

ORDINANCE No. 04-48

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM AU TO RU-1 ON 1.45± ACRES OF A 2.3± ACRE PARCEL LOCATED AT 7851 NW 165TH STREET, EAST OF NW 79TH AVENUE, WEST OF NW 77TH PATH, SOUTH OF NW 165TH TERRACE, AND NORTH OF NW 165TH STREET; APPROVING THE SITE PLAN FOR RESIDENTIAL DEVELOPMENT OF EIGHT (8) SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; APPROVING TWO SETBACK VARIANCES AND A LOT SIZE VARIANCE FOR THE SITE PLAN; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 33-304 of the Code of the Town of Miami Lakes ("Town Code"), AT&T Wireless Services of Florida, Inc. (the "Applicant") has applied to the Town Council of the Town of Miami Lakes ("Town Council") for rezoning from AU (Agricultural District) to RU-1 (Single-Family Residential District) on 1.48± acres of a 2.3± acre site located at 7851 NW 165th Street), Application Z-03-02 (the "Property"); and

WHEREAS, the Applicant has provided a legal description of the Property to be re-zoned attached as composite Exhibit "A" and incorporated by reference herein; and

WHEREAS, pursuant to Section 33-311 (C) of the Code, the Applicant has provided the Town Council with site plans to be approved in conjunction with Application No. Z-03-02, attached as Exhibit B and incorporated by reference herein; and

WHEREAS, pursuant to Section 33-311, the applicant has applied for non-use variances to allow a 77.17' and a 89.75' setback from an existing wireless communications tower where 167' is required, and a 0.85 acre AU-zoned lot size where 5 acres is required; and

WHEREAS, Town Staff has reviewed the Application and has recommended preliminary approval in its report dated October 1, 2003 and final approval in its staff report dated March 4, 2004 and incorporated by reference herein;

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed Application No. Z-03-02 and has determined that this Ordinance is consistent with the Town of Miami Lakes Comprehensive Development Master Plan; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on October 9, 2003 and held second reading of this Ordinance at a duly noticed quasi-judicial public hearing on March 11, 2004; and

WHEREAS, all interested persons have had the opportunity to be heard on the Applicant's requests.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that Application No. Z-03-02 for re-zoning, site plan and variance approvals is "compatible" with the community as defined by Section 33-302(d) of the Town Code.

Section 3. Approval of Residential Rezoning. The Town Council hereby approves Application No. Z-03-02, a rezoning of the property legally described in Exhibit A from AU (Agricultural Use) to RU-1 (Single Family Residential District) subject to the conditions set forth in Section 6 below.

Section 4. Approval of Site Plan and Other Plans for Residential Development. The Town Council approves the following plans (the "Conceptual Site Plan") for residential development (contained in Attachment #10) in concert with the approval granted in Section 3 of this Ordinance, and subject to the conditions set forth in Section 6 below (dates represent the date the plans were signed and sealed):

1. Cover/Index Sheet by G.M. Selby and Associates, Inc., 1 sheet total, dated February 17, 2004;
2. Survey by G.M. Selby and Associates, Inc., sheet Z.1 (1 sheet total), dated February 17, 2004;
3. Site Plan/Design Criteria by G.M. Selby and Associates, Inc., sheet Z.2a (1 sheet total), dated February 17, 2004;
4. Landscape Site Plan by G.M. Selby and Associates, Inc., sheet Z.2b (1 sheet total), dated February 17, 2004;
5. Site Elevations by G.M. Selby and Associates, Inc., sheet Z.3 (1 sheet total), dated February 17, 2004;
6. House and Landscape Plans by G.M. Selby and Associates, Inc., sheet Z.4 (1 sheet total), dated February 17, 2004;

7. Zoning Requirements by G.M. Selby and Associates, Inc., sheet Z.5 (1 sheet total), dated February 17, 2004;
8. Typical House Elevation by G.M. Selby and Associates, Inc., sheet Z.6 (1 sheet total), dated February 17, 2004.

Section 5. Approval of Three (3) Non-Use Variances. The Town Council hereby approves non-use variances to allow a 77.17' east setback and a 89.75' west setback from the existing wireless communications tower where 167' is required, and a 0.85-acre AU-zoned lot size where 5 acres is required.

Section 6. Conditions. The Conceptual Site Plan and non-use variance approvals are subject to the following conditions, which shall be binding upon the Applicant, its successors, assigns, and/or grantees:

1. That the Property will be developed in substantial compliance with the Conceptual Site Plan for the entire 2.27 are parcel entitled "AT&T," prepared by G. M. Selby and Associates, Inc., consisting of 8 sheets (cover/index sheet and sheets Z.1, Z.2a, Z.2b, Z.3, Z.4, Z.5, and Z.6) that were signed and sealed on 02-17-04.
2. Future site plans for individual homes shall be subject to review and approval by the Town Planner prior to building permit application. The proposed homes shall comply with the Town's Land Development regulations in existence at the time of their building permits.
3. Prior to the issuance of the first residential building permit, the applicant, successors or assigns shall comply with all platting requirements of the Town of Miami Lakes and Chapter 28 of the Miami-Dade County Code.
4. The Applicant has voluntarily proffered the dedication of a 0.85 acre park site to the Town as depicted on the site plan. The Applicant shall transfer ownership of the Pocket Park to the Town in two phases. The Phase I transfer, consisting of 0.3 acres, will be conveyed to the town within 30 days after the property has been platted and will consists of the land described in Exhibit "2". The Phase II conveyance, consisting of the remaining 0.55 acres, will occur within one hundred twenty (120) days after AT&T Wireless Services or its successors or assigns provides written notice to the Town that it no longer requires the use of the property, as described in Exhibit "3", for a Wireless Communications Facility. The conveyance documents shall be in a form acceptable to the Town Attorney.
5. Prior to the conveyance of the first phase of the 0.85-acre portion of the site, the applicant, successors or assigns shall remit \$20,000 to the Town, which is voluntarily being proffered for future park improvements.

6. The Applicant, successors or assigns shall complete all modifications to the tower facilities listed in the August 27, 2003, structural analysis report prepared by KCI Technologies prior to the conveyance of the first phase of the 0.85-acre AU parcel to the Town. The satisfactory completion of the subject modifications must be approved by the Town Engineer.
7. The Applicant, successors or assigns shall be required to comply with all concurrency requirements and payment of applicable Town and Miami-Dade County impact fees at the time of permitting, including Miami-Dade County requirements for the provision of water and sewer services.
8. Prior to the first residential building permit, the applicant, successors or assigns shall provide the Town, for its approval, covenants to be applicable to the eight (8) proposed homes that require the same restrictions and requirements as applicable to the homes surrounding the site; with cost recording to be born by the developer.
9. The trees shown along the southern boundary of the entire site shall be placed between the sidewalk and the road.
10. The barbed wire on top of the chain link fence surrounding the tower and facing the "pocket park" site shall be removed by the applicant.

Section 7. Violations of Conditions.

Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of this ordinance. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before it may commence construction or operation, and this ordinance may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

Section 8. Recording. The Applicant shall be responsible for recording this ordinance in the Public Records of Miami-Dade County, Florida at its sole cost.

Section 9. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 10. Exclusion; Official Zoning Map to be Modified. This Ordinance shall be excluded from the Town of Miami Lakes Code, except that the Town Manager shall cause to be shown on the Official Zoning Map of the Town the rezoning from AU to RU-1 for the parcels legally-described in Exhibit A.

Section 10. Effective Date. This Ordinance shall become effective upon adoption following second reading.

The foregoing Ordinance was offered by **Councilmember Collins**, who moved its adoption on first reading. The motion was seconded by **Vice Mayor Alonso**, and upon being put to a vote; the vote was as follows (7-0)

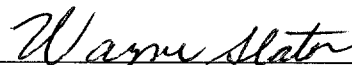
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 9th day of **October**, 2003

The foregoing Ordinance was offered by **Vice Mayor Alonso**, who moved its adoption on second reading. The motion was seconded by **Councilmember Collins**, and upon being put to a vote, the vote was as follows (7-0):

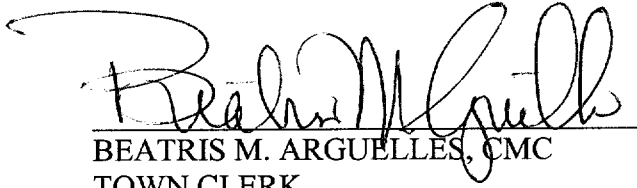
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 11th day of **March**, 2004.




WAYNE SLATON, MAYOR

ATTEST:


BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF MIAMI LAKES ONLY:


WEISS, SEROTA, HELFMAN,
PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

H:\Administration\ValdesA\Variances\AT&T Tower\Revised with shaded changes Tower Ordinance 10-20-03.doc

Exhibit A

Legal Description for 1.45-Acre Parcels (2) Proposed for Rezoning to RU-1

WESTERN PARCEL

The West 243.53 feet of Tract "B," as measured at right angles to the West line of said Tract "B," "FCTC VALKAR," as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

SUBJECT PROPERTY CONTAINS 1.103± acres (48,068 sq. ft.)

EASTERN PARCEL

The East 76.10 of Tract "B," as measured at right angles to the East line of said Tract "B," "FCTC VALKAR" as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

SUBJECT PROPERTY CONTAINS 0.341± acres (15,001 sq. ft.)

Exhibit B

Site Plan

[See eight (8) 24" by 36" folded sheets separately attached.]

MIAMI LAKES TOWN COUNCIL

Staff Report

Prepared/Revised: March 4, 2004
Meeting Date: March 11, 2004

Second Reading/Public Hearing of Petition: Z-03-02 AT&T Tower Property Rezoning, Site Plan, and Non-Use Variances

EXECUTIVE SUMMARY

Applicant Request:

- 1.) Rezone 1.45-acre portion of property from AU (Agricultural) to RU-1 (Single-Family Residential).
- 2.) Maintain AU zoning designation for 0.85-acre tower/future park portion of the site.
- 3.) "Conceptual" site plan approval for 8 custom homes.
- 4.) Variances for east and west wireless communication tower setbacks, and minimum AU lot size.

Petition Facts:

- 2.3-acre site is generally located in northwest Miami Lakes at NW 79th Av. and NW 165th St.
- Current Land Use = Low Density Residential (2.5 - 6 units/gross acre).
- Current Zoning = AU (Agricultural).
- The requested zoning, RU-1, is consistent with the Comprehensive Plan & Future Land Use Map.
- Level of service standards for traffic, potable water, sanitary sewer & solid waste, and drainage are being met.
- The Applicant has voluntarily proffered the dedication of a 0.85 acre park site to the Town as depicted on the site plan. The Applicant shall transfer ownership of the Pocket Park to the Town in two phases. The Phase I transfer, consisting of 0.3 acres, will be conveyed to the town within 30 days after the property has been platted and will consist of the land described in Exhibit "2". The Phase II conveyance, consisting of the remaining 0.55 acres, will occur within one hundred twenty (120) days after AT&T Wireless Services or its successors or assigns provides written notice to the Town that it no longer requires the use of the property, as described in Exhibit "3", for a Wireless Communications Facility.

Site Plan (plans attached):

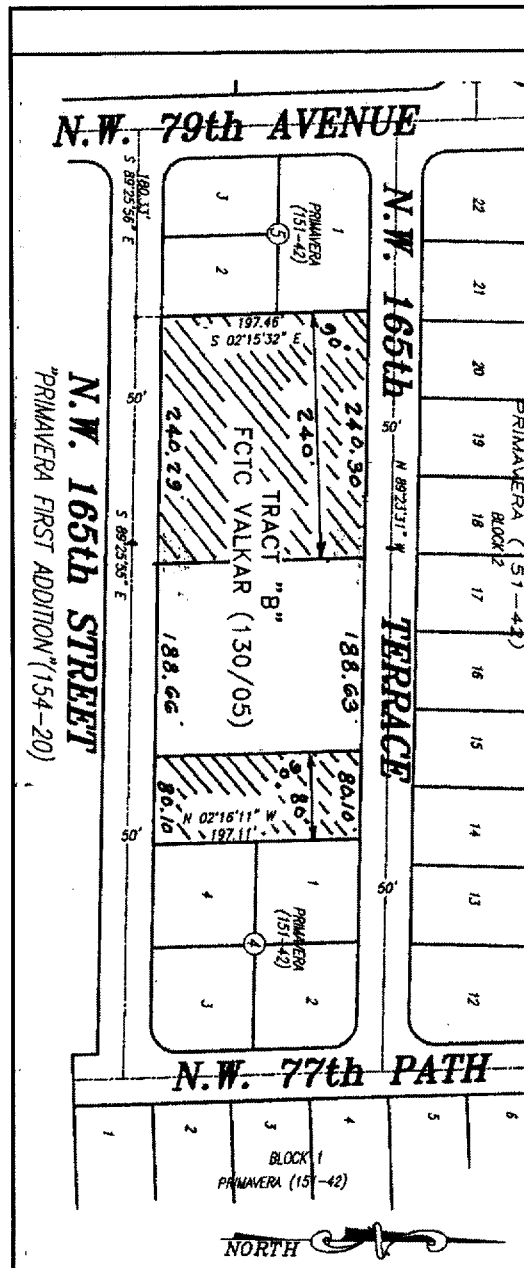
- 8 single-family custom homes proposed, which is a density of 5.5 units/net acre.
- Because the homes are custom homes, applicant is proposing design criteria (shown on site plan) for each home, including architecture and colors to match the surrounding neighborhood. Specific plans for each home will be subject to administrative review by Town Planner.

Staff Recommendation: Approval of Petition Z-03-02, including:

- 1.) Rezoning for 1.45 acre portion of site to RU-1.
Reason: Consistency with Comprehensive Plan and with area zoning pattern.
- 2.) Site plan (conceptual) for 8 custom homes and park/tower site.
Reason: Meets all Comprehensive Plan and Zoning Code requirements provided proposed variances are approved.
- 3.) Non-use variances for 89.75' (west) and 77.17' (east) tower setbacks (167' required).
Reason: Tower is structurally sound and "fall zone" does not include planned houses or lots as certified by applicant's and Town's engineer; residential lots and park created will be assets to community.
- 4.) Non-use variance to maintain a 0.85-acre parcel zoned AU (minimum 5 acres required).

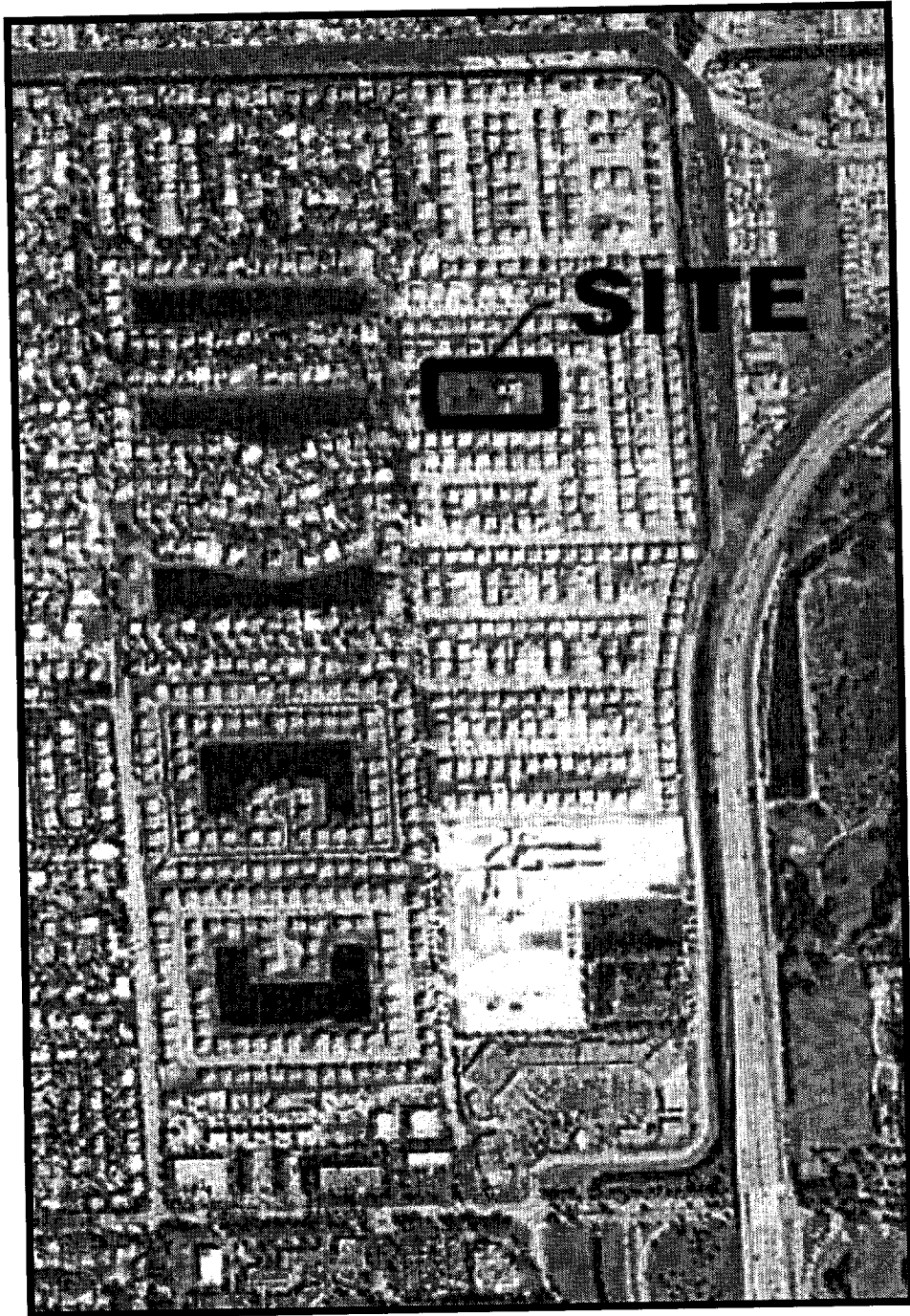
Reason: Reduced lot size should not harm neighborhood while allowing park development.

LOCATION MAP



*Site = homes proposed for hatched area, with tower located in blank area in between.

AERIAL PHOTOGRAPH



SUBJECT/AGENDA ITEM

Petition: Z-03-02 AT&T Tower Property – Rezoning, Site Plan and 3 Non-Use Variances

Request by Charlie Adams of Lotterman Development Corporation, on behalf of AT&T Wireless Services of Florida, Inc., to amend Resolution 4-ZAB-110-86 by granting rezoning and site plan approval of 8 single-family homes on a 2.3-acre parcel located in the Royal Oaks neighborhood, east of NW 79th Avenue, west of NW 77th Path, south of NW 165th Terrace, and north of NW 165th Street. The applicant has requested to rezone approximately 1.45 acres of the site from AU (Agricultural) to RU-1 (Single-Family Residential 7,500 square feet net). An existing wireless communication tower will occupy the 0.85-acre central portion of the larger site, which will retain its AU zoning designation. The site plan approval requires 3 non-use variances to also be approved permitting: 1) the tower to be setback 89.75 feet from the west property line (167' required); 2) the tower to be setback 77.17 feet from the east property line (167' required); and 3) a 0.85-acre AU-zoned lot size (5 acres required).

BACKGROUND

The site was originally approved for an unusual use (antenna tower and building to house transmitters and other equipment) on April 9, 1986 with the adoption of Resolution 4-ZAB-110-86 (see attachment). Variances for setbacks (tower from property line) and lot area were also granted with this approval. Code required that the tower be setback 167-feet from all property lines; setback variances were granted from the north property line (104-foot setback approved), south property line (70-foot setback approved), and east property line (152.8-foot setback approved). Code required a minimum lot area of 5 acres; however, a 2.66-acre lot area and a 0.94-acre lot area were approved through variances. The west 0.78-acres (approximately 34,140 square-feet) of the site was sold to Lovel Inc., and “lessed-out” of the original site area; three single-family homes now occupy this area. The approximately 0.87-acre (37,898 square-feet) portion of the site to the east of the existing three single-family homes was listed as “Possible Future Development” on the site plan, and would be sufficiently setback from the cell tower to meet code. Four of the current eight homes proposed for the site are located within this area. Through the platting process and the dedication of roadways, the original size of the site was reduced from 2.66 acres to 2.3 acres (the current size of the site).

LAND USE & ZONING

The subject site has a future land-use designation of Low Density Residential. The site is currently zoned Agricultural (AU). The applicant is requesting to rezone the site to Single-Family Residential (RU-1), which is consistent with the future land-use designation and with the general zoning pattern in the neighborhood.

CONCURRENCY - LEVEL OF SERVICE (LOS) STANDARDS

Table 1: Level of Service (LOS) Standards		
Infrastructure Type	LOS Standard	LOS Standards Maintained?
Traffic	LOS D	Yes (see Table 2)
Mass Transit	60 minute headways & average route spacing of one mile	Yes
Potable Water	200 gallons per capita per day	Yes
Sanitary Sewer	100 gallons of sewage per capita per day	Yes
Solid Waste	7 pounds per capita per day	Yes
Flood Protection	Protection from 5 year storm event	Yes
Rec. Open Space	5 acres per 1,000 residents	Yes

Drainage

The civil engineer of record for this petition has certified that the drainage for this project will be in accordance with the master plan entitled “County Water-Control Plan,” and in accordance with the Flood Criteria Map.

Solid Waste

Miami-Dade County Solid Waste Management has stated that it will be able to provide service to the proposed development (see attachment #7).

Water & Sewer

Miami-Dade County Water and Sewer Department (WASD) has stated that facilities are in place to provide service to the proposed homes, provided the applicant pays for the connections to be made (see attachment #9).

School Facilities

The Miami-Dade County School Board provided a school impact review analysis of the application that shows that there will be 4 students generated from the proposed development; 2 elementary school students, 1 middle school student, and 1 senior high school student. Permanent and portable student stations were included when determining capacity at the Bob Graham Education Center, Miami Lakes Middle School, and Barbara Goleman Senior High School. The proposed development will increase the number of students-to-capacity ratio percentage at the Bob Graham Education Center from 80% to 81%, and it will increase the percentage at Miami Lakes Middle School from

129% to 130%. The percentage of students-to-capacity at Barbara Goleman Senior High School would remain at 133% if the proposed development were to be approved (see attachment #5). Because of the small impact created by the proposed development, the applicant is not proffering additional mitigation other than the requisite school impact fees.

Fire/Rescue

Miami-Dade County Fire Rescue Department has reviewed the application, and determined that the proposed development will generate approximately two (2) fire and rescue calls annually. The site will be serviced by Miami Lakes Station #1, located at 16699 NW 67th Avenue. The station is equipped with a rescue and an engine unit, and can provide a 2 to 3 minute response time to the site. Future stations in the area of NW 138th Street & Interstate 75 (completed in 2007) and the area of NW 186th Street & Interstate 75 (completed in 2009) will also provide service (see attachment #8).

Recreation & Open Space

The Town's Comprehensive Plan requires 5 acres of park land for every 1,000 residents. This requirement is broken-down into a large community park (5 acres or more in size) requirement of 3.25 acres of park land per 1,000 residents, and a neighborhood "pocket" park (less than 5 acres in size) requirement of 1.75 acres of park land per 1,000 residents. At the estimated build-out of the Town, with the current amount of large community park land, the Town has enough large community park land to meet its current level of service (LOS) requirement, however facilities must still be constructed on some park sites in west Miami Lakes such as Royal Oaks Park located west in the subject property. It should be also noted that at build-out of the Town, there will not be enough neighborhood "pocket" park land to meet the proposed LOS requirement based on the current inventory. The provision of a neighborhood "pocket" park with this application will help alleviate the small parks shortage as shown below.

Based on 2000 US Census data, the applicant's proposed development will generate approximately 22 residents and the need for approximately 0.04 acres of neighborhood "pocket" park land based on the LOS standard. The applicant is proposing to deed to the Town approximately 0.85 acres of the subject site, of which 0.3 acres will be initially used as a neighborhood "pocket" park. The land dedication will enable the applicant to more than meet the LOS standard established in the Town's Comprehensive Plan.

Traffic

The traffic engineer of record for this petition has certified that the proposed development would generate 11 PM Peak Hour trips, and that there is adequate traffic concurrency capacity to support the proposed development (see attachment #6). There are three County Traffic Count Stations located in the general area of the proposed development. Table 2 summarizes the count information from these count stations, and clearly indicates that the peak hour trips that the proposed development will generate will not cause the neighboring roadways to exceed their capacity. In fact,

the levels-of-service (LOS) for the three main roadways nearest the development will be C or D, which is consistent with the Town’s adopted Comprehensive Plan which requires a roadway LOS standard of D or better for the major roadways west of the Palmetto Expressway.

Table 2: Traffic Concurrency

Station #	Roadway Segment	Date of Count	Existing LOS	Max. LOS	Available Peak Hour Trips	Peak Hour Trips Created by Petition	Remaining Trips
576	SR 826 (Palmetto) from NW 138 th Street to NW 67 th Avenue	Aug. 2001	C	D	3,570	11	3,559
9544	NW 154 th Street from NW 79 th Avenue/SR 826 (Palmetto) to NW 84 th Avenue	Oct. 2002	D	D	236	8	228
9552	NW 170 th Street from NW 87 th Avenue to NW 77 th Avenue	July 2002	D	D	18	3	15

PROJECT DETAILS

Access to Site:

Each home will be accessed by either NW 165th Terrace or NW 165th Street.

Site Design & Architecture:

The applicant is proposing to develop the site in one phase, and will deed approximately 0.85 acres of the site to the Town in two phases, of which approximately 0.3 acres can initially be used by the Town as a neighborhood “pocket” park. Five-foot wide sidewalks are either proposed or existing on both sides of the adjacent streets, and there will be an approximately 5-foot wide landscape buffer separating the sidewalks from the streets.

The proposed custom homes will be one and two story in height. Because the homes will be custom built, no elevations were submitted. Instead, the applicant proposes that all of the homes comply with “Design Criteria” included on the site plan. The proposed “Design Criteria” include the following:

- ◆ Maximum building footprint of between 2,626 and 2,890 square-feet.
- ◆ Single-family home use only.
- ◆ One or two-car garages for each home.
- ◆ Concrete Masonry Unit (CMU) construction on all homes.
- ◆ Barrel tile roofs on all homes that are compatible with existing adjacent homes.
- ◆ Maximum height of 18' (single-story) and 28' (2-story).
- ◆ Concrete or paver driveways for each home.
- ◆ Colors of homes to be compatible with colors of surrounding homes.
- ◆ Stucco finish.
- ◆ Pastel color and window style to match existing adjacent homes.
- ◆ Each home shall substantially match the architecture of the existing adjacent homes, as detailed on Sheet Z.6 of the conceptual site plan (see attachment #10).

Each home complies with or exceeds the requirements for green space, including three (3) shade trees per lot.

Site Plan Compliance with Review Criteria:

Per Section 33-302(d) of the Land Development Code, a development must be compatible with the surrounding area, and the compatibility is measured through the use of review criteria, including the proposed use for the development. The proposed use of single-family residential is consistent with the entire surrounding area, which is also single-family residential. The use of the site for single-family residential units at 5.5 units/net acre is a permitted use in the Low Density (2.5 - 6 units/gross acre) Residential land use designation. Table 3 details how the proposed plan is compatible with the surrounding area by reviewing how the proposed development complies with the Town of Miami Lakes' Code. As can be seen from the table, the proposed development meets all code requirements for the RU-1 zoning district. However, the proposed plan does not meet code in terms of the setbacks for the existing wireless communication tower on the east and west sides of the 0.85-acre tower "area." Also, the 0.85-acre portion of the site that is maintaining its Agricultural (AU) zoning designation does not meet the 5 acre site area requirement for the AU zoning district. Consequently, 2 setback variances and a lot size variance will be required.

Compatibility with Existing Neighborhood

The site is located in the Royal Oaks neighborhood. As previously mentioned, the design criteria require that the architecture and colors of the proposed homes will have to be compatible with the existing homes next to the site. The proposed homes will be both one and two-stories in height, and the typical lot size is 80-feet X 98.5-feet.

There are seven (7) homes adjacent or in the same "block" as the proposed site; five (5) of these homes are 2-stories in height and two (2) are 1-story in height. Of the 22 homes to the north and

south of the site, 16 homes are 1-story and six (6) homes are 2-stories.

The lot widths range from 75 feet to 100 feet for the seven (7) homes adjacent or in the same “block” as the proposed site; all of the lot depths for these seven (7) homes are 98.5 feet, except for one double-lot home that has a depth of approximately 147 feet. Nineteen of the 22 homes to the north and south of the site have lot widths of 75 feet; two of the remaining three homes have 90-foot lot widths, while one home has a 110-foot lot width. All 22 homes have a lot depth of approximately 100 feet. To summarize, the typical lot dimensions are 75-foot X 100-foot for the lots near the proposed site.

Code Requirement	Proposed Plan	Compliance
Min. Building Site Area: 7,500 square feet net	7,503 square feet	Yes
Min. Lot Width: 75 feet	76 feet	Yes
Max. Lot Coverage: 35%	35%	Yes
Min. Lot Frontage: 50 feet	76 feet	Yes
Min. Front Setback for Home: 25 feet	25 feet	Yes
Min. Interior Side Setback for Home: 7.5 feet	7.5 feet	Yes
Min. Rear Setback for Home: 25 feet	25 feet	Yes
Max. Height of Buildings: 35 feet/2 stories	1 and 2 story (< 35 feet)	Yes
Parking: 2 spaces per single-family unit	Min. of 2 parking spaces per unit	Yes
Required Trees per Lot: 3 canopy trees	3 canopy trees	Yes
Traffic: Vehicle trips must be available for proposed development	Sufficient trips are available (see Traffic subsection under Concurrency section beginning on page 6 of this report)	Yes

Variances Requested

The wireless communication tower on the site requires a 167-foot setback from all property lines. The tower is setback 104 feet from the northern property line and 70 feet from the southern property line; however, these setbacks were granted variances with the original approval of the site in 1986 (Resolution 4-ZAB-110-86). The original approval also granted variance approval for the tower to be setback 152.8 feet from the eastern property line; however, the applicant is seeking variance approval to reduce (by almost half) this existing setback to 77.17 feet. The applicant is also seeking variance approval for a setback of 89.75 feet from the western property line.

The applicant is also requesting a lot size variance for the 0.85-acre portion of the site that requires a minimum site area of 5 acres in the AU zoning district. The rationale for this variance request is that the site will be deeded over to the Town and maintain its Agricultural (AU) zoning designation.

Section 33-311 of the Town's Code allows the granting of non-use variances "upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land development regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community."

The applicant has provided a justification statement for the variance requests (attached) that addresses some of these issues. Staff has also analyzed the propriety of the variance requests and finds on a preliminary basis that they are justified in this case. With respect to the setback variances, the applicant has submitted a certified engineering report which states that the tower is structurally sound now but that certain future modifications are needed to maintain future integrity (attachments #1 and #2). In addition, the projected "fall zone" of the tower has been provided by the applicant's engineer (attachment #3) and it does not include any of the planned residential structures. The proposed houses on the east side are closest to edge of the fall zone; one home is 9' 8" from the fall zone and the other is 13' 4" from the fall zone. On the west side, the two houses are 22' 6" and 27' 5" outside the fall zone respectively. The fall zone does not encompass any residential lots. The proposal will also enable the creation of a small neighborhood park which will enhance the existing community and the lot sizes planned for the eight (8) homes will be larger than required by Code. In addition, the custom homes will be similar to the colors, design and quality of the surrounding existing houses.

The Town Engineer initially had concerns regarding the foundation loading and fall zone of the tower; however, the applicant has provided additional calculations since first reading that satisfied these concerns (attachment #11). Furthermore, the applicant has amended the adjacent lot lines so that the fall zone of the tower will not encroach into any residential lots.

With respect to the AU parcel size variance, the 0.85-acre AU parcel will not adversely impact the community in staff's view. The adjacent community has developed with an existing substandard AU site over the last 17 years. The primary reason why the AU district has a minimum site size requirement is to ensure that no houses will be built on less than 5 acre sites in that district. Only existing telecommunications and future park uses are planned for the AU parcel, so the basic intent of the AU zoning district will be maintained.

LPA & TOWN COUNCIL REVIEW - First Reading (10-9-03)

The Local Planning Agency (LPA) and Town Council reviewed this petition on first reading on October 9th. The LPA found the rezoning, variance requests and site plan to be consistent with the Town's Comprehensive Plan. The Town Council also approved the rezoning and site plan on first reading per staff's recommendation, including the following modifications to the site plan:

- a.) Place Live Oak trees spaced 30' apart on the northern and southern boundaries of the entire site between the sidewalk and road.

Applicant Response: Sheet Z.2b revised to satisfy comment; however, trees on south side of site are shown adjacent to the site, not in between the sidewalk and the roadway. Therefore a condition has been added to state that the trees shown along the southern boundary of the entire site shall be placed between the sidewalk and the road.

- b.) Provide a landscape buffer located on the park/tower site adjacent to the masonry walls on the west and east sides consisting of hedge and Live Oak Trees (spaced 30' apart).

Applicant Response: Sheet Z.2b revised to satisfy comment.

- c.) Show landscape buffer around the fence enclosing the tower facilities with same configuration is specified in b. above.

Applicant Response: Sheet Z.2b revised to satisfy comment.

- d.) Replace gravel on access road to tower facilities with compacted sod.

Applicant Response: Sheet Z.2b revised to satisfy comment.

- e.) Clarify with note on site plan (sheet Z.2) that masonry wall along east and west boundaries of park/tower site will be located inside the property lines of the adjacent private lots.

Applicant Response: Sheet Z.2a revised to satisfy comment.

- f.) Add a note that states that all private lots and the park/tower portion of the site will be provided with automatic irrigation systems.

Applicant Response: Sheet Z.5 revised to satisfy comment.

The applicant has also proffered a voluntary contribution to the Town of \$20,000 for future park improvements, including those shown on the site plan.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning of the 1.45-acre parcel legally described in Exhibit A from AU to RU-1. Staff also recommends approval of the variances for the remaining 0.85-acre AU parcel, legally-described in Exhibit B, permitting: 1) the cell tower to be setback 89.75 feet from the west property line; 2) the cell tower to be setback 77.17 feet from the east property line; and 3) a 0.85-acre AU-zoned lot size. These recommendations are made based on the applicant, successors or assigns' compliance with the following conditions:

1. That the Property will be developed in substantial compliance with the Conceptual Site Plan for the entire 2.27 acre parcel entitled "AT&T," prepared by G. M. Selby and Associates, Inc., consisting of 8 sheets (cover/index sheet and sheets Z.1, Z.2a, Z.2b, Z.3, Z.4, Z.5, and Z.6) that were signed and sealed on 02-17-04.
2. Future site plans for individual homes shall be subject to review and approval by the Town Planner prior to building permit application. The proposed homes shall comply with the Town's Land Development regulations in existence at the time of their building permit application.
3. Prior to the issuance of the first residential building permit, the Applicant, successors or assigns shall comply with all platting requirements of the Town of Miami Lakes and Chapter 28 of the Miami-Dade County Code.
4. The Applicant has voluntarily proffered the dedication of a 0.85 acre park site to the Town as depicted on the site plan. The Applicant shall transfer ownership of the Pocket Park to the Town in two phases. The Phase I transfer, consisting of 0.3 acres, will be conveyed to the town within 30 days after the property has been platted and will consists of the land described in Exhibit "2". The Phase II conveyance, consisting of the remaining 0.55 acres, will occur within one hundred twenty (120) days after AT&T Wireless Services or its successors or assigns provides written notice to the Town that it no longer requires the use of the property, as described in Exhibit "3", for a Wireless Communications Facility. The

conveyance documents shall be in a form acceptable to the Town Attorney.

5. Prior to the conveyance of the first phase of the 0.85-acre portion of the site, the applicant, successors or assigns shall remit \$20,000 to the Town, which is voluntarily being proffered for future park improvements.
6. The applicant, successors or assigns shall complete all modifications to the tower facilities listed in the August 27, 2003, structural analysis report prepared by KCI Technologies prior to the conveyance of the first phase of the 0.85-acre AU parcel to the Town. The satisfactory completion of the subject modifications must be approved by the Town Engineer.
7. The applicant, successors or assigns shall be required to comply with all concurrency requirements and payment of applicable Town and Miami-Dade County impact fees at the time of permitting, including Miami-Dade County requirements for the provision of water and sewer services.
8. Prior to the first residential building permit, the applicant, successors or assigns shall provide the Town, for its approval, covenants to be applicable to the eight (8) proposed homes that require the same restrictions and requirements as applicable to the homes surrounding the site.
9. The trees shown along the southern boundary of the entire site shall be placed between the sidewalk and the road.
10. The barbed wire on top of the chain link fence surrounding the tower and facing the "pocket park site shall be removed by the applicant.

H:\Administration\ValdesA\Variiances\AT&T Tower\Revised TowerReport 10-20-03.doc

Exhibit A

Legal Description for 1.45-Acre Parcels (2) Proposed for Rezoning to RU-1

WESTERN PARCEL

The West 243.53 feet of Tract "B," as measured at right angles to the West line of said Tract "B," "FCTC VALKAR," as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

SUBJECT PROPERTY CONTAINS 1.103± acres (48,068 sq. ft.)

EASTERN PARCEL

The East 76.10 of Tract "B," as measured at right angles to the East line of said Tract "B," "FCTC VALKAR" as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

SUBJECT PROPERTY CONTAINS 0.341± acres (15,001 sq. ft.)

Exhibit B

Legal Description for 0.85-Acre Park/Tower Site

Tract "B," "FCTC VALKAR," as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

Less the East 76.10 feet and West 243.53 feet of said Tract "B," "FCTC VALKAR," as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

SUBJECT PROPERTY CONTAINS 0.855± acres (37,233 sq. ft.)

Attachments

1. Draft Council Ordinance (8 pages).
2. Letter dated 9-25-03 from KCI Technologies regarding tower safety (pages A-1 – A-3).
3. Structural Analysis Report prepared by KCI Technologies dated 8-27-03 (pages A-4 – A-10).
4. Memo and map showing projected tower fall zone (pages A-11 & A-12).
5. Letter and analysis dated 9-16-03 from County School Board (pages A-13 – A-16).
6. Updated Traffic analysis letter from Transport Analysis Professionals dated 2-20-04 (pages A-17 – A-21).
7. County Solid Waste Department memo dated 9-22-03 (pages A-22 & A-23).
8. County Fire Rescue Department letter dated 8-26-03 (pages A-24 & A-25).
9. County Water and Sewer Department letter dated 9-8-03 (pages A-26 & A-27).
10. Letter from Town Engineer (Russell Barnes) dated 10-16-03 (page A-28).
11. Conceptual Site Plan (separately attached).
12. Proffer letter from AT&T.
13. Exhibit “2”, Survey and Legal Description of Phase I property conveyance.
14. Exhibit “3”, Survey and Legal Description of Phase II property conveyance.



ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS
LANDMARK CENTER I, SUITE 200 • 4601 SIX FORKS ROAD • RALEIGH, NC 27609 • 919-783-9214 • (FAX) 919-783-9266

September 25, 2003

AT&T Wireless Services
Re: MI-01
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Subject: **AT&T Miami Lakes
Town of Miami Lakes Zoning Application Z-03-02
Dade County, Florida**

Dear Sir:

The purpose of this letter is to address any concerns your office, or any of the local permitting authorities may have regarding the fall zone of the AT&T Miami Lakes Tower, KCI Technologies, Inc. is pleased to provide the following comments.

Our firm is a consulting engineering firm highly specialized in the field of tower engineering. We have analyzed hundreds of towers over a twelve-year span and we are extremely cognizant of tower design standards and tower safety.

Key points that we would offer to you with respect to tower safety are as follows:

1. A properly engineered/constructed tower is no more likely to fail than a properly engineered/constructed building of similar height.
2. The existing tower has been designed in accordance with EIA/TIA 222-F (ANSI), the Industry Standard and was recently analyzed by KCI using the 2001 Florida Building Code with a 146-mph wind load for Dade County, Florida. These code requirements regarding wind and materials and materials' safety factors are equal to, or more stringent than, most of these established for general building structures.
3. There is a minimal history of specific tower failures, and those on record typically involve catastrophic conditions greater than any historically recorded data such as wind speeds substantially in excess of code requirements or massive ice build-up. Even in these cases, towers typically fall in a radius considerably smaller than the tower's height.
4. The same standard of care is exercised by a registered professional engineer in design of a tower structure as that for a building structure, with public health, safety and welfare being the paramount concern.

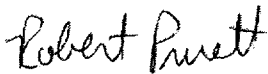
September 25, 2003
AT&T Wireless Services
Page 2

With regard to safety factors, please note that there is the standard misconception that failure could theoretically occur in a steel structure when safety factor becomes less than 1.0. This is not the case at all. The metallurgical properties of steel are such that it will "yield", that is, permanently deform, at a stress of 36 to 50 thousand pounds per square inch (ksi) depending on the grade of steel used. Factors of Safety are applied to the yield stress to assure that permanent deformation does not occur under the worst possible load condition. However, the steel will not actually "break" or fail until a substantially higher stress, referred to as the ultimate stress, is developed. The ultimate stress for steel would be in the range of 60 to 70 ksi. Towers are designed such that actual stress levels do not exceed 20 to 25 ksi, resulting in a true tower factor of safety against failure greater than 3.0. This is one reason why towers don't "blow down" even under wind loadings considerably greater than the design wind load.

When a rare catastrophic condition occurs that could cause a tower to collapse its structural nature (by design) is to "fold-up" on itself since many of the tower's secondary structural members which keep the tower vertical would fail as the tower tilted towards a horizontal plane. Based on our review of our latest analysis the AT&T Miami Lakes tower would fold up upon itself and land in an area within 77-ft of the base of the tower. This fall radius is based on the results of the structural analysis by KCI, dated August 27, 2003 and the satisfactory completion of the modifications listed in that report. Special care should be taken if additional appurtenances are added in the future to insure that this fall zone is maintained. Routine maintenance inspections should also be performed to insure that the towers structural integrity is maintained.

I would like to re-emphasize again, the level of care exercised by registered professional engineers in design of tower structures and dispel any concerns that the proposed tower would fall. In my professional opinion, the probability of this tower collapsing is not a material risk to the public health, safety and general welfare. KCI Technologies, Inc. would be pleased to provide any additional information you may require regarding tower safety.

Very truly yours,



Robert Pruett, P.E.,
Project Engineer



Structural Analysis Report

AT&T MIAMI LAKES SITE

150' SELF-SUPPORTED TOWER

Prepared for:

VERIZON WIRELESS
777 Yamato Road, Suite 600
Boca Raton, Florida, 33431

August 27, 2003
KCI J.O.: 12032046A

KCI Technologies, Inc. - Tower Engineering Group
4601 Six Forks Road, Suite 200
Raleigh, North Carolina 27609-5210
(919) 783-9214

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EXECUTIVE SUMMARY

KCI Technologies Inc. has completed a structural analysis of the AT&T Miami Lakes Tower. Verizon Wireless is proposing to alter the appurtenance configuration of the tower.

KCI studied a single loading case, which consisted of the existing and proposed appurtenances with a 146-mph (3-second gust) wind loading and no 1/3 increase in allowable stresses per the 2001 Florida Building Code for Dade County, Florida. This analysis assumes that Verizon will replace their existing transmission lines with new lines mounted on the same waveguide ladder. This further assumes that Metro PCS' proposed transmission lines shall be mounted back-to-back with Voice Stream's existing lines on the south tower face such that none of the proposed lines will be exposed. AT&T's proposed replacement transmission lines shall be mounted in place of the lines to be removed and additional proposed lines mounted back-to-back with their replacement or existing lines such that none of the additional lines are exposed.

The results of this analysis indicate that some of the tower structural members will exceed the allowable stress limits established by the TIA/EIA-222-F standard for the proposed appurtenance configuration at the specified loadings. Modifications as described briefly herein will alleviate these overstresses.

Foundation information was not available to KCI. The 2001 Florida Building Code requirements for the structural steel are much more stringent than the code requirements at the time of the original tower design (1/3rd increase in allowable stresses was allowed). These more stringent requirements did not apply to the tower foundations and therefore, KCI believes that the foundations are adequate for this new loading.

Robert Pruett
8-27-03

The purpose of this report is to assess the feasibility of adding antennas and transmission lines to the existing structure, including whether or not structural modifications are required. Any modifications recommended herein are conceptual only. This is not a construction document. This report may not be suitable for bidding and definitely is not a substitute for complete and properly engineered plans/specifications required to accomplish any recommended modifications. KCI Technologies, Inc. assumes no liability for use of this report for any other purpose than that for which it was intended.

A. PURPOSE/BACKGROUND

Pursuant to the request of Mr. Gustavo Dezzuto with Verizon Wireless KCI Technologies, Inc. was retained to conduct a structural analysis of the AT&T Miami Lakes Tower. Verizon Wireless is proposing to alter the appurtenance configuration of the tower. Verizon Wireless and the Lyle Company and Metro PCS provided the following information:

- Proposed and existing loading configuration.

Note: KCI conducted a site visit for a previous analysis to inventory the existing appurtenances and structural components and determine the general condition of the tower.

B. CONDITIONS INVESTIGATED

This 150-ft self-supported tower is located at 7811 NW 155th St., Miami Lakes, Dade County, Florida.

KCI analyzed the self-supported tower using Mast software by Weisman Consultants Inc.

KCI examined a single loading option with one loading case including the existing and proposed appurtenances. These options included the following case:

Loading Case	Code	Wind Speed and Ice Loading
1	2001 Florida Building Code and TIA/EIA-222-F for Dade County, Florida	146 mph (3 second gust), *126 mph (fastest mile), No Ice

* TIA/EIA-222-F utilizes the fastest mile wind speed

Existing Appurtenances:

Number	Elevation	Carrier	Mount	Antenna Information	Transmission Lines
1	145'	AT&T	Sector	*(3)- ALP7130.16 & *(1)- Allgon 7262.01 panel antennas	(5)- 1 5/8"
2	140'	AT&T	Leg	(2)- 6' HP microwave antenna	(2)- EW52
3	127'	Voice Stream	Sector	(9)- EMS RR65-19-00DP panel antennas w/ TMA's	(18)- 1 5/8"
4	114'	AT&T	Leg	(1)- 6' HP microwave antenna	(1)- EW52
5	110'	AT&T	Leg	(1)- 6' HP microwave antenna	(1)- EW52
6	109'	Cingular	Sector	(3)- EMS FR90-13-00DAL2 panel antennas	(14)- 7/8"

Number	Elevation	Carrier	Mount	Antenna Information	Transmission Lines
	107'			(2)- EMS FR90-12-00DAL2 panel antennas	
	106'			(2)- EMS FR90-13-00DAL2 panel antennas	
7	84'	AT&T	Sector	*(6)- ALP7130.16 & *(2)- Allgon 7262.01 panel antennas	*(6)- 7/8" & (4)- 1 5/8"
8	70'	Verizon	Sector	** (9)- AP17-1900 panel antennas	** (9)- 7/8"
9	60'	Nextel	Sector	(9)- DB848H90E-XY panel antennas	(9)- 1 5/8"

*- Denotes to be replaced and not included in this analysis.

** - Denotes antennas to be relocated to a new elevation, so considered in proposed.

Proposed Appurtenances (In addition to the Existing Appurtenances):

Number	Elevation	Carrier	Mount	Antenna Information	Transmission Lines
10	145'	AT&T	Sector	(1)- Allgon 7251.02, (3)- DB848H90 & (1)- Allgon 7721.00 panel antennas & (4)- MHA Nokia CS72993.08	*(5)- 1 5/8" *** (2)- 1 5/8"
11	135'	Metro PCS	Sidearms	(3)- Decibel 932DG65T2E-M panel antennas	(6)- 1 5/8"
12	93.7'	Verizon	Sector	(6)- Antel BSA 185065/12_2 panel antennas	** (6)- 1 5/8"
13	84'	AT&T	Sector	(2)- Allgon 7251.02, (6)- DB848H90 & (2)- Allgon 7721.00 panel antennas & (8)- MHA Nokia CS72993.08	*(4)- 1 5/8" ** (6)- 1 5/8" *** (4)- 1 5/8"

*- Denotes as existing to be reused for the proposed antennas.

** - Denotes as replacement lines to be mounted in-place of the lines to be removed.

*** - Denotes additional proposed lines to be mounted back-to-back with existing / replacement lines.

C. APPLICABLE CODES AND PROVISIONS OF ANALYSIS

KCI utilized the following codes and criteria to conduct the structural analysis:

Standard	Title	Date
TIA/EIA-222-F	Structural Standards for Steel Antenna Towers and Supporting Structures	June 1996

Allowable unit stresses and minimum safety factors used to evaluate the integrity of the structure were also in accordance with the above standard.

The following assumptions were made in the analysis:

1. The tower has been erected and maintained according to the manufacturer's plans and specifications.
2. The structural integrity of the tower has not been compromised.
3. All connections and fasteners are in accordance with AISC specifications.
4. This analysis assumes that Verizon will replace their existing transmission lines with new lines mounted on the same waveguide ladder. This further assumes that Metro PCS' proposed transmission lines shall be mounted back-to-back with Voice Stream's existing lines on the south tower face such that none of the proposed lines will be exposed. AT&T's proposed replacement transmission lines shall be mounted in place of the lines to be removed and additional proposed lines mounted back-to-back with their replacement or existing lines such that none of the additional lines are exposed.
5. All information provided by Verizon Wireless and AT&T is accurate and correct.

D. RESULTS

The results of this analysis indicate that some of the tower structural members will exceed the allowable stress limits established by the TIA/EIA-222-F standard for the proposed appurtenance configuration at the specified loadings.

Results Summary:

Item	Results	Elevation	% Capacity (Maximum)	Modifications
Legs	Overstressed	0-ft to 20-ft & 40-ft to 60-ft	108.9	Reinforce
Diagonal Bracing	OK	All	*103.8	None
Horizontal Bracing	OK	All	*103.5	None
Diagonal Bolts	OK	All	95.4	None
Horizontal Bolts	OK	All	*103.0	None
Leg Bolts	Overstressed	20-ft	106.7	Reinforce
Foundation	OK	N/A	Unknown	None

* - Denotes overstress not substantial enough to warrant modifications.

Foundation information was not available to KCI. The 2001 Florida Building Code requirements for the structural steel are much more stringent than the code requirements at the time of the original tower design (1/3rd increase in allowable stresses was allowed). These more stringent requirements did not apply to the tower foundations and therefore, KCI believes that the foundations are adequate for this new loading.

E. RECOMMENDATIONS

The results of this analysis indicate that some of the tower structural members will exceed the allowable stress limits established by the TIA/EIA-222-F standard for the proposed appurtenance configuration at the specified loadings. Modifications include the following:

1. Reinforce the tower legs from the 0-ft to 20-ft and 40-ft to 60-ft elevations by replacing the existing reinforcement with L3 1/2x3 1/2x1/2 Grade A36 steel.
2. Reinforce the leg bolts at the 20-ft elevation by welding the leg flanges together.

This analysis assumes that Verizon will replace their existing transmission lines with new lines mounted on the same waveguide ladder. This further assumes that Metro PCS' proposed transmission lines shall be mounted back-to-back with Voice Stream's existing lines on the south tower face such that none of the proposed lines will be exposed. AT&T's proposed replacement transmission lines shall be mounted in place of the lines to be removed and additional proposed lines mounted back-to-back with their replacement or existing lines such that none of the additional lines are exposed.

From: "Steve Weisman" <sweisman@lotterman.com>
To: "Henry Iler" <Henry@ipgplan.com>
Date: 9/29/03 2:52PM
Subject: MiamiLakes Zoning App # Z-03-02

Henry:

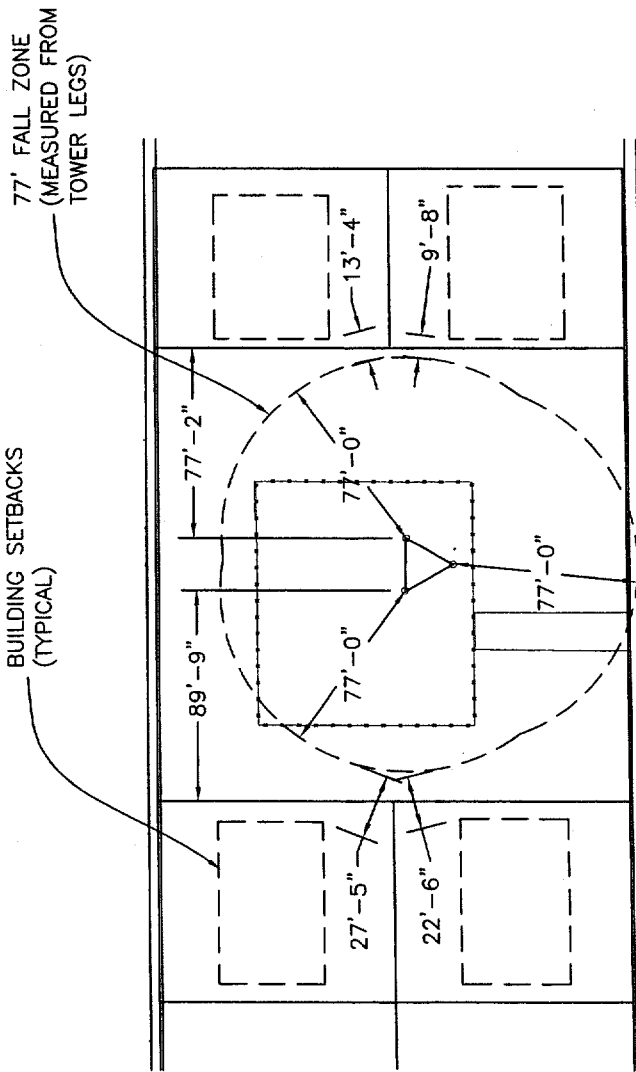
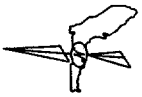
Attached is the drawing representing the fall zone as per the analysis by KCI. The distances noted are from the fall zone edge to the building setback outline of each neighboring lot.

Regards.

Steve

Steven Weisman
Lotterman Development Corp.
Phone 305-446-8002 ext. 104
Fax 305-446-0840

CC: <cadams@lotterman.com>



**PROPOSED TELECOMMUNICATION
TOWER SETBACKS**

NOTE: THE FALL ZONE DETERMINATION IS BASED ON KCI TECHNOLOGIES LETTER DATED SEPTEMBER 25, 2003 BY ROBERT PRUETT, PE. ADDRESSED TO AT&T WIRELESS.

AT&T
AT&T WIRELESS SERVICES OF FLORIDA, INC.

LOTTERMAN
DEVELOPMENT CORPORATION
2811 PONCE DE LEON BOULEVARD
SUITE 500
MIAMI LAKES, FLORIDA 33154
TELEPHONE (305) 448-8002
FAX (305) 448-0660

U.S. ARMY & ASSOCIATION, Inc.
BASE DE 20th SERVICE BATT 100
MIAMI FL 33178
TEL (305) 448-0776
TEL (305) 448-0414

AT&T
MIAMI LAKES
7951 N.W. 165 STREET
MIAMI LAKES, FLORIDA

FALL ZONE
DATE: AUGUST 4, 2003
PAGE: 1
SCALE: N.E.S.



Miami-Dade County Public Schools

giving our students the world

September 16, 2003

Mr. John Lindgren, AICP
Town Planner
Town of Miami Lakes
11211 Prosperity Farms Road, Suite 205B
Palm Beach Gardens, Florida 33410

Miami-Dade County School Board
Dr. Michael M. Krop, Chair
Dr. Robert B. Ingram, Vice Chair
Agustin J. Barrera
Frank J. Bolaños
Frank J. Cobo
Perla Tabares Hantman
Betsy H. Kaplan
Dr. Marta Pérez
Dr. Solomon C. Stinson

**Superintendent
of Schools**
Merrett R. Stierheim

Re: AT & T Wireless Services of Florida, Inc. - Miami Lakes zoning application Z-03-02

Between south of NW 165 street and north of NW 165 terrace and between NW 79 avenue
and NW 77 path

Dear Mr. Lindgren:


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

Attached please find the School District's (District) preliminary review analysis of potential impact generated by the above referenced application. Please note that two school facilities meet the referenced review threshold. The proposed residential development will impact Miami Lakes Middle School and Barbara Goleman Senior High School currently operating at 129% and 133% of FISH% utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH% utilization of Miami Lakes Middle School and Barbara Goleman Senior High School to 130% and 133%, respectively (please see attached analysis).

Pursuant to the Interlocal, the District conducted a dialogue session with the applicant on September 15, 2003 to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to communicate with the District. Please be advised that due to the small impact of the analysis property, the applicant will not be proffering additional mitigation other than the requisite school impact fees.

Should you have any questions, please feel free to contact me at 305-995-7287.

Sincerely,


Vivian G. Villagamil
Supervisor

VGv:mo
L-1775
Attachment

cc: Mr. Fernando Albuerne
Mr. Michael Levine
Mr. Ivan M. Rodriguez

Mr. Ralph Casals
Lotterman Development Corporation



FAX & MAIL

February 20, 2004

Mr. Charles Adams
Lotterman Development
2511 Ponce de Leon Boulevard
Suite 200
Coral Gables, Florida 33134

**RE: Miami Lakes Petition #7-03-02
AT&T Tower Residential Site
7851 NW 165th Street
Traffic Statement**

Dear Mr. Adams:

Per your request, Transport Analysis Professionals, Inc. (TAP) has performed an updated traffic generation and trip distribution study for a proposed residential development consisting of eight (8) single family homes to be located between NW 165th Street and NW 165th Terrace near NW 79th Avenue and NW 77th Path in the City of Miami Lakes, Florida. Our original study was dated September 18, 2003.

Trip Generation

Using the latest, seventh edition of *Trip Generation*, published by the Institute of Transportation Engineers in late 2003, traffic generated by the proposed development is estimated as follows:

Land Use	ITE Code	Daily Trips	PM Peak Hour		
			In	Out	Total
8-Single Family Homes	210	102	7	4	11

Trip Distribution

Using the Miami-Dade Metropolitan Planning Organization's travel model output for the geographic area within which this proposed development is located (Traffic Analysis Zone No. 23), the following cardinal distribution was used to distribute project traffic:

NNE: 4.11 %	SSW: 16.21%
ENE: 13.58%	WSW: 2.49%
ESE: 15.88%	WNW: 1.44%
SSE: 30.89%	NNW: 15.40%

Mr. Charles Adams
February 20, 2004
Page 2

Traffic Concurrency

The latest data on the attached Miami-Dade County Traffic Concurrency information sheet regarding the condition of traffic concurrency monitoring stations in proximity to the proposed development was obtained from Miami-Dade County staff on February 20, 2004. The County's traffic concurrency monitoring/evaluation system uses PM peak period traffic in this area. Using the cardinal distribution stated earlier as a guide, the PM peak hour project traffic was distributed through the three (3) monitoring stations as follows:

Station No.	Roadway	Roadway Limits	Proposed		
			Available Trips	Site Trips	Remaining Trips
576	SR 826 (Palmetto)	n/o NW 138 St to NW 67 Av	3,570	11	3,559
9544	NW 154 Street	e/o NW 79 Av – SR 826 to NW 84 Av	236	8	228
9552	NW 170 Street	e/o NW 87 Av to NW 77 Av	18	3	15

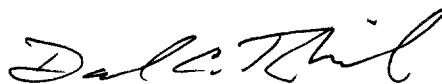
Conclusion

Our research indicates that, using governmental traffic concurrency standards, procedures, criteria and data, there is now sufficient roadway capacity to support the additional traffic associated with the proposed development of eight (8) single family homes.

If additional information is needed, please contact me at your convenience.

Very truly yours,

TRANSPORT ANALYSIS PROFESSIONALS, INC.



David C. Rhinard, P.E.
Principal

DCR/ja/3541A
Enclosures

Miami-Dade 1999 Validation Distribution Report
 DIRECTIONAL DISTRIBUTION SUMMARY

ORIGIN ZONE	CARDINAL DIRECTIONS								TOTAL
	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
16 TRIPS	77	650	980	1354	402	2	22	884	4371
PERCENT	1.76	14.87	22.42	30.98	9.20	0.05	0.50	20.22	
17 TRIPS	57	462	851	1024	507	27	14	688	3630
PERCENT	1.57	12.73	23.44	28.21	13.97	0.74	0.39	18.95	
18 TRIPS	165	711	855	1339	548	42	56	628	4344
PERCENT	3.80	16.37	19.68	30.82	12.62	0.97	1.29	14.46	
19 TRIPS	126	469	747	1130	262	52	17	619	3422
PERCENT	3.68	13.71	21.83	33.02	7.66	1.52	0.50	18.09	
20 TRIPS	166	738	775	1576	471	44	22	750	4542
PERCENT	3.65	16.25	17.06	34.70	10.37	0.97	0.48	16.51	
21 TRIPS	71	278	269	508	112	72	12	161	1483
PERCENT	4.79	18.75	18.14	34.25	7.55	4.86	0.81	10.86	
22 TRIPS	1096	3188	1965	4135	2225	526	114	1503	14752
PERCENT	7.43	21.61	13.32	28.03	15.08	3.57	0.77	10.19	
23 TRIPS	86	284	332	646	339	52	30	322	2091
PERCENT	4.11	13.58	15.88	30.89	16.21	2.49	1.43	15.40	
24 TRIPS	183	523	507	648	516	88	41	295	2801
PERCENT	6.53	18.67	18.10	23.13	18.42	3.14	1.46	10.53	
25 TRIPS	81	192	208	227	208	22	8	107	1053
PERCENT	7.69	18.23	19.75	21.56	19.75	2.09	0.76	10.16	
26 TRIPS	455	1510	1387	2055	1661	236	1135	67	8506
PERCENT	5.35	17.75	16.31	24.16	19.53	2.77	13.34	0.79	
27 TRIPS	234	708	718	1374	707	93	709	0	4543
PERCENT	5.15	15.58	15.80	30.24	15.56	2.05	15.61	0.00	
28 TRIPS	122	454	481	736	668	59	395	68	2983
PERCENT	4.09	15.22	16.12	24.67	22.39	1.98	13.24	2.28	
29 TRIPS	142	424	400	685	509	66	239	63	2528
PERCENT	5.62	16.77	15.82	27.10	20.13	2.61	9.45	2.49	
30 TRIPS	119	431	346	622	461	70	197	43	2289
PERCENT	5.20	18.83	15.12	27.17	20.14	3.06	8.61	1.88	

AT&T Tower Residential Site
 Summary of Trip Generation Calculation
 For 8 Dwelling Units of Single Family Detached Housing
 February 19, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	12.73	0.00	1.00	102
7-9 AM Peak Hour Enter	0.47	0.00	1.00	4
7-9 AM Peak Hour Exit	1.41	0.00	1.00	11
7-9 AM Peak Hour Total	1.88	0.00	1.00	15
4-6 PM Peak Hour Enter	0.87	0.00	1.00	7
4-6 PM Peak Hour Exit	0.51	0.00	1.00	4
4-6 PM Peak Hour Total	1.38	0.00	1.00	11
AM Pk Hr, Generator, Enter	0.57	0.00	1.00	5
AM Pk Hr, Generator, Exit	1.63	0.00	1.00	13
AM Pk Hr, Generator, Total	2.21	0.00	1.00	18
PM Pk Hr, Generator, Enter	0.94	0.00	1.00	7
PM Pk Hr, Generator, Exit	0.53	0.00	1.00	4
PM Pk Hr, Generator, Total	1.46	0.00	1.00	12
Saturday 2-Way Volume	12.25	0.00	1.00	98
Saturday Peak Hour Enter	1.22	0.00	1.00	10
Saturday Peak Hour Exit	1.04	0.00	1.00	8
Saturday Peak Hour Total	2.26	0.00	1.00	18
Sunday 2-Way Volume	7.61	0.00	1.00	61
Sunday Peak Hour Enter	0.65	0.00	1.00	5
Sunday Peak Hour Exit	0.58	0.00	1.00	5
Sunday Peak Hour Total	1.24	0.00	1.00	10

Note: A zero indicates no data available.
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .92LN(X) + 2.71, R^2 = 0.96$
 7-9 AM Peak Hr. Total: $T = .7(X) + 9.43$
 $R^2 = 0.89, 0.25$ Enter, 0.75 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .9LN(X) + .53$
 $R^2 = 0.91, 0.63$ Enter, 0.37 Exit
 AM Gen Pk Hr. Total: $T = .7(X) + 12.05$
 $R^2 = 0.89, 0.26$ Enter, 0.74 Exit
 PM Gen Pk Hr. Total: $LN(T) = .89LN(X) + .61$
 $R^2 = 0.91, 0.64$ Enter, 0.36 Exit
 Sat. 2-Way Volume: $LN(T) = .94LN(X) + 2.63, R^2 = 0.93$
 Sat. Pk Hr. Total: $T = .89(X) + 10.93$
 $R^2 = 0.9, 0.54$ Enter, 0.46 Exit
 Sun. 2-Way Volume: $T = 8.83(X) + -9.76, R^2 = 0.94$
 Sun. Pk Hr. Total: $LN(T) = .89LN(X) + .44$
 $R^2 = 0.88, 0.53$ Enter, 0.47 Exit

Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

MIAMI-DADE COUNTY TRAFFIC CONCURRENCY INFORMATION

JN 3541A

DATE: 2/20/2004

COUNTY CONTACT PERSON Ms. Elena Cata TELE # 305-375-2268

STATION NO.	JURIS-DICTION	ROADWAY	SEGMENT LIMITS	NUM. OF LANES	MAX LOS VOLUME	MEASURED PHP VOLUME	START	PREVIOUSLY APPROVED TRIPS	AVAILABLE TRIPS	MAX ALLOWED LOS	EXISTING LOS	LAST UPDATE*
576	FDOT	SR 826 (Palmetto)	n/o NW 138 St to NW 67 Ave	6	12,220	8,599	3,621	51	3,570	D	C	Aug-01
9544	MDC	NW 154 Street	e/o NW 79 Av - SR 826 to NW 84 Av	4	4,560	3,168	1,392	1,156	236	D	D	Oct-02
9552	MDC	NW 170 Street	e/o NW 87 Ave to NW 77 Ave	2	1,350	926	424	406	18	D	D	Jul-02

Note: Data current as of 02-20-04 per Miami-Dade County Public Works Traffic Concurrence Monitoring staff, Traffic Engineering Division.

*Last column indicates last field data, not last evaluation date. Previously approved and available trips current through 02-20-04.



Fax Transmission

8675 NW 53rd Street, Suite 101, Miami, FL 33166
Fax No. (305) 594-1696

Number of pages (including cover sheet) 2

To: CHARLIE ADAMS From: IRVING GERSON
Fax: 305-446-0840 Phone: 305-594-1549
Phone: 305-446-8002 Date: 8/22/03
Re: _____ CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

* Comments:



MEMORANDUM

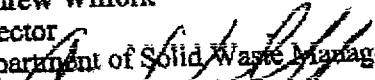
FILE COPY
#55.1.6

107.07-17A MEMORANDUM.MKT

TO: Guillermo E. Olmedillo
Director
Department of Planning and Zoning

DATE: September 22, 2000
SUBJECT: Solid Waste Disposal
Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management



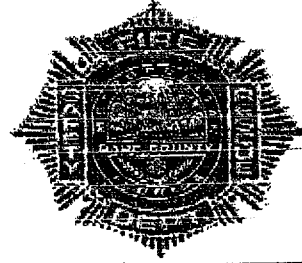
The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of nearly 40 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2011 or nearly five (5) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2003), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Steve Spratt, Senior Assistant to the County Manager
Jim Bostic, Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Kathie G. Brooks, Assistant Director for Finance and Planning, DSWM
Paul Mauriello, Executive Assistant to the Director, DSWM

FAX TRANSMITTAL



Date: 8-26-03

TO: Mr Adams
Lottelsoen Companies

Phone Office: 305-446-8002

Fax: 305-446-0840

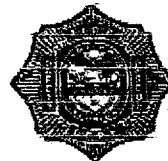
Re: Impact for Sample Home

FROM: **Mirtha Paez, Administrative Officer III**
Planning & Capital Improvements Bureau
Miami-Dade Fire Rescue
9300 NW 41 Street
Miami, Florida 33178
Office: (786) 331-4543
Fax: (786) 331-4541

Number of Pages (including cover sheet): 2

Comments:

Miami-Dade County
Fire Rescue Department
9300 N.W. 41 Street
Miami, Florida 33178-2414
(786) 331-5000



Via Fax

August 26, 2003

Mr. Adams
Lotterman Companies
2511 Ponce de Leon Boulevard
Coral Gables, Florida

Re: Fire Impact on proposed project

Dear Mr. Adams:

Please be advised that the proposed eight single homes project to be located in the area of 7251 NW 165 St. in Miami Lakes is estimated to generate two fire and rescue calls a year. The closest station serving this project is our Miami Lakes Fire Rescue Station # 1, equipped with a rescue and an engine unit. This station is located at 16699 N.W. 67th Avenue in Miami Lakes and can provide a 2-3 minute response time when the unit is available. Our department is planning two future stations in the Miami Lakes area.

If you need any other information please do not hesitate to call me at 786-331-4543. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Mirtha Paez".

Mirtha Paez
Administrative Officer III
Planning & Capital Improvements Bureau

Always Ready, Proud To Serve



MIAMI-DADE WATER AND SEWER DEPARTMENT

P.O. Box 330316, Miami, Florida 33233-0316 • 3575 S. LeJeune Road • Tel: 305-665-7471

SERVE • CONSERVE

September 08, 2003

Lotterman Development
c/o Mr. Charlie Adams
2511 Ponce de Leon Blvd.,
Suite #202
Coral Gables, Florida 33134

**Re: Water and Sewer Availability for a proposed project to be located at
7851 N.W. 165th Street, Miami-Dade County, Florida.**

Ladies and Gentlemen:

This letter is in response to your inquiry regarding water and sewer availability to the above-referenced project for the proposed construction of eight (8) single-family residential units.

The County owns and operates an eight (8) inch water main located in N.W. 165 Terrace abutting the entire northern boundary of said property and an eight (8) inch water main located in N.W. 165 Street abutting the entire southern boundary of said property, from which the property owner shall connect the proposed project. A Verification Form a/k/a as Plumbing Section form may be required, however an agreement for water and sewer service is not needed.

The County also owns and operates an eight (8) inch gravity sewer main located in N.W. 165 Terrace abutting the entire northern boundary of said property and an eight (8) inch gravity sewer main located in N.W. 165 Street abutting the entire southern boundary of said property, from which the property owner shall connect the proposed project, provided that there is sufficient depth and that there are no obstacles which would preclude construction of the sewer. Other points of connection may be established subject to approval of the Department.

The existing water and gravity sewer mains are sufficient to serve the proposed development. Please see a New Business Representative at the Miami-Dade Water and Sewer Department, Room # 114 to obtain the above-referenced Verification Form a/k/a as Plumbing Section Form.

Information concerning the estimated cost of facilities must be obtained from a consulting engineer. All costs of engineering and construction will be the responsibility of the property owner. Easements must be provided covering any on-site facilities, which will be owned and operated by the Department.

Please be advised that the right to connect the referenced property to the Department's sewer system is subject to the terms, covenants and conditions set forth in the Settlement Agreement between the Florida Department of Environmental Protection ("DEP") and the County dated July 27th, 1993, the First Amendment to Settlement Agreement between DEP and the County dated December 21st, 1995, the First Partial Consent Decree and the Second and Final Partial Consent Decree entered in the United States of America Environmental Protection Agency vs. Metropolitan Dade County (Case Number 93-1109 CIV-MORENO), as currently in effect or as modified in the future, and all other current, subsequent or future agreements, court orders, judgments, consent orders, consent decrees and the like entered into between the County and the United States of America, State of Florida and/or any other governmental entity, and all other current, subsequent or future enforcement and regulatory actions and proceedings.

This letter is for informational purposes only and conditions remain in effect for thirty - (30) days from the date of this letter. Nothing contained in this letter provides the property owner with any vested rights to receive water and/or sewer service. The availability of water and/or sewer service is subject to the approval of all applicable governmental agencies having jurisdiction over these matters. When development plans for the subject property are finalized, and upon the owner's request, we will be pleased to prepare an agreement for water and/or sewer service, provided the Department is able to offer those services at the time of the owner's request. The agreement will detail requirements for off-site and on-site facilities, if any, point of connections, connection charges, capacity reservation and all other terms and conditions necessary for service in accordance with the Department's rules and regulations.

If we can be of further assistance in this matter, please contact us.

Very truly yours,



Clementine Sherman
New Business Administrative Officer 2
Utilities Development Division



Kimley-Horn
and Associates, Inc.

October 16, 2003

Mr. Alex Rey
Town Manager
Town of Miami Lakes
6853 Main Street
Miami Lakes, Florida 33014

■
Suite 157
5100 N.W. 33rd Avenue
Ft. Lauderdale, Florida
33309

**Re: AT&T Miami Lakes: M1-01
Zoning Application Z-03-02**

Dear Alex:

Kimley-Horn and Associates, Inc. has been providing the engineering review of the above referenced zoning application. Last week we requested that the applicant (Lotterman Development) provide us with additional engineering calculations regarding two issues associated with the tower located on the site. These two issues were for the foundation loading and the fall zone.

Lotterman Development had their consultant (KCI Technologies) provide us with the additional calculations we requested. We have reviewed this additional information and are now satisfied with the foundation loading and fall zone calculations. Therefore, these issues should no longer impact the above noted zoning application.

Furthermore, we now understand that the applicant intends to modify their application to reduce the size of the adjacent lots such that the fall zone of the tower will no longer encroach into these adjacent lots. We support this modification to their application.

Please call me if there are any questions regarding our findings.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

R. Russell Barnes III, P.E.
Sr. Vice President

cc: Michael Carey, P.E.
Kirk Drost, P.E.

■
TEL 954 739 2230
FAX 954 739 2247

11/04/03 10:44:03 AM 10/16/03 08:40:00



Alex Rey
Town Manager
Town of Miami Lakes
6853 Main Street
Miami Lakes, FL 33014

**Re: AT&T Wireless Services of Florida, Inc.
- Zoning Petition #Z-02-03**

Mr. Rey,

This letter is intended confirm and clarify the information provided on Sheets Z.2a & Z.2b revision F dated 2/16/04, of the plans prepared by G.M. Selby and Associates, Inc. of the Zoning Petition #Z-02-03 ("Zoning Petition") submitted by AT&T Wireless Services of Florida, Inc. ("AWS") for Proposed Site Plan and Rezoning of that certain property commonly known as 7851 NW 165th Street. AWS agrees that it will voluntarily proffer, transfer and convey to the Town of Miami Lakes the real property as described in Exhibit "1" attached hereto and made a part hereof. Said conveyance will occur in two phases ("Phase I conveyance" and "Phase II conveyance" respectively).

The Phase I conveyance will occur within thirty (30) days after the property which is the subject of the Zoning Petition is platted or as required in the final Zoning Ordinance for the same and will consist of the land described in Exhibit "2" attached hereto and made a part hereof. The Phase II conveyance will occur within one hundred twenty (120) days after AWS provides written notice to the Town of Miami Lakes that it no longer requires use of the property as described in Exhibit "3," attached hereto and made a part hereof, for a Communications Facility.

Should the Zoning Petition be withdrawn by AWS for any reason, this voluntary proffer to transfer and convey the property set forth in Exhibits "2" and "3" shall also be considered withdrawn, void and of no further force or effect.

Sincerely,

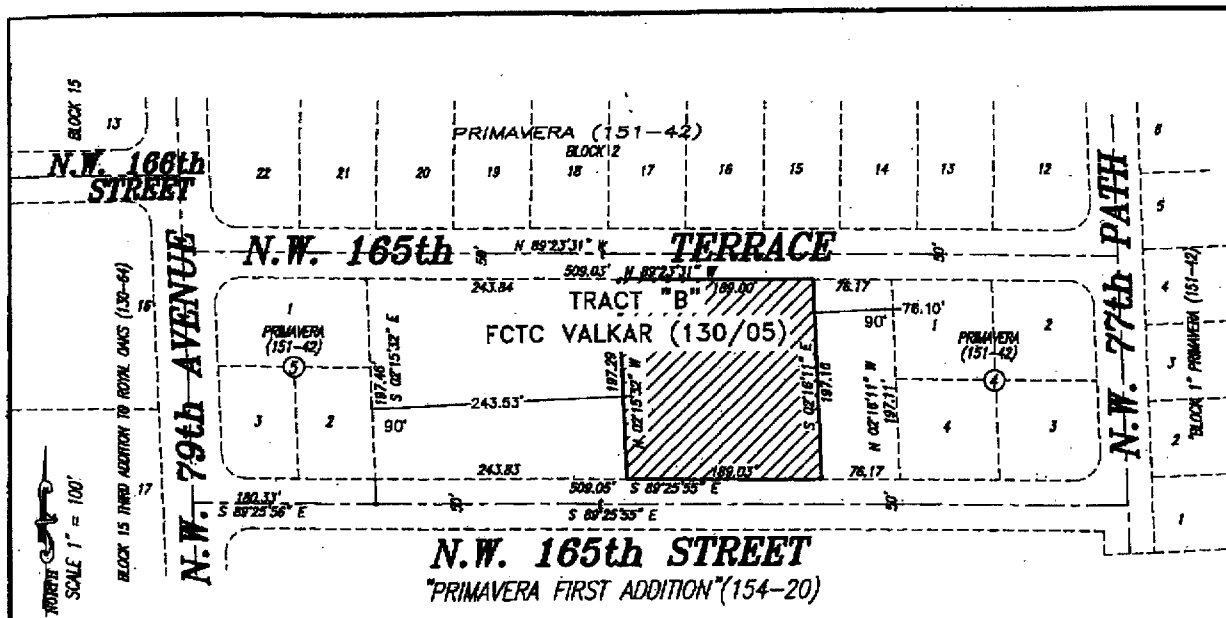
A handwritten signature in black ink, appearing to read "Timothy R. Loose".

AT&T Wireless Services of Florida, Inc.

By: TIMOTHY R. LOOSE
Its: MLA MANAGER



EXHIBIT (1)



LEGAL DESCRIPTION

Tract "B", "FCTC VALKAR", as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

LESS the East 76.10 feet and West 243.53 feet of said Tract "B", "FCTC VALKAR", as recorded in Plat Book 130 at Page 5 of the Public Records of Dade County, Florida, lying and being in Miami-Dade County, Florida.

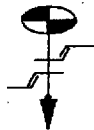
SUBJECT PROPERTY CONTAINS 0.855± acres (37,233 sq. ft.)

File name: K:\155240\LOTTERMAN\dwg\FCTC VALKAR - TRACT B.dwg

Schwabke-Shiskin & Associates, Inc.

LAND PLANNERS • ENGINEERS • LAND SURVEYORS (LB#87)

1240 CORPORATE WAY MIRAMAR, FLORIDA 33025 TEL. NO. (954) 435-7010 FAX NO. (954) 438-3288



ORDER NO. 188665

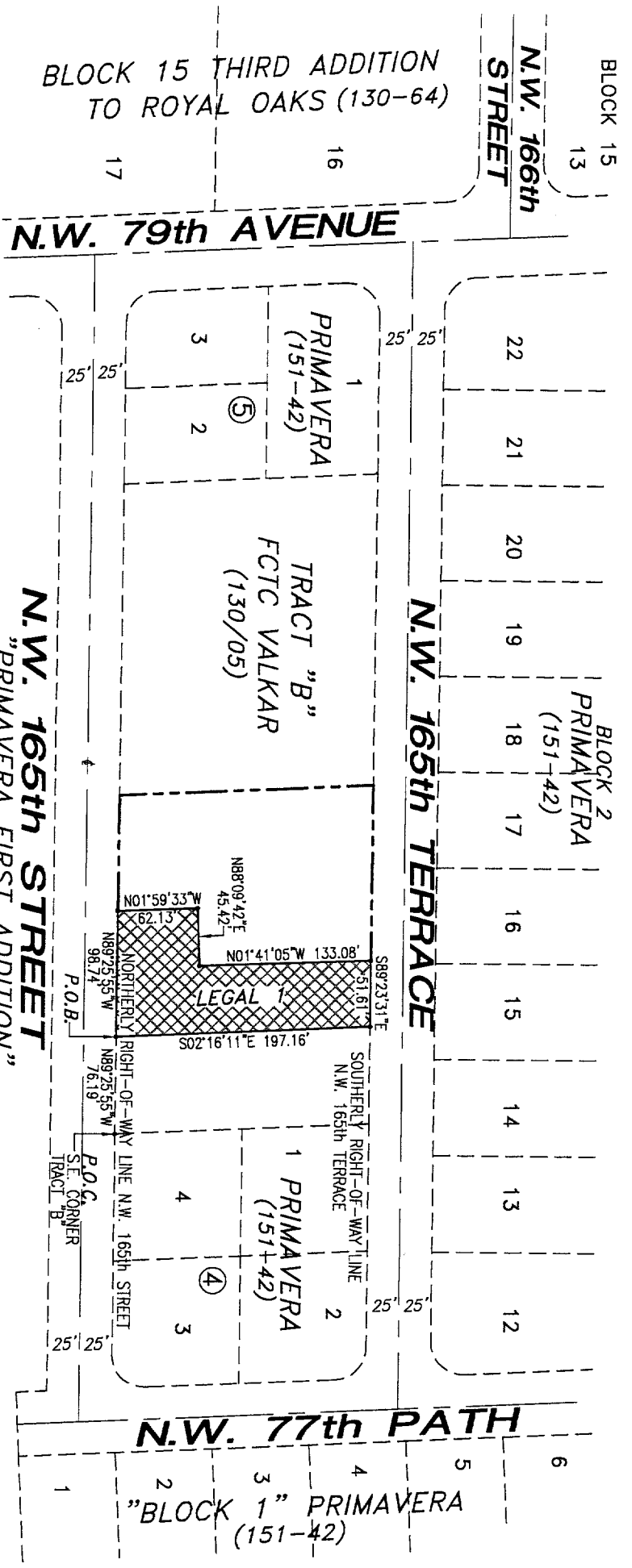
DATE: 10-22-03

THIS IS NOT A "LAND SURVEY"

PREPARED UNDER MY SUPERVISION

Robert F. Jackson PRESIDENT

ROBERT F. JACKSON, P.L.S. #2408 (STATE OF FLORIDA)



LEGAL DESCRIPTION:
 A portion of Tract "B", "FCITC VALKAR", according to the Plat thereof as recorded in Plat Book 130 at Page 5, of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Tract "B"; thence run North 89 degrees 25 minutes 55 seconds West for 76.19 feet to the Point of Beginning of the following described parcel of land; thence continue North 89 degrees 25 minutes 55 seconds West for 98.74 feet (last mentioned two courses being coincident with the Northerly Right-of-Way line of N. W. 165th Street); thence North 01 degrees 59 minutes 33 seconds West for 62.13 feet; thence North 88 degrees 09 minutes 42 seconds East for 45.42 feet; thence North 01 degrees 41 minutes 05 seconds West for 133.08 feet; thence South 89 degrees 23 minutes 31 seconds East, along the Southerly Right-of-Way line of N. W. 165th Terrace for 51.61 feet; thence South 02 degrees 16 minutes 11 seconds East for 197.16 feet to the Point of Beginning.

All lying and being in Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida

NOTE:
 BEARINGS MENTIONED HEREIN RELATE TO AN ASSUMED BEARING OF N 89°25'55" W ALONG N.W. 165th STREET

SHEET 1 OF 1 K:\155240\LOTTERMAN\LEGAL_DESC\dwg\LEGAL_1.dwg

SCHWEBKE-SHISKIN & ASSOCIATES, INC. LB # 87

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025
 PHONE No. (954) 435-7010 FAX No. (954) 438-3288
 PREPARED UNDER MY SUPERVISION:

ROBERT F. JACKSON, PRESIDENT

ORDER NO. 188717 DATE: 12-30-03
 THIS IS NOT A "BOUNDARY SURVEY" F.L.A. PROF. LAND SURVEYOR N° 2408

REVISIONS

LEGEND:

P.O.C. DENOTES POINT OF COMMENCEMENT
 P.O.B. DENOTES POINT OF BEGINNING

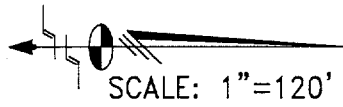
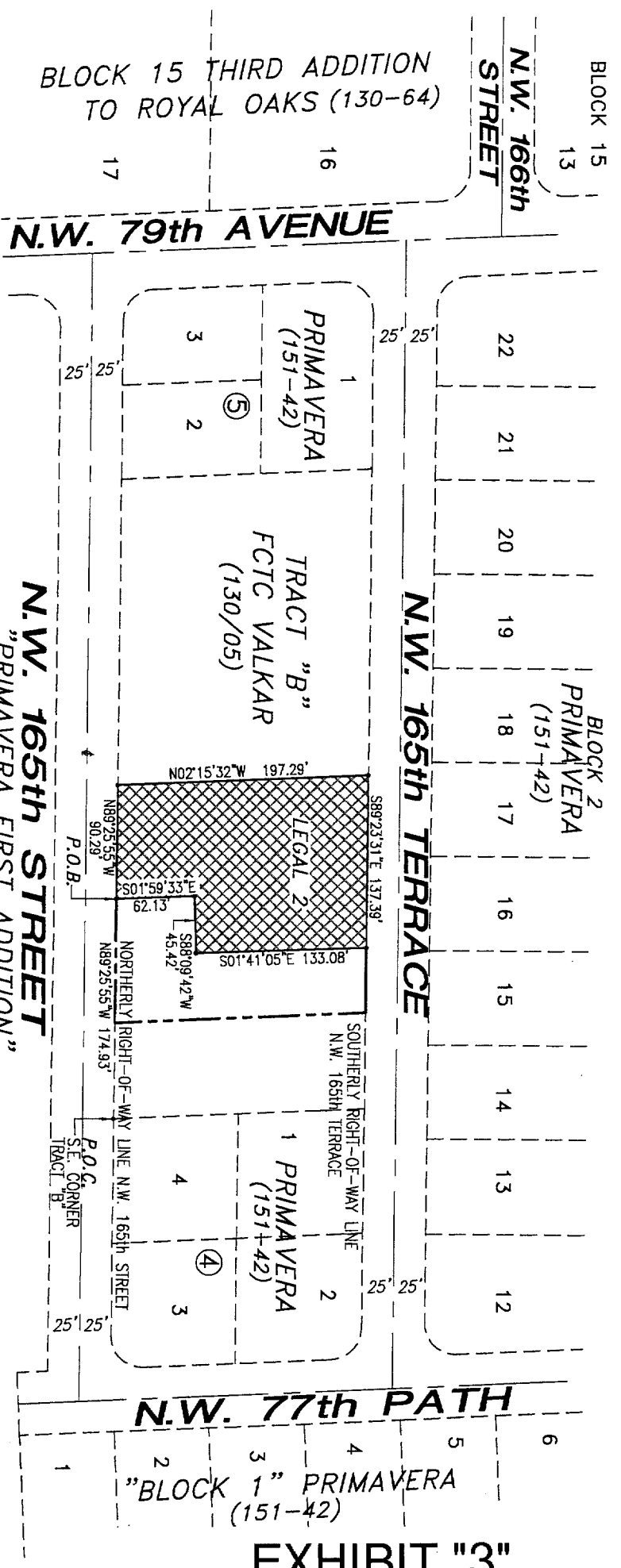


EXHIBIT "2"



LEGAL DESCRIPTION:

A portion of Tract "B", "FCTC VALKAR", according to the Plat thereof as recorded in Plat Book 130 at Page 5, of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Tract "B"; thence run North 89 degrees 25 minutes 55 seconds West for 174.93 feet to the Point of Beginning of the following described parcel of land; thence continue North 89 degrees 25 minutes 55 seconds West for 90.29 feet (last mentioned two courses being coincident with the Northernly Right-of-Way line of N. W. 165th Street; thence North 02 degrees 15 minutes 32 seconds West for 197.29 feet; thence South 89 degrees 23 minutes 31 seconds East, along the Southernly Right-of-Way line of N. W. 165th Terrace for 137.39 feet; thence South 01 degrees 41 minutes 05 seconds East for 133.08 feet; thence South 88 degrees 09 minutes 42 seconds West for 45.42 feet; thence South 01 degrees 59 minutes 33 seconds East for 62.13 feet; thence South 88 degrees 09 minutes 42 seconds West for 45.42 feet; thence South 01 degrees 59 minutes 33 seconds East for 62.13 feet; thence South 88 degrees 09 minutes 42 seconds West for 45.42 feet; thence South 01 degrees 59 minutes 33 seconds East for 62.13 feet to the Point of Beginning.

NOTE:

All lying and being in Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida.

BEARINGS MENTIONED HEREIN RELATE TO AN ASSUMED BEARING OF N 89°25'55" W ALONG N.W. 165th STREET

SCHWEBKE-SHISKIN & ASSOCIATES, INC. LB # 87

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025

PHONE No. (954) 435-7010 FAX No. (954) 438-3288

ORDER NO. 188717

DATE: 12-30-03

ROBERT F. JACKSON, PRESIDENT
FLA. PROF. LAND SURVEYOR N° 2408

REVISIONS

LEGEND:

P.O.C. DENOTES POINT OF COMMENCEMENT
P.O.B. DENOTES POINT OF BEGINNING

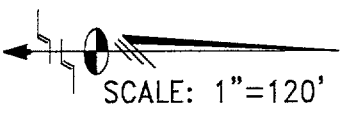
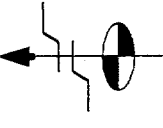


EXHIBIT "3"

TOWN OF MIAMI LAKES PUBLIC HEARING

NOTICE OF REZONING ORDINANCE

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Miami Lakes, Florida, will hold a public hearing and second reading of an ordinance adopting a rezoning ordinance and site plan approval for the residential development of the property owned by AT&T Wireless Services of Florida, Inc., consisting of approximately 1.45 acres, located at 7851 NW 165th Street, east of NW 79th Avenue, west of NW 77th path, south of NW 165th Terrace, and north of NW 165th Street. The public hearing will be held on Thursday, March 11, 2004, at 7:00 p.m., or as soon thereafter as can be heard, at Miami Lakes Middle School located at 6425 Miami Lakeway North, Miami Lakes, Florida 33014. The purpose of the public hearing is to consider on second reading the adoption of the following ordinance:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM AU TO RU-1 ON 1.45± ACRES OF A 2.3± ACRE PARCEL LOCATED AT 7851 NW 165TH STREET, EAST OF NW 79TH AVENUE, WEST OF NW 77TH PATH, SOUTH OF NW 165TH TERRACE, AND NORTH OF NW 165TH STREET; APPROVING THE SITE PLAN FOR RESIDENTIAL DEVELOPMENT OF EIGHT (8) SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; APPROVING TWO SETBACK VARIANCES AND A LOT SIZE VARIANCE FOR THE SITE PLAN; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of the proposed ordinance is available for public inspection at Town Hall, 6853 Main Street, Miami Lakes, Florida. Interested persons are invited to attend the public hearing or provide written comments on the proposed ordinance to the Town Clerk.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Town Council, with respect to any matter considered at such hearing or meeting, the person will need a record of the proceedings and, for such purpose, that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based. **ADA Assistance:** Anyone needing special assistance at the Town Council hearing due to a disability should contact the Town Clerk, Town of Miami Lakes (305) 558-8244 at least two days prior thereto.

Beatris M. Arguelles, CMC
Town Clerk

PUBLISH: Sunday, February 29, 2003
NEWSPAPER: MIAMI HERALD, Neighbors Section

22003006002

PROCESS NUMBER 22003006002
FROM FOLIO

TO FOLIO

COMMENTS

30-2010-005-0560	30-2010-005-0560	FOLIOS SELECTED	1
32-2015-002-1050	32-2015-002-1050	FOLIOS SELECTED	1
32-2015-002-1060	32-2015-002-1060	FOLIOS SELECTED	1
32-2015-002-1070	32-2015-002-1070	FOLIOS SELECTED	1
32-2015-002-1080	32-2015-002-1080	FOLIOS SELECTED	1
32-2015-002-1090	32-2015-002-1090	FOLIOS SELECTED	1
32-2015-002-1280	32-2015-002-1280	FOLIOS SELECTED	1
32-2015-002-1310	32-2015-002-1310	FOLIOS SELECTED	1
32-2015-005-0020	32-2015-005-0020	FOLIOS SELECTED	1
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PROCESS NUMBER 22003006002
FROM FOLIO

TO FOLIO

(CONTINUED)

COMMENTS

22003006002

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PROCESS NUMBER 22003006002
FROM FOLIO

TO FOLIO

(CONTINUED)

COMMENTS

PROCESS NUMBER	FROM FOLIO	TO FOLIO	COMMENTS
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TOTAL ***** 150

*** END OF RANGE LISTING ***

RESOLUTION NO. 4-ZAB-110-86

The following resolution was offered by Mr. Thomas A. Conger seconded by Mr. Jose A. Losa and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Margaret Nelson	aye
Peter Goldring	aye	Mary Jean Risi	nay
Levi A. Johnson	aye	Murray Sisselman	absent
Jose A. Losa	aye	R. Jollivette Frazier	aye
Joyce Masso	aye		

WHEREAS, FRANK ALTER AND ILENE ALTER, TRUSTEES have applied for the following:

- (1) UNUSUAL USE to permit a proposed antenna tower and a proposed building to house the transmitters and other related equipment.
- (2) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the aforementioned proposed 150' tower to setback 104' (167' required) from the rear (north) property line, to setback 152.8' (167' required) from the interior side (east) property line and to setback 70' (167' required) from the front (south) property line.
- (3) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit a parcel of land with an area of 2.66 acres (5 acres required).

REQUESTS #1, 2 AND 3 ON THE FOLLOWING:

A portion of Tract 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 in Section 15, Township 52 South, Range 40 East, Plat book 2, Page 17, being particularly described as follows:

Commence at the Northwest corner of Tract 5, in Section 15, Township 52 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, Plat book 2, Page 17; thence run S2°15'35"E along the west boundary of said Tract 5 for a distance of 100.12'; thence S89°23'32"E a distance of 150' to the Point of beginning of the parcel of land hereinafter to be described, thence S2°15'40"E, a distance of 227.52' to a point on the south boundary of said Tract 5; thence run S89°25'56"E along the south boundary of said Tract 5 for a distance of 510' to a point; thence run N2°15'56"W for a distance of 227.16' to the Point of intersection with a line that is parallel to and 100' south of, as measured at right angles to, the north boundary of said Tract 5; thence run N89°23'32"W along the last described line for a distance of 510' to the Point of beginning; less the south 30' thereof.

OR IN THE ALTERNATIVE:

- (4) UNUSUAL USE to permit a proposed antenna tower and a proposed building to house the transmitters and other related equipment.
- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the aforementioned proposed 150' tower to setback 104' (167' required) from the interior side (north) property line, to setback 152.8' (167' required) from the rear (east) property line and to setback 100' (167' required) from the interior side (south) property line.
- (6) NON-USE VARIANCE OF LOT FRONTAGE AND AREA REQUIREMENTS to permit a parcel of land with a frontage of 30' (200' required) and an area of 2.76 acres (5 acres required).

REQUESTS #4, 5 & 6 ON THE FOLLOWING:

A portion of Tract 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 in Section 15, Township 52 South, Range 40 East, Plat book 2, Page 17, being particularly described as follows:

Commence at the Northwest corner of Tract 5, in Section 15, Township 52 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, Plat book 2, Page 17; thence run S2°15'35"E along the west boundary of said Tract 5 for a distance of 100.12'; thence S89°23'32"E a distance of 150' to the Point of beginning of the parcel of land hereinafter to be described, thence S2°15'40"E, a distance of 227.52' to a point on the south boundary of said Tract 5; thence run S89°25'56"E along the south boundary of said Tract 5 for a distance of 510' to a point; thence run N2°15'56"W for a distance of 227.16' to the Point of intersection with a line that is parallel to and 100' south of, as measured at right angles to, the north boundary of said Tract 5; thence run N89°23'32"W along the last described line for a distance of 510' to the Point of beginning; less the south 30' thereof.

AND:

A portion of Tract 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 in Section 15, Township 52 South, Range 40 East, Plat book 2, Page 17, being particularly described as follows:

Commence at the Northwest corner of Tract 5, in Section 15, Township 52 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, Plat book 2, Page 17; thence run S2°15'35"E along the west boundary of said Tract 5 for a distance of 297.7' to the Point of beginning; thence continue on the last described course for a distance of 30.04' to the Southwest corner of said Tract 5; thence run S89°25'56"E along the south boundary of said Tract 5 for a distance of 150' to a point; thence run N2°15'40"W for a distance of 30.04' to the Point of intersection with a line that is parallel to and 30' north of, as measured at right angles to, the south boundary of said Tract 5; thence run N89°25'56"W along the last described line for a distance of 150' to the Point of beginning.

AND WITH REQUESTS #1, 2 & 3:

(7) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit a parcel of land with an area of .94 acre (5 acres required).

AND WITH REQUESTS #4, 5 & 6:

(8) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit a parcel of land with an area of .8 acre (5 acres required).

REQUESTS #7 & 8 ON THE FOLLOWING LEGAL DESCRIPTION:

A portion of Tract 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 in Section 15, Township 52 South, Range 40 East, Plat book 2, Page 17, being particularly described as follows:

Commence at the Northwest corner of Tract 5, in Section 15, Township 52 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, Plat book 2, Page 17; thence run S2°15'35"E along the west boundary of said Tract 5 for a distance of 100.12' to the Point of beginning; thence continue on the last described course for a distance of 197.58'; thence run S89°25'56"E along a line 30' north of, as measured at right angles to, the south boundary of said Tract 5 for a distance of 150' to a point; thence run N2°15'40"W for a distance of 197.48' to a point on the north boundary of said Tract 5; thence run N89°23'32"W along said north boundary for a distance of 150' to the Point of beginning.

A site plan is on file and may be examined in the Zoning Department as prepared by Watson, Deutschman, Kruse, and Lyon, dated 1-20-86 last revised 2/12/86.

LOCATION: Lying east of N.W. 79 Avenue and approximately 100' south of N.W. 166 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use and non-use variances would be in harmony with the general purpose and intent of the regulations, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that Items #1, #2, #3 and #7 be and the same are hereby approved, subject to the following conditions:

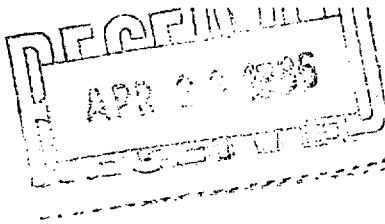
1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing as prepared by Watson, Deutschman, Kruse and Lyon, dated 1/20/86 and last revised 2/12/86.
3. Subject to Public Works Department determination regarding dedication of an access road on the southern boundary of the subject property.
4. That the use be established and maintained in accordance with the approved plan.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 9th day of APRIL, 1986.

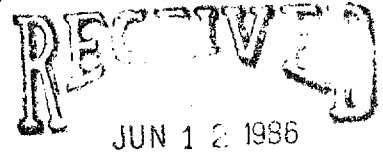
Heard 4/9/86
Hearing No. 85-9-17
Date typed 4/21/86 aa

METROPOLITAN DADE COUNTY, FLORIDA



BUILDING & ZONING DEPARTMENT
METRO-DADE CENTER
111 N.W. FIRST STREET
SUITE 1010
MIAMI, FLORIDA 33128-1974
(305) 375-2500

April 21, 1986



Frank & Ilene Alter
c/o Andrew H. Moriber
Dubbin & Berkman
444 Brickell Avenue
Miami, Florida 33131

Re: Hearing No. 85-9-17; Section 13-52-40
Location: E of NW 79 Ave., approx. 100' S of NW 166 Street

LOTTERMAN COMMUNITY

Dear Mr. and Mrs. Alter:

Enclosed herewith is a copy of Resolution No. 4-ZAB-110-86, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application.

Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. If there are any anticipated changes from the plan submitted for the hearing a plot use plan should be submitted to this office in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits should be made with this Department. The deadline for an appeal by the applicant and/or an aggrieved party is Friday, April 25, 1986.

Very truly yours,

Chester C. Czebrinski
Assistant Director

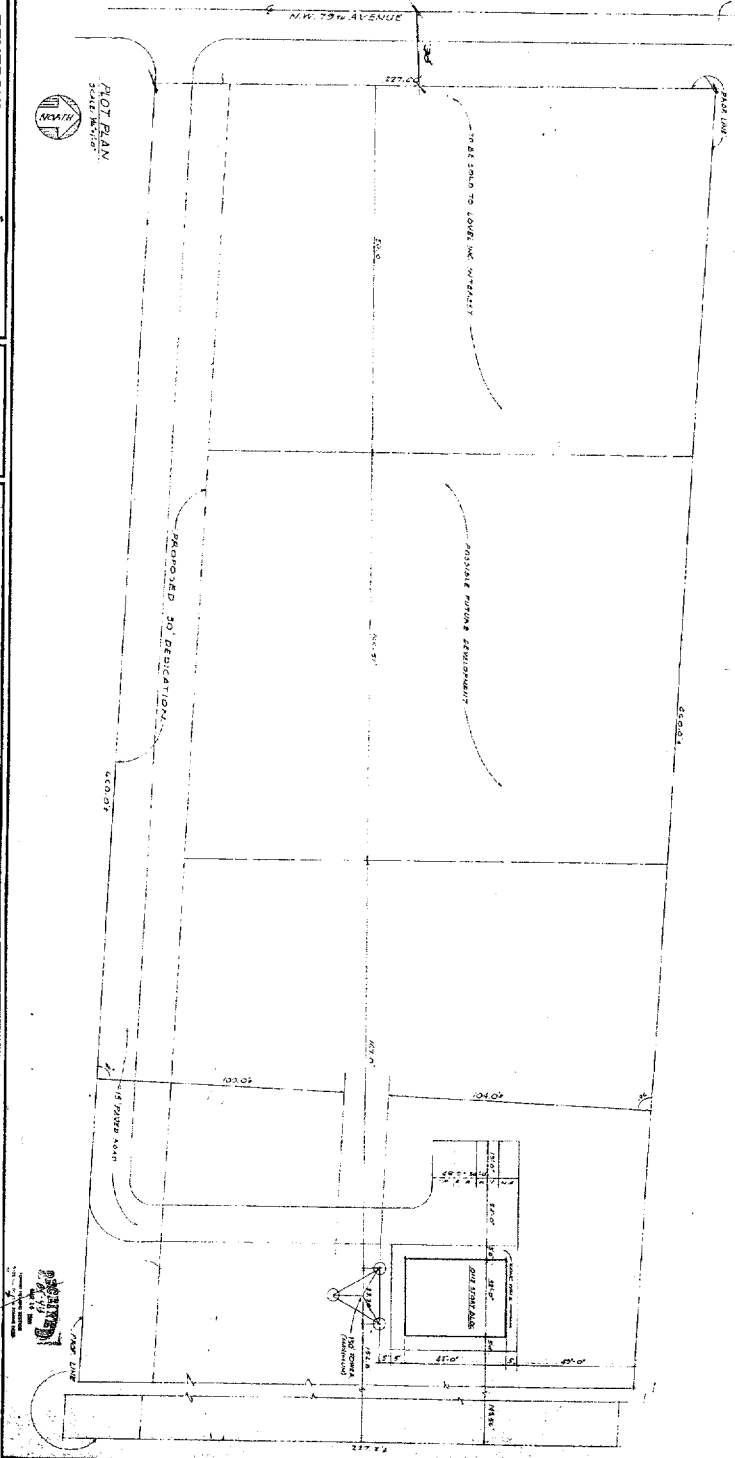
CCC:aa

Enclosure

cc: Public Works Dept.

1/16" = 1' SCALE

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THESE PLANS OR SPECIFICATIONS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR SPECIFICATIONS, AND THE USER ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED AND DOES NOT EXTEND TO ANY OTHER MATTER.



WATSON, DEUTSCHMAN, KRUEH AND LYON
ARCHITECTS

SELL SITE TO TRADE COUNTY AND
FLORIDA TELEPHONE COMPANY
7800 W. BIRDAW FOREST HIGHLANDS AVENUE

Site Plan

Scale

SITE PLAN