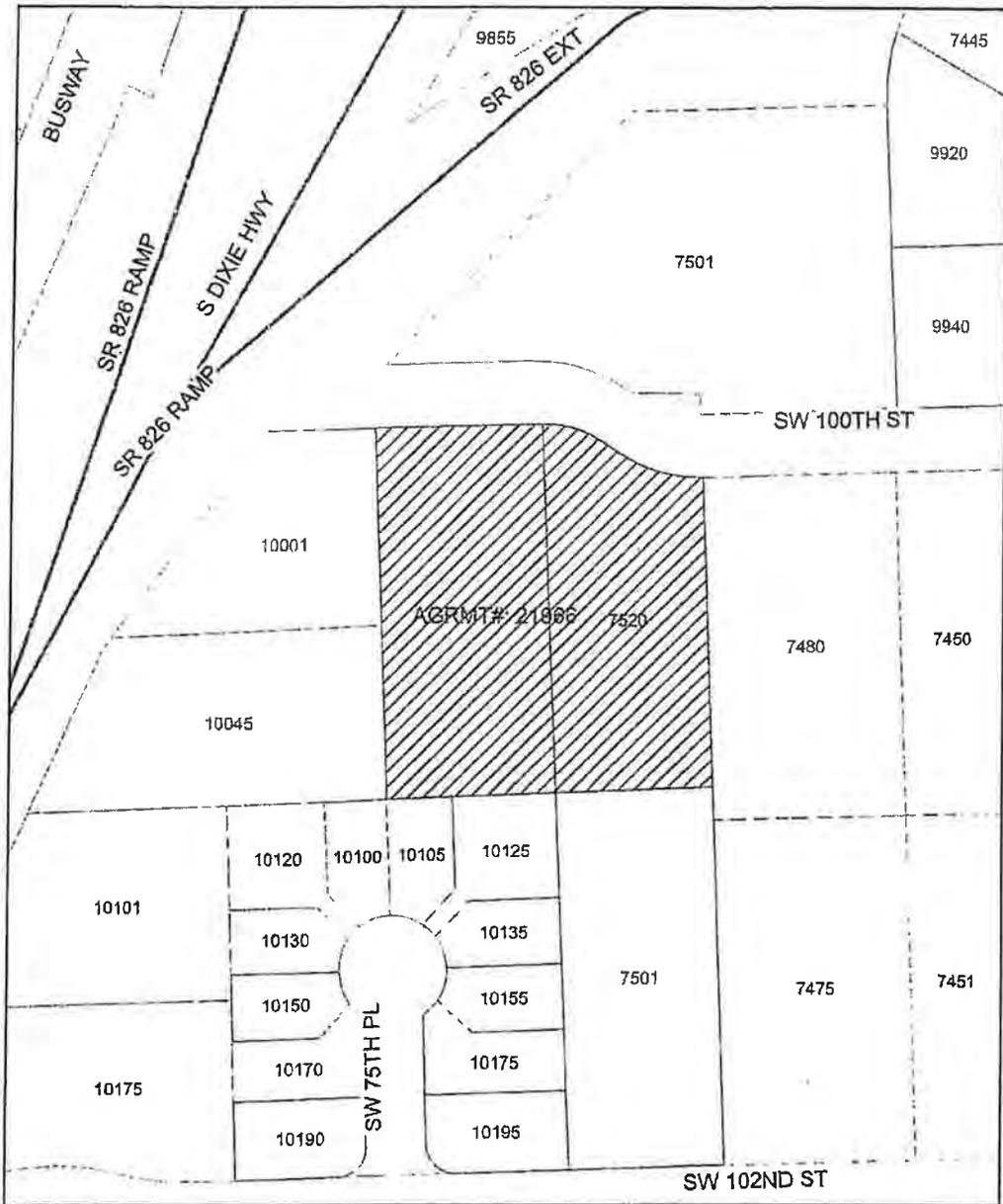


EXHIBIT "A" - 1
LOCATION SKETCH
 SCALE: N.T.S
 -THIS IS NOT A SURVEY-

VILLAGE OF PINCREST TOWNHOMES
AGMT ID# 21966
FOLIO# 20-5002-008-0010 & 0020
MIAMI-DADE COUNTY SEC 02-55-40
JULY 15, 2014

**EXHIBIT "B" OF AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
GREC PINECREST LLC**

SCHEDULE OF DAILY RATED GALLONAGE FOR VARIOUS OCCUPANCY

<u>TYPES OF LAND USES</u>	<u>GALLONS PER DAY (GPD)</u>
RESIDENTIAL LAND USES	
Single Family Residence	220 gpd/unit (under 3,001 sq. ft.)
	320 gpd/unit (3,001-5,000 sq. ft.)
	550 gpd/unit (over 5,000 sq. ft.)
Townhouse Residence	180 gpd/unit
Apartment	150 gpd/unit
Mobile Home Residence/Park	180 gpd/unit
Duplex or Twin Home Residence	180 gpd/unit
COMMERCIAL LAND USES	
Barber Shop	15 gpd/100 sq. ft.
Beauty Shop	25 gpd/1 00 sq. ft.
Bowling Alley	100 gpd/lane
Dentist's Office	20 gpd/100 sq. ft.
Physician's Office	20 gpd/100 sq. ft.
Bar and Cocktail Lounge	20 gpd/100 sq. ft.
Restaurant	
a) Full Service	100 gpd/100 sq. ft.
b) Fast-Food	50 gpd/100 sq. ft.
c) Take-Out	100 gpd/100 sq. ft.
Hotel or Motel	100 gpd/room
Office Building (County)	5 gpd/100 sq. ft.
Office Building (Other)	5 gpd/100 sq. ft.
Motor Vehicle Service Station	10 gpd/100 sq. ft.
Shopping Center/Mall	
a) Retail/Store	10 gpd/100 sq. ft.
Stadium, Racetrack, Ballpark, Fronton, Auditorium, etc.	3 gpd/seat
Retail/Store	10 gpd/100 sq. ft.
Theater	
a) Indoor Auditorium	3 gpd/seat
b) Outdoor Drive-in	5 gpd/space
Camper or R.V. Trailer Park	150 gpd/space
Banquet Hall	15 gpd/100 sq. ft.
a) With Kitchen	50 gpd/100 sq. ft.

VILLAGE OF PINECREST TOWNHOMES, ID# 21966

TYPES OF LAND USES (CONTINUED)

GALLONS PER DAY (GPD)

Car Wash	
a) Hand-Type	350 gpd/bay
b) Automated (drive through)	5,500 gpd/bay
Coin Laundry	145 gpd/washer
Country Club	15 gpd/100 sq. ft.
a) With Kitchen	50 gpd/100 sq. ft.
Funeral Home	10 gpd/100 sq. ft.
Gas Station/Convenience Store/Mini-Mart	450 gpd/unit
a) w/ Single Automated Car Wash	1,750 gpd/unit
Health Spa or Gym	10 gpd/100 sq. ft.
Veterinarian Office	20 gpd/100 sq. ft.
Kennel	15 gpd/cage
Marina	60 gpd/slip
Food Preparation Outlet (Bakeries, Meat Markets, Commissaries, etc.)	35 gpd/100 sq. ft.
Pet Grooming	55 gpd/100 sq. ft.
INDUSTRIAL LAND USES	
Airport	
a) Common Area/Concourse	5 gpd/100 sq. ft.
b) Retail/Store	10 gpd/100 sq. ft.
c) Food Service	see restaurant use
House of Worship	10 gpd/100 sq. ft.
Hospital	250 gpd/bed
Nursing/Convalescent Home	150 gpd/bed
Public Park	
a) With toilets only	5 gpd/person
b) With toilets and showers	20 gpd/person
Other Residential Institution/Facility	CLF: 75 gpd/bed
	JAIL: 150 gpd/bed
	OTHER: 100 gpd/person
School	
a) Day care/Nursery	20 gpd/100 sq. ft.
b) Regular School (with or without cafeteria)	12 gpd/100 sq. ft.
Public Swimming Pool Facility	30 gpd/person
Industrial	
a) Warehouse/Spec. Building	1 gpd/100 sq. ft.
b) Mini Storage	1.5 gpd/100 sq. ft.
c) Industrial - Wet	20 gpd/100 sq. ft.
d) Industrial - Dry	2.5 gpd/100 sq. ft.

LEGEND:

gpd - gallons per day
sq. ft. - square feet

NOTES:

- 1) Sewage gallonage refers to sanitary sewage flow on a per unit and/or use basis for average daily flow in gallons per day.
- 2) Condominiums shall be rated in accordance with the specific type of use (e.g., apartment, townhouse, warehouse, etc.).

EXHIBIT "C" OF AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
GREC PINECREST LLC

BUILDING CONNECTION SCHEDULE

<u>TYPE AND NUMBER OF UNITS</u>	<u>GALLONAGE (gpd)</u>	<u>COMPLETION OF BUILDING CONNECTION</u>
To construct and connect to the County's water and sewer systems 18 townhouse residence units.	3,240	2014 - 2016

This instrument was prepared by:

Melissa Tapanes Llahues, Esq.
Bercow Radell & Fernandez, PLLC
200 Biscayne Boulevard, Suite 850
Miami, Florida 33131

(Space reserved for Clerk)

**COVENANT RUNNING WITH THE LAND
IN LIEU OF UNITY OF TITLE**

KNOW ALL BY THESE PRESENTS that the undersigned Owner, GREC Pinecrest, LLC, hereby makes, declares and imposes on the land herein described, these easements and covenants running with the title to the land, which shall be binding on the Owner, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them;

WHEREAS, the undersigned Owner holds the fee simple title to the land located at 7520 SW 100 Street in the Village of Pinecrest, within Miami-Dade County, Florida (the "County"), identified by County Tax Folio Nos. 20-5002-008-0010 and 20-5002-008-0020 and described in Exhibit "A," attached hereto (hereinafter called the "Property"); and

WHEREAS, the Property is proposed to be developed as an 18-unit multifamily project as shown in the site plan entitled, "Village of Pinecrest Townhouses" dated September 29, 2015, and signed and sealed by Raul R. Sotolongo, Architect, on January 14, 2016 and as described in the Sketch to Accompany Legal Description for GREC Pinecrest, LLC prepared by Hadonne, attached hereto as Exhibit "B" (together, the "Plan"); and

WHEREAS, the Plan was approved by the Village of Pinecrest Department of Building and Planning to be in compliance with the Land Development Regulations of the Village of Pinecrest Code of Ordinances, subject to the recording of this Covenant; and

NOW THEREFORE, in consideration of the premises, Owner hereby freely, voluntarily and without duress agrees as follows:

1. The Property will be developed in substantial conformity with the Plan. No modification shall be effected in the Plan without the written consent of the then Owner(s) of the Property, and the Village Administrative Official; provided the Village Administrative Official finds that the modification conforms with the standards established in the Village Code, and provided further, that should the Administrative Official withhold such approval, the then owner(s) of the Property shall be permitted to seek such modification by application to modify the Plan or covenant at a public hearing before the Village Council.

(Space reserved for Clerk)

2. Each phase, or stage, shall be developed in substantial accordance with the Plan.
3. In the event of multiple ownership of the Property subsequent to approval of the Plan, each of the subsequent owners, mortgagees, and other parties in interest shall be bound by the terms, provisions, and conditions of this instrument. The Owner further agrees that it will not convey portions of the Property to such other parties unless and until the Owner and such other party or parties shall have executed and mutually delivered, in recordable form, an instrument to be known as an "Easement and Operating Agreement" which shall contain, among other things:
 - (i) easements in the common area of each parcel for ingress to and egress from other parcels;
 - (ii) easements in the common area of each parcel for the passage and parking of vehicles;
 - (iii) easements in the common area of each parcel for the passage and accommodation of pedestrians;
 - (iv) easements for access roads across the common area of each parcel to public and private roadways;
 - (v) easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
 - (vi) easements on each such parcel for construction of buildings and improvements in favor of each such other parcel;
 - (vii) easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
 - (viii) easements on each parcel for attachment of buildings;
 - (ix) easements on each such parcel for building overhangs, other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
 - (x) appropriate reservation of rights to grant easements to utility companies;
 - (xi) appropriate reservation of rights to dedicate road rights-of-way and curb cuts;
 - (xii) easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
 - (xiii) appropriate agreements between the owners of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and the like.

The provisions of the Easement and Operating Agreement, or portions thereof, may be waived by the Village Administrative Official if they are not applicable to the Plan. When executed, the Easement and Operating Agreement shall not be amended without the prior written approval of the Administrative Official. Such Easement and Operating

(Space reserved for Clerk)

Agreement may contain other provisions with respect to the operation, maintenance, and development of the Property as to which the parties thereto may agree, all to the end that, despite multiple ownership of the Property, it will be constructed, conveyed, maintained and operated in accordance with the Plan.

4. As further part of this agreement, it is hereby understood and agreed that any official inspector of the Village of Pinecrest, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.
5. The provisions of this instrument shall become effective upon their recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owners of the Property and the Village Administrative Official, acting for and on behalf of the Village, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
6. The provisions of this instrument may be amended, modified or released by a written instrument executed by the then Owner or Owners of the Property, with joinders by all mortgagees, if any, provided same is also approved by the Village Administrative Official.
7. Enforcement shall be by action against any parties or persons violating or attempting to violate any of these covenants. The prevailing party in any action or suit arising out of or pertaining to this Covenant shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may determine to be reasonable for the services of his attorney. This enforcement provision is in addition to any other remedy at law, in equity or both.
8. 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.
9. 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.
10. In the event of a violation of this Covenant, in addition to any other remedies available, the Village of Pinecrest, is hereby authorized to withhold any future permits, and refuse

(Space reserved for Clerk)

to make any inspections or grant any approval, until such time as this Covenant is complied with.

11. This Covenant shall be recorded in the public records of Miami-Dade County at the Owner's expense.

[Execution pages follow]

VILLAS AT PINECREST

LOTS 1 AND 2 OF BLOCK "C" CORRECTED PLAT OF RUGLER GROVES ESTATES SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOWNSHIP 35 SOUTH, RANGE 40 EAST, VILLAGE OF PINECREST, MIAMI-DADE COUNTY, FLORIDA

PREPARED BY:



FEBRUARY 2016

KNOW ALL BY THESE PRESENTS:

THAT GREG PINECREST, LLC, A DELAWARE LIMITED LIABILITY COMPANY HAS CAUSED TO BE MADE THE FOLLOWING DECLARED PROPERTY:

LEGAL DESCRIPTION:

LOT 1 AND 2 OF BLOCK "C" OF "CORRECTED PLAT OF RUGLER GROVES ESTATES SECTION ONE ACCORDING TO THE PLAT THEREOF" AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

CONTAINING 0.8177 SQUARE FEET OR 1.94 ACRES, MORE OR LESS, BY CALCULATIONS

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

ALL NEW ELECTRIC AND COMMUNICATION LINES OTHER THAN TRANSMISSION LINES WITHIN THIS SUBDIVISION SHALL BE INSTALLED UNDERGROUND
NO NEW UTILITIES SHALL BE INSTALLED ON ANY LOT WITHIN THIS SUBDIVISION, UNLESS APPROVED FOR TEMPORARY USE IN ACCORDANCE WITH COUNTY AND/OR STATE REGULATIONS
NO INDIVIDUAL WELLS WILL BE PERMITTED WITHIN THIS SUBDIVISION EXCEPT FOR SWIMMING POOLS, SPRINKLER SYSTEMS AND/OR AIR CONDITIONERS

VILLAGE OF PINECREST PLAT RESTRICTIONS:

THE STREET AS SHOWN ON THE ATTACHED PLAT, TOGETHER WITH ALL EXISTING AND FUTURE UTILITIES, SHALL BE CONSIDERED PUBLIC UTILITIES AND SHALL BE MAINTAINED BY THE VILLAGE OF PINECREST, FLORIDA. THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF. THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF. THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF.

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CONVEYANCE BY INSTRUMENT:

THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF. THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF. THE VILLAGE OF PINECREST, FLORIDA, SHALL BE RESPONSIBLE FOR THE REVISION OR REVERSION THEREOF.

WITNESS WHEREOF:

THAT SAID GREG PINECREST, LLC, A DELAWARE LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY JAMES A. DORSEY, PRESIDENT OF GREG PINECREST, LLC, A FLORIDA CORPORATION ITS OFFICIAL SEAL TO BE HEREIN AFFIXED IN THE PRESENCE OF THESE TWO WITNESSES, ON THIS _____ DAY OF _____, A.D. 2016.

GREG PINECREST, LLC A DELAWARE LIMITED LIABILITY COMPANY

ITS PRESIDENT

BY _____

WITNESSES _____

PRINT NAME _____

ADDRESS _____

STATE OF FLORIDA _____

COUNTY OF MIAMI-DADE _____

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, A.D. 2016.

BY _____

OFFICIAL SEAL OF THE VILLAGE OF PINECREST, FLORIDA

MIAMI-DADE COUNTY, FLORIDA

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, A.D. 2016.

BY _____

OFFICIAL SEAL OF THE VILLAGE OF PINECREST, FLORIDA

MIAMI-DADE COUNTY, FLORIDA



LOCATION MAP

VILLAGE OF PINECREST APPROVALS:

THE PLAT WILL NOT RESULT IN A REDUCTION IN THE LEVEL OF SERVICES FOR THE AFFECTED AREAS. THE PLAT HAS BEEN REVIEWED AND APPROVED BY THE VILLAGE OF PINECREST, FLORIDA. THE VILLAGE OF PINECREST, FLORIDA, HAS PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA.

THIS _____ DAY OF _____, A.D. 2016.

SIGNED: _____ VILLAGE MAYOR

ATTEST: _____ VILLAGE CLERK

THE PLAT HAS BEEN REVIEWED IN ACCORDANCE WITH SECTION 171.08(1) OF THE FLORIDA STATUTES. THIS PLAT APPEARS TO CONFORM TO ALL THE REQUIREMENTS OF THE SUBDIVISION ACT AS STATED IN THE VILLAGE OF PINECREST LAND DEVELOPMENT CODE AS AMENDED.

BY _____ Planning Director

MIAMI-DADE COUNTY APPROVALS:

THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS CERTIFIES THAT THIS PLAT APPEARS TO CONFORM TO ALL REQUIREMENTS OF CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE.

CERTIFIES THIS _____ DAY OF _____, A.D. 2016.

SIGNED: _____ DIRECTOR

PRECEDENCE STATEMENT:

FILED FOR RECORD THIS _____ DAY OF _____, A.D. 2016, AT _____ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLETES WITH THE LAND OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

BY _____ DEPUTY CLERK

SUBDIVISION CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "CORRECTED PLAT OF RUGLER GROVES ESTATES SECTION ONE ACCORDING TO THE PLAT THEREOF" AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION. THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177 PART 1, FLORIDA STATUTES, AND THAT PERMANENT REFERENCE INDUMENTS HAVE BEEN SET.

FLORIDA CERTIFICATE OF AUTHORIZATION 1870997

ABRIANNA MADRID DEAN REGISTERED PROFESSIONAL SURVEYOR AND MAPPER 155006 STATE OF FLORIDA



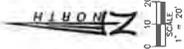
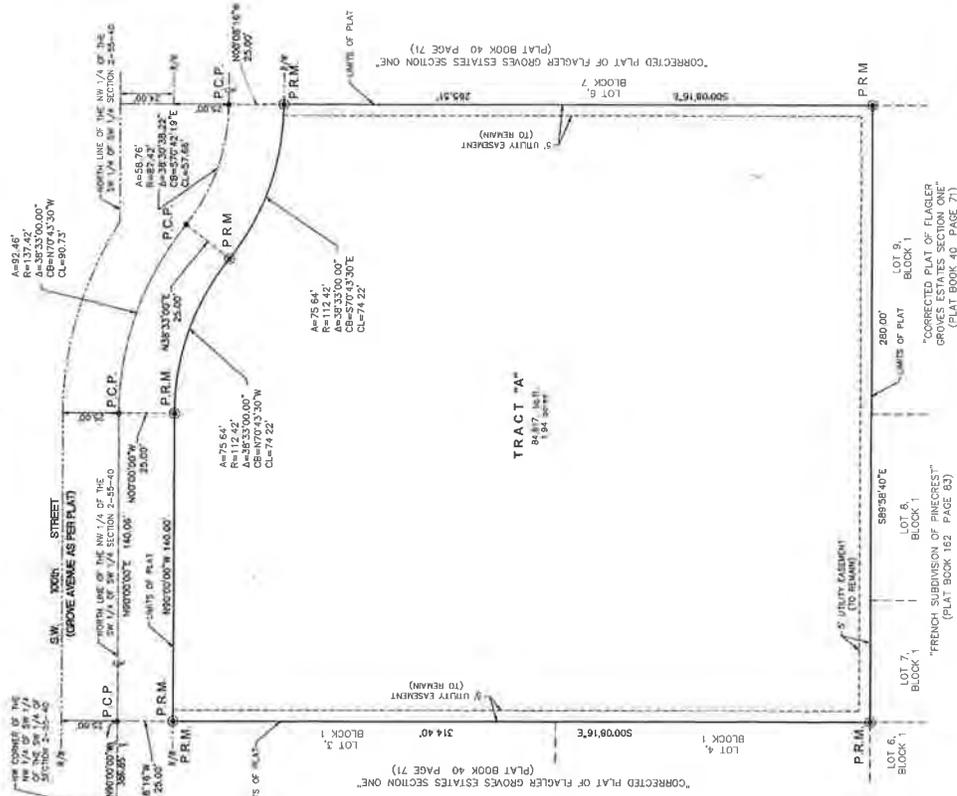
VILLAS AT PINECREST

LOTS 1 AND 2 OF BLOCK 1 OF CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SECTION 2, TOWNSHIP 25 SOUTH, RANGE 40 EAST, VILLAGE OF PINEST, MIAMI-DADE COUNTY, FLORIDA

PREPARED BY:



FEBRUARY 2006



- NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF 100°00'00" FOR THE BEARING OF S.W. 100TH STREET
 - P.C.P. = POINTS PERMANENT REFERENCE MONUMENT
 - P.R.M. = POINTS PERMANENT REFERENCE MONUMENT
 - 1 = DENOTES CORNER AND MONUMENT
 - 2 = DENOTES CORNER AND MONUMENT
 - 3 = DENOTES CORNER AND MONUMENT
 - 4 = DENOTES CORNER AND MONUMENT
 - 5 = DENOTES CORNER AND MONUMENT
 - 6 = DENOTES CORNER AND MONUMENT
 - 7 = DENOTES CORNER AND MONUMENT
 - 8 = DENOTES CORNER AND MONUMENT
 - 9 = DENOTES CORNER AND MONUMENT
 - OR B = DENOTES OFFICIAL RECORDS BOOK
 - 10 = DENOTES GENERAL
 - 11 = DENOTES GENERAL

NOTES: THIS PLAT WAS PREPARED BY THE SURVEYOR FROM THE OFFICIAL RECORDS OF THE SUBDIVISION LANDS DESCRIBED HEREIN. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LANDS AND HAS FOUND NO OTHER RESTRICTIONS OR EASEMENTS THAT ARE NOT RECORDED IN THIS PLAT THAT MAY AFFECT THE PUBLIC RECORDS OF THIS COUNTY.

RECORDING STATEMENT:

FILED FOR RECORD THIS 20th DAY OF FEBRUARY, A.D. 2006, AT THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THIS PLAT COMPLES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

REGISTERED PROFESSIONAL SURVEYOR

BY: _____, SURVEYOR

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