

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

UPDATED OPPOSITION BRIEF

Case Number: Z2023000505

Applicant: Valemar Holdings LLC (represented by Holland & Knight LLP)

CZAB-10 Decision: Approved 3-2 with conditions, February 24, 2026

Appellant: Millennium Townhomes Homeowners Association

Relief Sought: Reversal of CZAB-10 approval; denial of all requests

Based on Applicant's Plans Submitted April 8, 2026 and Fourth Amended LOI of April 15, 2026

ARGUMENT 1: THE APPLICANT HAS MISREPRESENTED THE BUILDING HEIGHT

The applicant's Fourth Amended Letter of Intent, filed April 15, 2026, represents the proposed building height as **28'-0"**. The zoning information sheet (G-1.1) repeats this figure. However, the applicant's own elevation drawings (Sheet A-2.1), submitted April 8, 2026, show:

Building Element	LOI Representation	Actual (Sheet A-2.1)
Top of Roof	28'-0"	28'-0"
Typical Parapets	Not disclosed	30'-6" to 31'-6"
Elevator Parapets	Not disclosed	33'-8"
Stair Tower Parapets	Not disclosed	37'-8"

The actual structure rises to **37 feet 8 inches** — nearly **ten feet taller** than represented. The LOI reports only the roof deck elevation while omitting parapets and stair towers that define the building's true height as experienced by neighboring residents. This is materially misleading.

ARGUMENT 2: THE APPLICANT'S OWN PLANS ADMIT FIRE ACCESS IS NOT FEASIBLE

The site plan (Sheet A-0.1) contains the following note:

"AERIAL APPARATUS SET UP SITE ON THE LONG (EAST) SIDE OF THE BUILDING IS NOT FEASIBLE. AN EQUIVALENCY SOLUTION SHALL BE ADOPTED."

The east side faces Millennium Town Homes. The applicant admits fire trucks cannot reach the side closest to the existing community. Combined with the single 24-foot driveway serving 33 units, this creates a compounding emergency access failure. No details of the proposed "equivalency solution" appear in any filing before this Commission.

ARGUMENT 3: FOUR AMENDED LOIs DEMONSTRATE SHIFTING REPRESENTATIONS

The application is supported by a *Fourth Amended and Restated Letter of Intent*. The applicant has rewritten its formal representations four times, adjusting the narrative with each revision. A project truly compatible with its surroundings should not require four attempts to describe it.

ARGUMENT 4: THE OPEN SPACE VARIANCE IS STRUCTURALLY IMPOSSIBLE TO CURE

The applicant requests 33.11% open space where 40% is required — a 17.23% shortfall. At three stories, the RU-4 FAR limit of 0.80 requires a **larger building footprint** than at four stories, consuming more site area and making the 40% requirement even harder to meet. The CZAB condition limiting height to three stories may be internally contradictory with code compliance.

ARGUMENT 5: QUANTIFIABLE FINANCIAL HARM — INSURANCE COST ESCALATION

The combined insurance baseline of **\$1,775 per unit per year** compounds rapidly at a conservative 7% annual escalation:

Year	Per Unit/Year	24-Unit/Year	Cumulative	Escalation
1	\$1,775	\$42,600	\$42,600	Baseline
10	\$3,282	\$78,768	\$514,390	+85%
20	\$6,454	\$154,896	\$1,611,014	+264%
30	\$12,694	\$304,656	\$3,437,942	+615%

At Florida's actual 10–12% rates, cumulative 30-year costs exceed **\$5 million**.

ARGUMENT 6: CZAB 11 DENIED AN IDENTICAL HOLLAND & KNIGHT APPLICATION

On March 25, 2026, CZAB 11 considered Case Z2025000106 (Miami Dade SNF Holding, LLC), also represented by Holland & Knight. The application sought the same relief: rezoning, deletion of deed restrictions, multiple variances, and SMART Corridor justification. CZAB 11 voted **3-2 to deny all six requests**, finding the proposal incompatible with the neighborhood. Holland & Knight has appealed that denial. The same playbook, the same law firm, two split votes — this Commission should exercise heightened scrutiny.

ARGUMENT 7: DELETION OF DEED RESTRICTIONS SETS A DANGEROUS PRECEDENT

The Declaration of Restrictions was voluntarily placed as a condition of the 2003 rezoning. If this Commission deletes them, the applicant will proffer a new covenant limiting density to 33 units. But **what stops a future buyer from seeking to delete that covenant too?** The applicant's own argument proves the point: each successive owner can argue that prior restrictions should be deleted. This creates an irreversible ratchet.

ARGUMENT 8: VARIANCE STACKING SIGNALS INCOMPATIBILITY

The applicant requires **four separate forms of relief**: rezoning, covenant deletion, open space variance, and parking setback variance. A project requiring the county to remove every regulatory obstacle is not compatible with its surroundings — it is a project designed for maximum profit at the expense of the existing community.

ARGUMENT 9: UPPER-FLOOR BALCONIES CREATE DIRECT PRIVACY INTRUSION

Floor plans (Sheets A-1.1 and A-1.2) show balconies with 42-inch guardrails on the 2nd and 3rd floors along all elevations. East-facing balconies look directly into Millennium Town Homes rear yards from 18–28 feet elevation at approximately 25 feet distance. No privacy screening is indicated on any submitted plan.

RELIEF REQUESTED

The Appellant respectfully requests that the Board of County Commissioners **REVERSE** the CZAB-10 decision and **DENY** all four requests. The complete Adverse Impact Analysis with interactive simulations is available at <https://mille.us.kg>.

Respectfully submitted,

Millennium Townhomes Homeowners Association

Steve Marquez, President

April 2026