

ONE GROVE ALLIANCE

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December 16, 2004

VIA E-MAIL:

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Office of the City Clerk

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Miami, Florida 33133

Dear Mayor Diaz and Commissioners:

On behalf of the One Grove Alliance, which comprises of the Village of Center Grove, the Village West Homeowners and Tenants Association, the Coconut Grove Merchants Group, the Village Council, the Coconut Grove Civic Club, the Seniors in Action, the Coconut Grove Collaborative and the Quality of Life Committee, please allow this to express our unanimous vote against the intended use by Home Depot of the former Kmart location at McDonald and Bird Road in Coconut Grove, Florida.

Home Depot intends to achieve City approval for re-zoning by March or April 2005. Home Depot intends to select contractors immediately after approval and start construction in the Summer of 2005. Home Depot's plans call for the use of the entire building (Bird Road to U.S.1), which does away with Milam's and Walgreen's, thereby allowing Home Depot to occupy approximately 105,000 to 120,000 square feet of "Big Box" space.

U.S. 1 Northbound provides for approximately 50,500 vehicles per day. U.S. 1 Southbound provides for 48,000 vehicles per day. Bird Road Eastbound averages approximately 8,700 vehicles per day and Bird Road Westbound averages approximately 16,400 vehicles per day.

Home Depot intends on achieving 5,000 vehicle trips per day. On Bird Road it would reasonable to expect a traffic increase of approximately 25 to 30 percent.

The impact Home Depot will have on the local Grove residents in terms of traffic and pollution, including noise pollution, as well as abandoned orange shopping carts, lumber trolleys, etc. can easily be demonstrated by Home Depot's present use of the S.W. 8th Street facility.

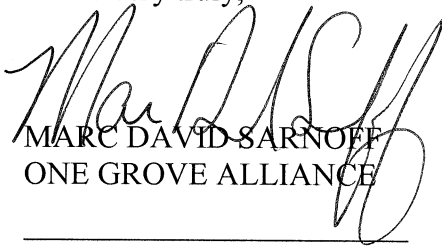
On December 14, 2004, the Mayor, the Commissioners and the respective administration officials were provided true and correct copies of photographs demonstrating a day in the life of the S.W.8th store from the Village of Center Grove in poster form. There you can see Home Depot flouts City of Miami's C-1 zoning restrictions by providing the sale and rental of log homes, heavy equipment, dumpsters, machinery, equipment, as well as an abundance of concrete bags littered about outside the confines of the building, in contravention to Section 17. What is equally demonstrated is the impact this has on the surrounding community and the Home Depot's lack of concern and frankly, their abuse of the residents that live adjacent to the S.W.8th Street location.

Clearly there is a glitch in C-1 for Home Depot to be able to argue that “America’s Favorite Warehouse” can use and occupy space in C-1, as they have done so on S.W.8th Street. Gentlemen, two wrongs will not make a right^{1/}.

We ask the City of Miami, prior to the consideration of authorization for permitting or allowing Home Depot the access and free reign to move into the former Kmart location, that the City enforce C-1, Section 17 at the S.W.8th Street location and demand that Home Depot demonstrate itself to be a good corporate citizen, and, more importantly, a good corporate neighbor to the residents that abut S.W. 8th Street. The citizens of S.W.8th Street enjoy the same rights and privileges as any other resident of the City of Miami, or, for that matter, of Coconut Grove. The residents should not have to tolerate the daily violations of Section 17 by Home Depot.

By a copy of this correspondence, we are providing to the Director of Code Enforcement, the recorded violations, as well as the City of Attorney. Should the City fail to enforce its own code, and then the citizens can bring private attorney general actions, or bring a writ of mandamus to get the City to enforce the laws on the books to protect its citizens. These suits will be public record and will catalogue and demonstrate the neglect of the City. We hope the City will act responsibly and protect all of its residents.

Yours very truly,



MARC DAVID SARNOFF
ONE GROVE ALLIANCE

¹ The reasons for C-1 not accommodating Home Depot are obvious:

1. Parking lot sweepers being in operation 4:00 a.m. every morning.
2. Fifteen semi-trailer trucks every day, several drop trailers in place (drop trailers are the back of the semi-trailer, without the truck attached [used for storage]).
3. Receiving department is opened 24 hrs/7-days a week.
4. Dumpster loading and unloading every other day.
5. The fire hazard a Home Depot represents: Fertilizers, paints, and flammables not stored in gallon sized containers, but maintained in barrels, drums and vats that have already caused one Home Depot to burn down an entire city block, leaving a plume of noxious gas over a neighborhood and fire fighters.
6. Home Depot’s parking lot is the scene of one of the highest larceny rates of any retailer in America.
7. Overflow parking: the neighborhood will be scarred by orange shopping carts and heavy lumber movers that customers abandon on the streets and private property as they could not find parking in the Home Depot lot.
8. Traffic: Home Depot anticipates between 3,200 to 5,000 vehicles coming and going to its stores. The traffic has already been increased with Grand Avenue now reduced to two lanes, the additional increase in the traffic burden will be borne by Bird Road, McDonald, and U.S.1, not to mention the neighboring streets.

The Honorable Mayor Diaz and Commissioners
Re: Home Depot Proposed Site at Former Kmart Location – Coconut Grove
December 16, 2004
Page 4

cc: Director of Code Enforcement
Code Enforcement
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