

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z22-089

**October 19, 2023
Item No. 1B**

Recommendation Summary	
Commission District	11
Applicant	Lifted Church, Inc.
Summary of Requests	The applicant seeks expansion of the existing day care center on the subject property into a private school with grades from Pre-K to 6, keeping the same maximum total of 144 students as was previously approved for the facility. Additionally, the applicant seeks to modify a condition of a previously approved resolution, as well as modify the paragraph of a prior covenant only as it applies to the subject property, in order to submit a new site plan for the proposed private school. The applicant also seeks to allow no Electric Vehicle Supply Equipment (EVSE) Ready parking spaces on the facility as otherwise required by Code.
Location	14955 SW 88 Street, Miami-Dade County, Florida.
Property Size	9.2 acres
Existing Zoning	RU-5A, Semi-Professional Office District GU, Interim District BU-1A, Limited Business District
Existing Land Use	Religious facility & day care center
2030-2040 CDMP Land Use Designation	Parks and Recreation Business and Office Office/Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, Section 33-311(A)(7) Generalized Modification Standards, Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

BOARD OF COUNTY COMMISSIONERS JURISDICTION:

The Board has jurisdiction over this application pursuant to Section 20-42(E), which states "If a Community Council, in its capacity as a Community Zoning Appeals Board, does not have sufficient elected or appointed members in office to constitute a quorum at the time an application for zoning action is ready to be noticed for public hearing before that Community Council, such application shall be noticed and scheduled for public hearing directly before the Board of County Commissioners on the next available zoning agenda."

PROCEDURAL HISTORY:

This item was scheduled for the April 5, 2023 meeting of the Community Zoning Appeals Board (CZAB) 11, in anticipation of CZAB 11 having enough members appointed to constitute a quorum at that time. However, CZAB 11 did not have enough members appointed to have a quorum at the time of that meeting, and this item was re-noticed for hearing before this Board. However, this item was deferred from the April 20, 2023 meeting of the Board of County Commissioners (BCC)

at the applicant's request with leave to amend. On 5/25/23, applicant submitted revised plans which are the subject of this recommendation. Subsequently, this item was deferred from the September 20, 2023 meeting of the BCC in order to allow the commissioner of the district to be present at the meeting. The public hearing on this item has been held but the applicant has not yet had an opportunity to be heard.

REQUESTS:

- (1) SPECIAL EXCEPTION and UNUSUAL USE to permit a private school, grades Pre-K to 6.
- (2) MODIFICATION of Condition #2 of Resolution No. Z-170-93, passed and adopted by the by the Board of County Commissioners, modified by Resolution No. CZAB11-31-05, as modified by Resolution No. CZAB11-3-12, and last modified by Resolution No. CZAB11-11-19, all passed and adopted by the Community Zoning Appeals Board #11, and reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing "Miami Baptist Church Inc.," as prepared by Fanjul & Associates, LLC, dated stamped received 7/18/19, consisting of 1 sheet."

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Lifted Academy", as prepared by Merlo & Associates, consisting of 3 sheets, and landscape plans as prepared by Thomas Engineering Group, consisting of 5 sheets, all dated stamped received 5/25/23, for a total of 8 sheets."

- (3) MODIFICATION of Paragraph #1 of Declaration of Restrictions, recorded in Official Record Book 28049, Pages 0297-0310, only as it applies to the subject property, and reading as follows:

From: "1. The Property will be developed in substantial conformity with the site plan entitled, "TD Bank-West Kendall," as prepared by Bergmann Associates, dated stamped received December 02, 2011, consisting of 6 sheets, "TD Bank" as prepared by Bohler Engineering, dated stamped received December 02, 2011 consisting of 12 sheets, "TD Bank/West Kendall Drive" prepared by Atlas Sign Industries, dated stamped received December 02, 2011, "West Kendal Baptist Church," as prepared by South Bay Architects, consisting of 9 sheets, dated stamped received 4/25/05 and one boundary survey as prepared by Wenceslao Ortega, Professional Surveyor, dated stamped received 04/25/05 and sign plans as prepared by Linville Graphics, Inc. consisting of 6 sheets, dated stamped received 4/25/05. No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Permitting, Environment and Regulatory Affairs or its successor Department."

To: "1. The Property will be developed in substantial conformity with the site plan entitled, "Lifted Academy", as prepared by Merlo & Associates, consisting of 3 sheets, and landscape plans as prepared by Thomas Engineering Group, consisting of 5 sheets, all dated stamped received 5/25/23, for a total of 8 sheets. No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Regulatory and Economic Resources or its successor Department."

- (4) MODIFICATION of paragraphs of a Declaration of Restrictions, as recorded in Official Record Book 28049, Pages 0297-0310, only as it applies to the subject property, to allow the Covenant to be modified administratively as permitted by County Code, to provide how the Covenant is addressed in cases of annexation or incorporation, and to update other provisions to current standard "Miscellaneous" clauses.

The purpose of requests #2, #3 and #4 is to allow the applicant to modify a previously approved resolution, and to modify a prior covenant only as it applies to the subject property, in order to submit a new site plan for a private school, with the same maximum total of 144 students as was previously approved for the day care center currently located on the subject site, and to allow future modifications of said covenant as permitted by code.

- (5) NON-USE VARIANCE to permit 0 EVSE Ready Spaces (4 EVSE Ready Spaces required).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

The 9.2-acre subject property has been the subject of several zoning approvals throughout the years pertaining to the establishment of the current religious facility and daycare center on the subject site. This parcel was a part of a number of larger tracts that received approvals pursuant to Resolutions #4-ZAB-5-8-69 and #Z-357-69, for district boundary changes from GU, Interim District, to RU-1 (Single-Family Residential), RU-TH (Townhouse), RU-3M (Minimum Apartment House), RU-4M (Modified Apartment House), RU-4L (Limited Apartment House), and BU-2 (Special Business), and approval with conditions of unusual uses to permit a golf course and lake excavations. In 1977, pursuant to Resolution #4-ZAB-21-77, a special exception was approved with conditions to permit night lighting for a golf ball driving area located within the previously approved golf course.

In 1993, pursuant to Resolution #Z-170-93, the subject property was part of a 10.23-acre parcel of land that was approved to allow a religious facility on the subject site. Specifically, the larger tract of land was approved for a district boundary change from GU (Interim District) and BU-2 (Special Business District) to BU-1A (Limited Business District); the deletion of a declaration of restrictions and covenants to release portions of the property from a covenant restricting the use to a golf course and recreational facility; the deletion of Resolution #4-ZAB-21-77, to release plans and conditions approved for a golf ball driving area; the deletion of conditions applied to an unusual use request for a golf course in Resolution #4-ZAB-598-69 in order to release conditions on certain portions of the property as it applies to the golf course; a special exception to permit a religious facility on the subject site; and ancillary non-use variances of zoning regulations, parking regulations and setback requirements. All the aforementioned requests were approved pursuant to Resolution #Z-170-93.

In 2005, pursuant to Resolution #CZAB11-31-05, the religious facility on the subject site was expanded to include a daycare center. The resolution had allowed the applicant to establish a day care on the property with more signs than permitted by zoning regulations and prior zoning hearing restrictions. Ancillary non-use variance requests to permit less street trees and to waive the required land use buffer between dissimilar land uses to the north and east was also approved under said resolution.

In 2012, pursuant to Resolution #CZAB11-3-12, the subject site, still part of the larger 10.23-acre tract of land, was approved for a District Boundary Change from GU, Interim District, to RU-5A, Semi-Professional Office District, Special Exception to permit a bank with a drive-thru facility and a Use Variance for a Class 'C' sign was granted. Additionally, the aforementioned Resolution approved a modification of a site plan to show a reduction in property size for the religious facility parcel, and to permit a banking facility on the remaining parcel, along with ancillary non-use variances. At the time, a declaration of restrictions was voluntarily proffered by the applicant and recorded in Official Record Book 28049, Pages 0297-0310. The proffered covenant required, among other things, that the overall 10.23-acre tract of land, of which the subject property is a part of, be developed substantially in accordance with the submitted site plans.

Subsequently, in 2019, under the latest Resolution #CZAB11-11-19, the site was approved to further reduce the religious facility and daycare center parcel to the current 9.2-acres, and permitted a District Boundary Change from GU, Interim District, to BU-1A, Limited Business District, on the eastern, approximately 2.6-acre Parcel B, along with an ancillary non-use variance to waive the zoning regulations requiring a 5' high wall when a business lot abuts an GU zone property. Said resolution had also allowed the modification of a condition of the prior resolution in order to submit revised plans showing the religious facility with a reduction in property size, in conjunction with a Use Variance to permit an access drive in the GU zoned property (Parcel A) that will serve the BU zoning district (Parcel B).

The applicant now seeks to modify condition #2 of the latest Resolution No. CZAB11-11-19, as well as the modification of the site plan paragraph of the covenant ORB 28049, only as it applies to the subject parcel, in order to submit a new site plan showing an expansion of the existing day care center into a private school. Staff notes that no new buildings or additions to the existing structure are indicated in the proposed plans, and the existing site layout would remain the same. Currently, the subject site is improved with an existing one (1)-story high, 9,569 sq. ft. daycare center with an approved maximum of 144 students, and the applicant is proposing to retrofit the existing church and day care building with classroom areas and multi-purpose rooms needed for the requested private school use with added curriculum for grades Pre-K to 6, while intending to keep the same number of students at the facility as was previously approved. The applicant proposes to allow for 44 students in day care and kindergarten, whereas 100-student population would be for grades 1 through 6. With the aforementioned requests, the applicant also seeks to provide zero Electric Vehicle Supply Equipment (EVSE) Ready parking spaces on the facility, whereas 4 EVSE parking spaces are required by Code. Access to the facility would remain unchanged, with two (2)-points of ingress/egress points of direct vehicular and pedestrian access provided along SW 88 Street and SW 150 Avenue. The parking, auto stacking and drop-off areas are internal to the site and are located to the side and front of the existing building. Submitted landscape plans depict ample landscaping in the form of trees and shrubs provided along the perimeter of the subject parcel.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-5A, GU, BU-1A; Religious facility & day care center	Parks and Recreation Business and Office Office/Residential
North	RU-4L; multi-family apartments, activities and nutrition center	Low-Medium Density Residential (6 to 13 du)

South	RU-5A, RU-1, RU-TH; single-family residences, townhouse development, office building	Low Density Residential (2.5 to 6 dua)
East	RU-4L, RU-TH; townhouse development	Low-Medium Density Residential (6 to 13 dua)
West	BU-1A, RU-5A; bank, shopping center	Business and Office Office/Residential

NEIGHBORHOOD COMPATIBILITY:

The 9.2-acre subject property, which contains an existing church and day care center, is located at 14955 SW 88 Street. The subject site abuts SW 88 Street along its southern property line which is a major transportation section line road and a Strategic Miami Area Rapid Transit (SMART) Plan Corridor. The surrounding area is characterized by a mixture of multi-family apartments and a nutrition center to the north, a shopping center and bank facility to the west, townhouses to the east, and single-family residences as well as an office building located to the south of the subject property.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to expand the existing day care center to a private school and provide additional grade levels and education services to benefit the surrounding community without any increase to the previously approved student count. Staff notes that the Platting and Traffic Review Section of the Department of Regulation and Economic Resources (RER) indicates in its memorandum that the application does not generate any new additional daily peak hour trips and meets the acceptable Level of Service (LOS) in the area. Based on staff’s analysis below, staff opines that any visual and aural impacts on the surrounding area due to the approval of a private school facility on the subject site will be adequately mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The approximately 9.2-acre subject property is designated as **Business and Office, Parks and Recreation, and Office/Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. Staff notes that in 1993, the subject property was approved to allow a religious facility, pursuant to Resolution #Z-170-93 and subsequently, in 2005, pursuant to Resolution #CZAB11-31-05, said use was expanded to include a daycare center. The CDMP Land Use Element Interpretative text indicates that *some existing lawful uses and zoning classifications are not specifically depicted on the LUP map*, however, all such existing lawful uses and zoning are deemed to be **consistent** with the Land Use Plan Map. Furthermore, another section of the CDMP Land Use Element interpretative text for Institutions, Utilities and Communications indicates that *neighborhood or community-serving institutional uses, including schools, in particular, may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas*. As such, the existing religious facility and daycare center, as well as the proposed school use are **consistent** with the aforementioned CDMP LUP map land use designations for the subject site and are allowable uses within each of these categories.

A section of the CDMP Land Use Element interpretative text for uses such as **schools** indicates that *Compatibility shall be determined in accordance to Policy LU-4A*. The **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *when evaluating*

*compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, **access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*** Further, CDMP Land Use Element, **Policy LU-4D** states that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements **and buffer any potentially incompatible elements.*** Said interpretative text under the Residential Communities also states that *the areas along section line roads between transition areas are also authorized for eligible higher residential densities, **public and semi-public uses.*** Staff notes that the previously approved day care center is an existing use on the subject parcel and that the application proposes no changes to the existing campus site layout nor any increase to the previously approved maximum number of 144 students at the facility. Staff opines that approval with conditions of the applicant's requests will not result in any intensification of the development of the site beyond the scale of what is existing and previously approved on the parcel, and would not be out of character with the surrounding area. For the reasons expanded upon in the zoning analysis below, staff opines that the modification of the prior resolution and declaration of restrictions in order to expand the existing day care center on the subject property into a private school, with no increase in the number of students will not create any new significant impacts which will disrupt or degrade the safety and tranquility of the surrounding neighborhood. Staff further opines that approval with conditions of the requests will not change the existing use on the subject property.

Therefore, and for the reasons that will be further explained below in the zoning analysis, staff opines that the approval with conditions of the applicant's requests to permit the expansion of the existing day care use and to modify the condition of a prior resolution will be compatible with the surrounding area based on the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**. Based on the foregoing analysis, staff opines that the approval of the application is compatible with the area and therefore **consistent** with the CDMP Land Use Element **Policy LU-4D** and the three CDMP Land Use Plan map designations for the subject property.

ZONING ANALYSIS:

The 9.2-acre parcel is located at 14955 SW 88 Street, along SW 88 Street, a well-traveled and major transportation section line roadway. Currently, the subject site is improved with a daycare center with an approved maximum of 144 students, and the applicant proposes its expansion to a private school with added curriculum for grades Pre-K to 6, while keeping the same maximum number of 144 students that are allowed for the current facility. The applicant proposes to allow for 44 students in day care and kindergarten, whereas 100-student population would be for grades 1 through 6. With this, the applicant also seeks to modify a previously approved resolution and a covenant, only as it applies to the property, in order to submit a new site plan for the proposed private school.

When analyzing the request for a Special Exception and Unusual Use to permit a private school Pre-K to 6 on the subject site (request #1) under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, staff supports the request and opines that based on the foregoing analysis and for reasons stated above and below, the proposed use on the subject property would be **compatible** with the surrounding area when considering the necessity and reasonableness of the request in relation to the present and future development of the area. Similarly, when the request to modify condition #2 of the latest Resolution No. CZAB11-11-19 (request #2), as well as the request for the modification of the site plan paragraph of ORB 28049, only as it applies to the subject parcel (request #3), are analyzed under Section 33-311(A)(7), Generalized

Modification Standards, staff notes that the requests to modify the previously approved resolution and covenant are both inextricably intertwined with request #1 which staff supports, and opines that the modifications will not create any new, or additional visual impacts on the surrounding neighborhood and would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area concerned. Additionally, staff opines that approval of request #4, to allow the Covenant to be modified administratively as permitted by County Code, to provide how the Covenant is addressed in cases of annexation or incorporation, and to update other "Miscellaneous" provisions to current standard "Miscellaneous" clauses, will help future owners make minor modifications to the covenant in accordance with the Code, such as the administrative modification or elimination of conditions and restrictive covenants, Section 33-310.1., as is allowed for conditions that are adopted as part of a resolution. Furthermore, this change in request #4 is consistent with the standard clauses now required in all new covenants.

The submitted plans indicate the existing one (1)-story high, 9,569 sq. ft. day care center is to be retrofitted into the proposed private school. No new buildings or additions to the existing structure are indicated in the proposed plans. The existing structure, within which the private school will be housed, is sited away from property lines, lessening the possibility of any aural and visual impacts that may be generated if said structure had been constructed near adjoining properties. The open space areas reserved on the subject 9.2-acre property are much larger than the proposed building program as evidenced by the submitted site plan. Preservation of the larger areas of open space will visually buffer the facilities from the street and affected properties. The floor plans for the interiors of the existing structure show classroom spaces, hallways, restroom facilities, as well as the administrative areas, all provided within the single floor to comfortably accommodate the 144 students at any one time on site and within the proposed facility. Parking and driveways internal to the site are shown to the side and front of the existing building, mainly towards the west and side street (south) of the site. Access to the facility would remain unchanged, with two (2) ingress/egress points of direct vehicular and pedestrian access provided for the site; one located along SW 88 Street and the other from SW 150 Avenue. The auto stacking and drop-off areas are sited internally, away from SW 150 Avenue and North Kendall Drive to avoid potential traffic conflicts that are generated when placing those elements near or adjacent to streets. Most of the traffic expected by the use will utilize North Kendall Drive (SW 88 Street), a major roadway, to access the school, helping to prevent traffic spillages onto adjacent residential streets. As such, no local roads will be affected by traffic generated by the proposed use and the drives leading to residential areas found east and south of the subject property will not be detrimentally impacted by the traffic generated in the mornings and afternoons when children are dropped-off and picked-up from the private school. Submitted landscape plans depict ample landscaping in the form of trees and shrubs provided along the perimeter of the subject parcel, especially along the interior side (north) property line that directly abuts the multi-family residential apartments, while street trees with shrubs have been provided all along SW 88 Street and SW 150 Avenue. The 9.2-acre property has sufficient area to comfortably accommodate the proposed private school use including the area required for the student's recreational needs. The submitted plans and childcare checklist indicate that the application meets the requirements for, among other things, classroom spaces, parking, open space, outdoor recreational space, auto stacking for children drop-off and pick-up, and setbacks for public assemblage. Staff opines that the overall design of the existing building and its location on the subject site provides for a cohesive campus for the proposed private school use. For the aforementioned reasons, staff opines that approval with conditions of the proposed modifications will not have any additional new visual impacts on the surrounding area and would be **compatible** with the same.

Further, staff opines that based on the memoranda submitted by other departments reviewing the application, approval of the request would not have an unfavorable effect on the environment, the natural resources, or the economy of Miami-Dade County, and would not be incompatible with the area concerned. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum dated June 20, 2023, states that they have no objections to the application and that the application does not generate any new additional daily peak hour vehicle trips. Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum dated June 28, 2023, indicate that the application meets all applicable LOS standards for potable water supply, wastewater disposal, and flood protection. In addition, the memorandum from the Miami-Dade Fire Rescue (MDFR) Department does not indicate that the application will have a negative impact on fire rescue services in the area. The memoranda submitted by the Department of Water and Sewer indicate no objections to the application as well. Based on the aforementioned department memoranda, staff opines that the application will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. Therefore, when considering the necessity and reasonableness of the applied for use in relation to the present and future development of the area, as well as its compatibility with the area concerned, staff opines that the proposed private school with 144 students in grades Pre-K to 6 would be **compatible** with the same based on the reasons stated above. **Based on the aforementioned, staff recommends approval with conditions of requests #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, and approval with conditions of requests #2, #3 and #4 under Section 33-311(A)(7) Generalized Modification Standards.**

The applicant is also requesting an ancillary non-use variance from the Electric Vehicle Supply Equipment (EVSE) Ready parking spaces standards for the subject site. Specifically, the applicant seeks to permit 0 EVSE Ready Spaces where 4 EVSE Ready Spaces are required by Code (requests #5). When this request is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that the approval of the request with conditions would be **compatible** with the surrounding area and would not affect the appearance of the community. Pursuant to the relatively new Code Section 33-122.5.- Electric Vehicle Supply Equipment requirements, *20% of the required number of the regular parking spaces for the site shall be provided as EVSE-Ready Spaces.* Staff supports the request for zero EVSE Ready parking spaces and opines that a requirement of 4 EVSE Ready Spaces is minimal in nature and the variance for the same would not create any negative impacts to the operations of the facility. Staff further opines that the days and hours of operations for the types of uses (an existing church and a proposed private school) may not necessitate an anticipated need for said EVSE ready parking spaces on the site. Additionally, staff notes that whereas the required number of regular parking spaces for the proposed private school use is a total of 16 parking spaces, an over surplus amount of 192 existing parking spaces is being made available for the existing and expanded uses on the subject site, which adequately suffices the overall parking requirements. Based on the foregoing analysis, staff opines that approval with conditions of the ancillary variance request would maintain the *basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community,* and would be **compatible** with the surrounding land uses and would not be detrimental to the area. **Therefore, staff recommends approval with conditions of request #5 under Section 33-311(A)(4)(b), Non-Use Variance from Other than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Access to the site and internal driveways for the existing church and day care campus remain unchanged, with two (2) ingress/egress points of direct vehicular and pedestrian access to the subject property; one located along SW 150 Avenue

(Hammock Boulevard), and the other along SW 88 Street (Kendall Drive). Parking and driveways are internal to the site and located towards the west and south of the property. The existing facility with a proposed expansion to a private school, but no changes to the campus site layout nor any increase to the previously approved maximum number of 144 students, provides for 192 parking spaces, where 56 are required by code, therefore, the parking amounts comply with the code minimums.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all other conditions of Resolution # Z-170-93, modified by Resolution No. CZAB11-31-05, as modified by Resolution No. CZAB11-3-12, and last modified by Resolution No. CZAB11-11-19, remain in full force and effect, except as herein modified.
2. That all other paragraphs of the Declaration of Restrictions, recorded in Official Record Book 28049, Pages 0297-0310, remain in full force and effect, except as herein modified.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and that the landscaping indicated on the plans be installed prior to the issuance of a Certificate of Use.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
7. That at the time of each annual Certificate of Use renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.
8. That the day care center and private school use be limited to grades Pre-K to 6.
9. That the student enrollment would be limited to a maximum total of 144 students.
10. That the hours of operation, Monday through Friday, shall be from 6:30 A.M. to 6:00 P.M. except for the school related night activities and/or special events.
11. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.

12. That no outside loudspeakers other than in connection with emergency systems shall be permitted on the property.
13. That use of the recreational/play area shall be limited to organized activities only and be conducted two hours per day, Monday through Friday.
14. That the waste pick-up for the private school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
15. That Private School related night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
16. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
17. That the lighting of the proposed parking area will be of a residential character.

NK:JB:JR:SS



Nathan Kogen, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Miami Baptist Church At Inc.
PH: Z22-089

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Miami-Dade Fire Rescue (MDFR)	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Parks and Recreation (Page I-59)	<p><i>The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Recreation and Open Space, and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP, and by the Miami-Dade County Parks and Open Space System Master Plan. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large-scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.</i></p> <p><i>The long-term use of golf courses or other private recreation or open space on privately owned land designated as Parks and Recreation may be previously limited by deed restriction or restrictive covenant. A new development plan governing such land set-aside for park, recreation or open space use (restricted lands) may be approved at public hearing by the Board of County Commissioners or the applicable zoning board only if the following is demonstrated: (1) that the restricted land is subject to a restrictive covenant relating to development served by the open space, that such restrictive covenant continues to limit the use of the land to open space, and that this limitation in the restrictive covenant may be modified only with the written consent of adjacent or proximate property owners or a prescribed percentage thereof; (2) that the required written consents of the adjacent or proximate property owners have been obtained; and (3) that the proposed development will replace park or recreation land or open space that has fallen into prolonged disuse or disrepair to the detriment of the surrounding neighborhood. The development plan for such land (1) shall provide for development compatible with adjacent development; (2) shall provide by restrictive covenant that not less than two-thirds of the land subject to the new development plan (or such other proportion deemed appropriate by the Board of County Commissioners and/or appropriate Community Zoning Appeals Board but in no event less than 50 percent of such land) shall be maintained as Park, Recreational or open space for use by residents or other residents or users of the entire development for which the open space had originally been provided; (3) shall provide a financial means of assuring such maintenance, by homeowner's association, special tax district or other comparable means approved at public hearing or by the Director of the Department of Regulatory and Economic Resources or successor agency; and (4) shall provide that the residential density of the</i></p>
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ZONING RECOMMENDATION ADDENDUM

Miami Baptist Church At Inc.
PH: Z22-089

	<p>portion of the Park and Recreation-designated land eligible for development shall not exceed either the gross existing density of the development in connection with which the park-designated land was originally set aside, or the gross density of all the ownership parcels immediately abutting the entire park designated land, whichever is lower. An approval pursuant to this provision may allow the gross density of the combined new and existing development, and its existing zoning, to exceed the I-60 maximum otherwise allowed by the LUP map, but only to the extent necessary to enable reuse of the park designated land in accordance with this provision. Nothing herein shall be construed to permit development of property subject to a restrictive covenant accepted by the county or other public entity without compliance with the terms that covenant including, but not limited to, those terms governing modification or amendment thereof.</p>
<p>Business and Office (Pg. I-40)</p>	<p>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</p>
<p>Office/Residential (Page I-45)</p>	<p>Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to largescale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.</p> <p>As indicated in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map", some existing lawful uses and zoning are not specifically depicted on the LUP map. That text, titled Uses and Zoning Not Depicted, applies equally to office uses and zoning.</p>
<p>Uses and Zoning Not Specifically Depicted (Pg. I-33)</p>	<p>Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the parcel exists, including all the provisions for density averaging and definition of gross density.</p>

ZONING RECOMMENDATION ADDENDUM

Miami Baptist Church At Inc.

PH: Z22-089

Institutions, Utilities and Communications (Pg. I-53)	Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.
Policy LU-4A (Page. I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
Policy LU-4D (Page. I-9)	Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards	The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants , or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.
Section 33-311(A)(3) Special Exception, Unusual and New Uses	Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

ZONING RECOMMENDATION ADDENDUM


Miami Baptist Church At Inc.
PH: Z22-089

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use 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. No showing of unnecessary hardship to the land is required.</i>
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Memorandum

Date: June 8, 2023

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director 
Division of Environmental Resources Management

Subject: Z2022000089-4th Review
Miami Baptist Church Inc
14955 SW 88th Street, Miami, FL 33196
Modification of Resolution CZAB11-31-05 to change the approved use from Daycare to PK-3rd Grade. No new construction/remodeling proposed
(GU & BU-1A) (9.23 Acres)
33-54-39

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service, wastewater disposal and wellfield protection. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code.

Wellfield Protection

The subject property is located within the West Wellfield Interim Wellfield protection area. Therefore, development on the subject property shall be in accordance with regulations established in section 24-43 of the Code.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by section 24-43(5)(d) of the Code. The covenant provides that hazardous materials and waste shall not be used, generated, handled, discharged, disposed of, or stored on the subject property. The covenant is recorded in the Public Records in Miami-Dade County, Clerk File Number 2011R757915.

Conditions of Approval: None

Potable Water Service and Wastewater Disposal

According to DERM records, the property is currently connected to public water and sewer. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development

order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits, DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins that have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources. Tree Permit #10505 was issued on June 12, 2020, for the subject property. All approved work shall be performed in accordance with this permit. Section 24-49 of the Code provides for the preservation and protection of tree resources. If any additional trees subject to the tree preservation and protection provisions of the Code are to be removed/relocated and are not associated with Tree Permit #10505, a new tree removal permit will be required.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process. Projects and permits shall meet the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the properties prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

Conditions of Approval: None

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid

only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Ninfa Rincon at (305) 372-6764.


cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: June 20, 2023

To: Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2022000089
Name: Robert V. Myers Jr./Miami Baptist Church @ Inc.
Location: 14955 SW 88 Street
Section 33 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections**.

This land **requires** a platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application does not generate any additional trips.

Standard Conditions:


- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: June 6, 2022

To: Nathan Kogon, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) 

Subject: Zoning Application Comments - Miami Baptist Church
Application No. Z2022000089 - (Pre-App. Z21P-274)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Miami Baptist Church

Location: The proposed project is located at 14955 SW 88th Street with Folio No. 30-4933-098-0030, in unincorporated Miami-Dade County.

Proposed Development: Presently, the Resolution for the subject site allows a Day Care Center restricted to a maximum number of 144 children, and the age of the children attending the Day Care Center be from 2 months through 6 years old. The applicant is requesting the following modifications:

- 1) Maintain the same number of 144 children, as allowed by Resolution # CZAB11-31-05
- 2) Change the use of Day Care to PK-3rd Grade with 144 students
- 3) Change the Occupational Use from Educational Day Care to Educational

The existing water demand for the day care use is 478 gpd. The proposed change of use to PK-3rd grade will generate a water demand of 574 gallons per day (gpd), which results in a net increase of 96 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply is being provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

The subject property is currently being served by WASD.

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time a WASD Verification Form is issued for the proposed change of use. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the WSC Program, please go to <http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A and 18-B

of the Miami-Dade County Code and consistent with Policies WS-5E and WS-5F of the CDMP, respectively.

For more information about our Water Conservation Program please go to <http://www.miamidade.gov/conservation/home.asp>.

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the subject site is being transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the WWTP, consistent with Policy WS-2 A (2) of the CDMP.

The existing facility is currently being served by WASD.

The increase in sewage flow will be transmitted to Pump Station (P.S.) 643, P.S. No. 536 or P.S. 559. Said pump stations are currently in OK Moratorium Code Status. Below is the existing and projected Nominal Average Pump Operating Time (NAPOT) for said pump stations.

P.S. 643

Existing NAPOT: 2.10 hrs.
Proposed Development: 96 gpd
Proposed Projected NAPOT: 2.11 hrs.

P.S. 536

Existing NAPOT: 5.12 hrs.
Proposed Development: 96 gpd
Proposed Projected NAPOT: 5.12 hrs.

Or

P.S. 559

Existing NAPOT: 4.83 hrs.
Proposed Development: 96 gpd
Proposed Projected NAPOT: 4.83 hrs.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Benita Ramirez at (786) 552-8121 or benita.ramirez@miamidade.gov.

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z22-089
DATE: MAY 25 2023
BY: GONGOL

School Name: Lifted Academy

School Address: 14966 SW 88th Street, Miami Tax Folio #30 - 4933-098-0030

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: irregular x _____ = _____ + 43,560 sq. ft. = 9.25 acres
3. Number of children or students requested: 144 Ages: 2-12 years
4. Number of teachers: 12 Number of administrative & clerical personnel: 4
5. Number of classrooms: 8 Total square footage of classroom area: 4,780 SF
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
180 SF
7. Amount of outdoor recreation/play area in square footage: 36,990 Req. / 39,550 Provided

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(f)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
None
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 192 parking spaces required by §33-124(L) 29
10. Indicate the number of auto stacking spaces: 20 provided 10 required.
11. Proposed height for the structure(s): 30' Existing See §33-151.18(g).
12. Size of identification sign: 4 x 12 = 48 sq. ft. See §33-151.18(c).
Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: 6:30 AM to 6:00 PM

14. Does the subject facility share the site with other facilities: Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).

15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17?

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 44 (number of children) = 1,540 sq. ft. of classroom area required.

b. Elementary Grades 1-6

30 sq. ft. x 100 (number of children) = 3,000 sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x 0 (number of children) = 0 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 4,540

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 4,780

OUTDOOR RECREATION SPACE:

a. Day Nursery/Kindergarten, preschool and after-school care

45 sq. ft. x 22 (1/2 of children) = 990

b. Grades 1-6

500 sq. ft. x 30 (first 30 children) = 15,000 SF

300 sq. ft. x 70 (remaining children) = 21,000 SF

c. Grades 7-12

800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 36,990

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 39,550

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z22-089
DATE: MAY 25 2023
BY: GONGOL

Signed, witnessed, executed and acknowledged on this _____ day of _____

WITNESSES:

Signature [Signature]
Signature [Signature]

Print Name Estelle C Myers
Print Name Robert V Myers Jr.

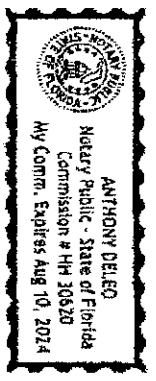
Signature [Signature]
Address: _____

Print Name Michael E Myers
14955 SW 88th St.
Miami, Florida
33197

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Estelle and Michael Myers who is personally known to me or has produced FLID's as identification.

Witness my signature and official seal this 30th day of March, 2022 in the County and State aforesaid.



[Signature]
Notary Public-State of Florida
Print Name Anthony DeLeo

My Commission Expires: August 10th 2024

Memorandum



Date: May 30, 2023

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2022000089

The Miami-Dade Fire Rescue Department has **no objection** to request for modification uploaded in “EnerGov” on 05/25/23. Proposed scope of modification does not affect previously approved fire department access.

MDFR’s comments on this zoning application do not effectuate a change of occupancy classification for any existing building on the subject property. Changes of occupancy, if needed, must be achieved by a building permit application process in accordance with the provisions of the Florida Building Code and the Florida Fire Prevention Code.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

MERLO AND ASSOCIATES
CORP/MERLO, JOSE

14955 SW 88 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2022000089

DATE

HEARING NUMBER

FOLIO No: 30-4933-098-0030

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

June 9, 2023

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

MERLO AND ASSOCIATE CORP/MERLO, JOSE

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z22-089
DATE OF STOCK BY: ISA

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Lifted Church InC. (FKA Miami Baptist Church at Inc.)
Address: 14955 SW 88th Street, Miami, Florida 33196

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Lifted Church, Inc. (FKA Miami Baptist Church at Inc.) is a Florida not for profit corporation. As, such, it has no principals or stockholders.</u>	
<u>Furthermore, no individual has ownership interest in this corporation</u>	
<u>corporation. Robert V. Myers Jr. - DVP</u>	
<u>Estelle Myers - DS</u>	<u>N/A</u>
<u>Michael Myers - DP</u>	<u>N/A</u>
	<u>N/A</u>

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

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z22-089
JUL 18 2023
BY: ISA

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

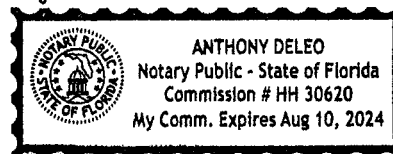
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Esther C Myers*
(Applicant)

Sworn to and subscribed before me this 29th day of June, 2022. Affiant is personally known to me or has produced FLDL: M620-203-58-208-0 as identification.
6/8/2025

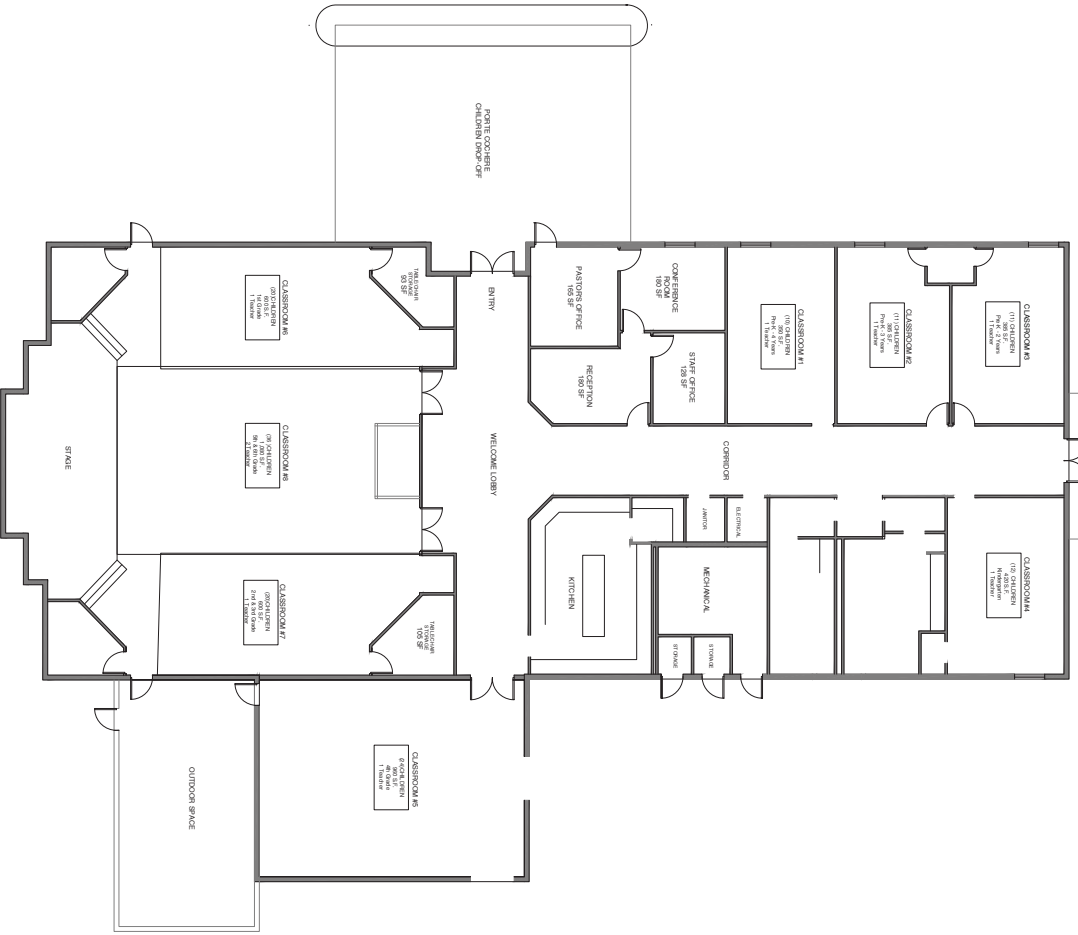
Anthony Deleo
(Notary Public)



My commission expires Aug. 10th 2024

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

SCHOOL / CHURCH Floor Plan - 1/8"



Child Care Check List for Day Nursery, Day Care Center, Kindergarten and Private School

School Name: Lifted Academy (Formerly Miami Baptist School) Tax Folio #30: 493,508-0000
 School Address: 14955 SW 88th Street
 1. Is this an expansion to an existing school? Yes No If yes, indicated the number of students and age and grade ranges originally approved: _____
 2. Total size of site: regular x _____ + 43,500 sq. ft. = 9,250 sq. ft.
 3. Number of children or students requested: 144 Ages: 2-12 years
 4. Number of teachers: 12 Number of administrative & clerical personnel: 4
 5. Number of classrooms: 8 Total square footage of classroom area: 4,780 SF
 6. Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.): 180 SF
 7. Amount of outdoor recreation/play area in square footage: 2,500 SF provided (2,500 SF required) (2,500 SF provided)
 NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151-18(f)
 8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: NONE
 9. Number of parking spaces provided for staff, visitors and transportation vehicles, parking spaces provided: 192 - 14 persons + parent/petling (144 Students) / 10 / 15 spaces
 Number of staff: _____ Number of auto-stacking spaces: _____ provided: 10 required: _____
 10. Indicate the number of auto-stacking spaces: _____ provided: 10 required: _____
 11. Proposed height for the structure(s): 30' (Existing) See §33-151-18(g)
 12. Size of identification sign: 4' x 12' = 48 sq. ft. See §33-151-18(f). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
 13. Days and hours of operation: 6:30 AM to 6:00 PM
 14. Does the subject facility share the site with other facilities? Yes No If yes, the space shared is: _____ sq. ft. during the hours of operation. If no, the space shared is: _____ sq. ft. during the hours of operation.
 15. If the school will include residential uses, do such uses meet the standards provided in §33-151-177? Yes No If yes, describe the residential uses and indicate same on the plan.
 PHYSICAL STANDARDS, OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.
 The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.
 CLASSROOM SPACE: Calculated by grade levels.
 a. Day Nursery/Kindergarten, preschool and after-school care
 35 sq. ft. x 44 (number of children) = 1,540 sq. ft. of classroom area required.
 b. Elementary Grades 1-4
 30 sq. ft. x 100 (number of children) = 3,000 sq. ft. of classroom area required.
 c. Junior High and Senior High Schools (Grades 7-12)
 25 sq. ft. x _____ (number of children) = 0 sq. ft. of classroom area required.
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 4,540
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 4,780
 OUTDOOR RECREATION SPACE:
 a. Day Nursery/Kindergarten, preschool and after-school care
 45 sq. ft. x 22 (% of children) = 990 SF
 b. Grades 1-6
 500 sq. ft. x 30 (% of children) = 15,000 SF
 300 sq. ft. x 70 (remaining children) = 21,000 SF
 c. Grades 7-12
 800 sq. ft. x _____ (first 30 children) = _____
 300 sq. ft. x _____ (next 300 children) = _____
 150 sq. ft. x _____ (remaining children) = _____
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 21,990
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 21,990
 TREES: See §33-151-18(g) and the Planning Division (12th Floor) for additional requirements.
 a. 28 trees are required per net acre. Trees required: 134 Trees provided: 140
 b. Ten shrubs are required for each tree required. Shrubs required: 362 Shrubs provided: 2,496
 c. Grass area for organized sports/play area in square feet: 32,550 SF
 d. Lawn area in square feet (exclusive of organized sports/play area): 117,109 SF

Project title: Change of Use Lifted Academy (Formerly Miami Baptist Church and School) 14955 SW 88th Street, Miami, Florida

Project No.: _____
 Date Issued: 8-2-22
 Sheet No.: A-1

Professional Seal: MERLO & ASSOCIATES, INC. ENGINEERS, ARCHITECTS, PLANNERS, INTERIORS, ENVIRONMENTAL DESIGNERS, LANDSCAPE ARCHITECTS, SURVEYORS, AND REAL ESTATE BROKERS. License No. 1202120151. State of Florida. Merlo, Jose R. License No. 1202120151. State of Florida. Merlo, Jose R. License No. 1202120151. State of Florida.

Project title: Change of Use Lifted Academy (Formerly Miami Baptist Church and School) 14955 SW 88th Street, Miami, Florida

Project No.: _____
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Project title: Change of Use Lifted Academy (Formerly Miami Baptist Church and School) 14955 SW 88th Street, Miami, Florida

Project No.: _____
 Date Issued: 8-2-22
 Sheet No.: A-1

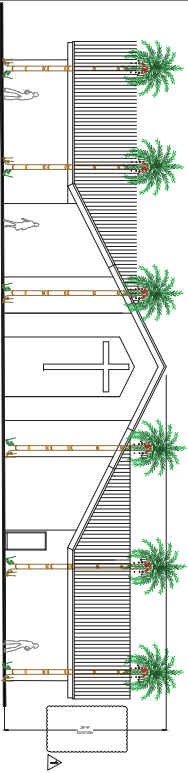
revisions	
revisions per review comments	09-15-22
revisions per owner's request	4-28-23

Project title: Change of Use Lifted Academy (Formerly Miami Baptist Church and School) 14955 SW 88th Street, Miami, Florida

Project No.: _____
 Date Issued: 8-2-22
 Sheet No.: A-1

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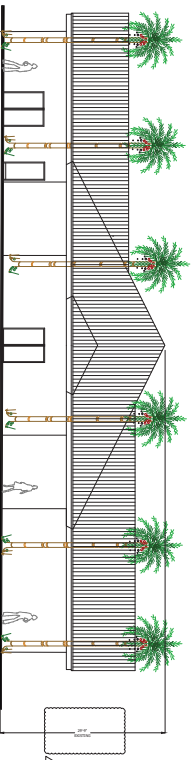
MIAMI-DADE COUNTY
 PROJECT NO: Z22-089
 DATE: MAY 25 2023
 BY: GONGOL



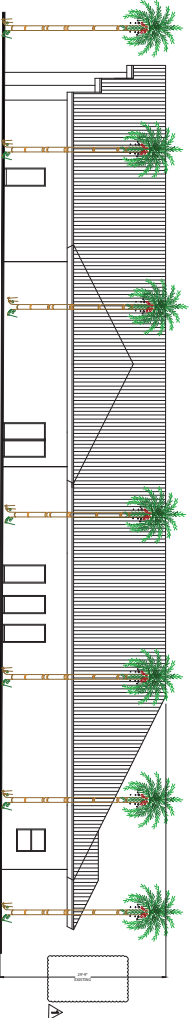
South Elevation



West Elevation



East Elevation



North Elevation

NOTE: BUILDING ELEVATIONS ARE EXISTING. NO CHANGES ARE TO BE MADE

revisions	
revisions per review comments	09-12-22

project title
 Change of Use
Lifted Academy
 (Formerly Miami Baptist Church and School)
 14955 SW 88th Street, Miami, Florida

project no. / florida license no. 00012119



13273 Southwest 146th Street, Miami, Florida 33186 tel:786-251-9488 / merlonet24@gmail.com



Original signed by: Jose R. Merlo
 Date: 05/22/23
 Address: 13273 SW 146th St, Miami, FL 33186
 Merlo
 12022003 2024

Project No.:
 Date Issued: 5-2-23
 Sheet No.: A-2

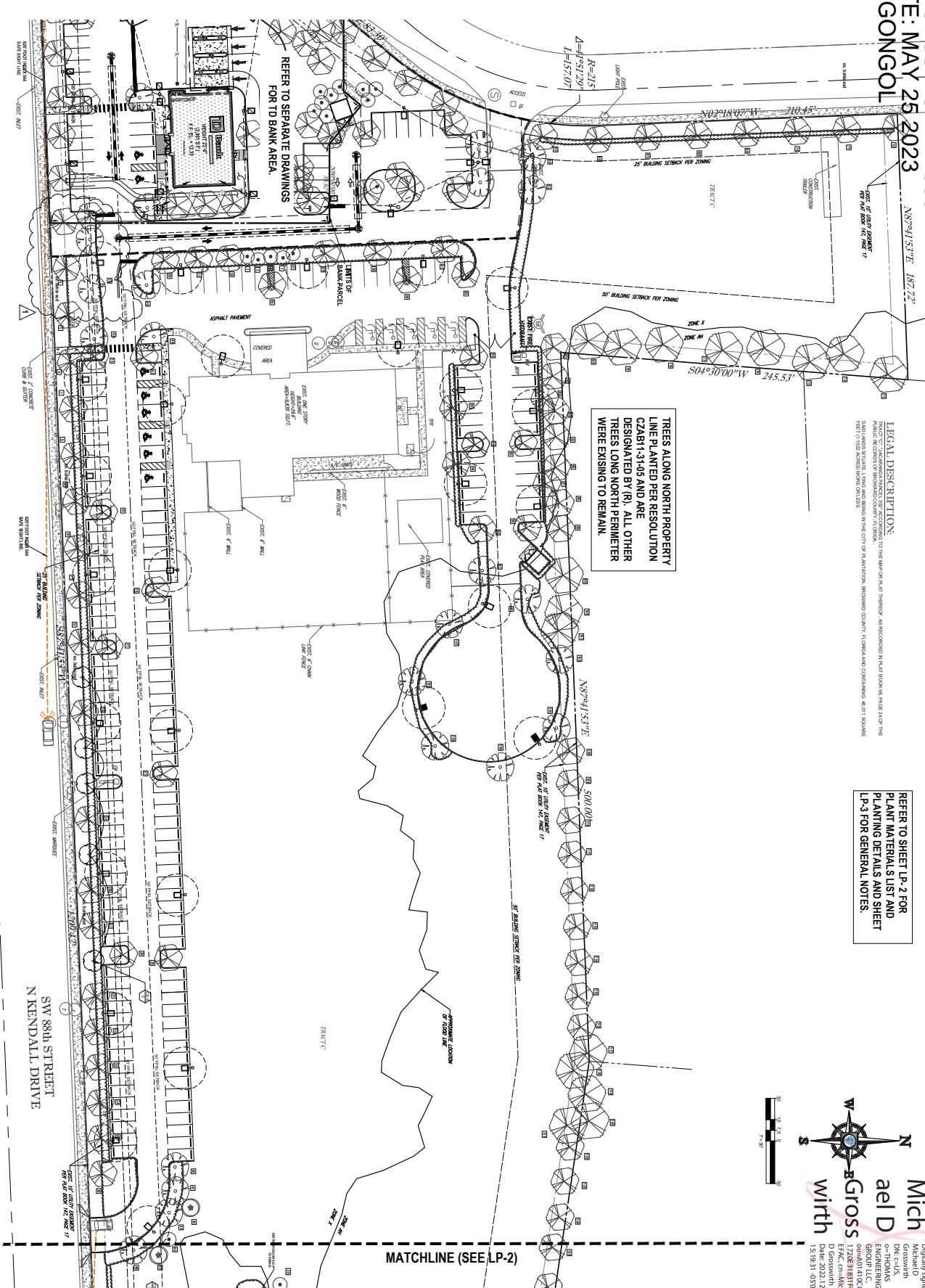
RECEIVED

MIAMI-DADE COUNTY

PROCESS NO: Z22-089

DATE: MAY 25 2023

BY: GONGOL



LEGAL DESCRIPTION:
 TO THE PART OF PLAT "THUNDER" AS RECORDED IN PLAT BOOK 18, PAGE 24 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BROWARD COUNTY, FLORIDA, AND CONTAINING 48.81 SQUARE FEET (1.11 ACRES) MORE OR LESS.

TREES ALONG NORTH PROPERTY LINE PLANTED PER RESOLUTION CZABH 1-31-05 AND ARE DESIGNATED BY (R). ALL OTHER TREES LONG NORTH PERIMETER WERE EXISTING TO REMAIN.

REFER TO SHEET LP-2 FOR PLANT MATERIALS LIST AND PLANNING DETAILS AND SHEET LP-3 FOR GENERAL NOTES.



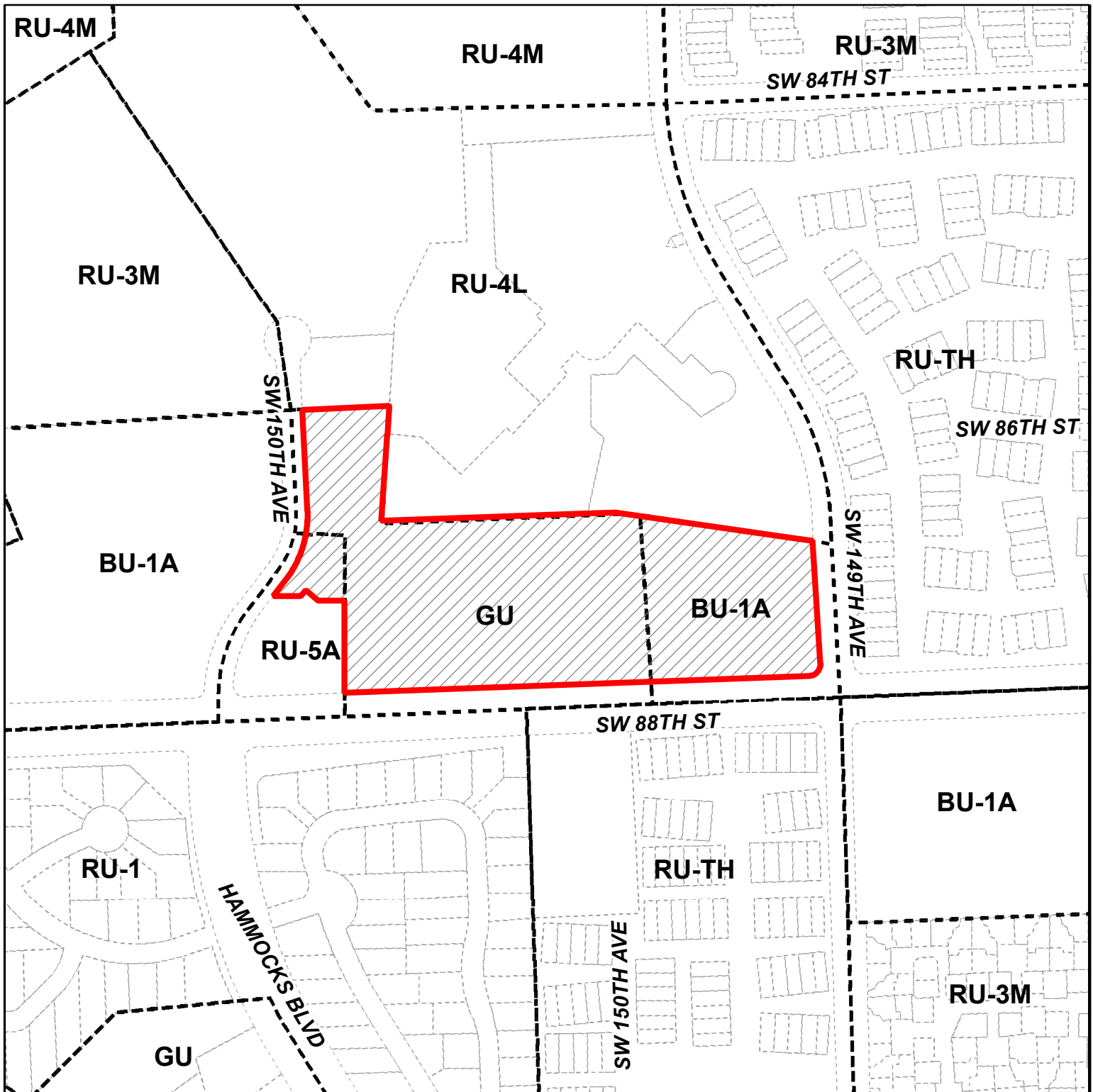
Digitally signed by
Michael D. Gross
 DN: c=US,
 o=THOMAS
 ENGINEERING
 CONSULTANTS
 QUAD 010100-00000
 EFAC, cm=Michael
 D. Gross with
 1519, 31 45707

MATCHLINE (SEE LP-2)

SW 88th STREET
 N KENDALL DRIVE

REFER TO SEPARATE DRAWINGS FOR TD BANK AREA.

<p>CIVIL ENGINEERS - PROJECT MANAGERS - LAND PLANNING - LANDSCAPE ARCHITECTS</p> <p>4850 W. KENNEDY BLVD. SUITE 600 TAMPA, FL 33609 P. 813-379-4100</p> <p>125 W. INDIANTOWN RD. SUITE 208 SUWANEE, FL 34486 P. 981-253-7603</p>	<p>Sunshine</p> <p>One of the top landscape architects in the world. We are a national leader in landscape architecture and design. Our team of professionals is dedicated to providing exceptional service and creating beautiful outdoor spaces for our clients.</p>	<p>PROJECT: LEFTEO CHURCH/DIA MIAMI BAPTIST CHURCH</p> <p>DATE: 5/23/23</p> <p>SCALE: AS SHOWN</p>	<p>1485 SW 8th ST MIAMI, FL 33135</p> <p>THOMAS ENGINEERING CONSULTANTS</p> <p>125 W. INDIANTOWN RD. SUITE 208 SUWANEE, FL 34486 P. 981-253-7603</p>		<p>LANDSCAPE PLAN</p> <p>LP-1</p>
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MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2022000089



Section: 33 Township: 54 Range: 39
 Applicant: Miami Baptist Church At Inc
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

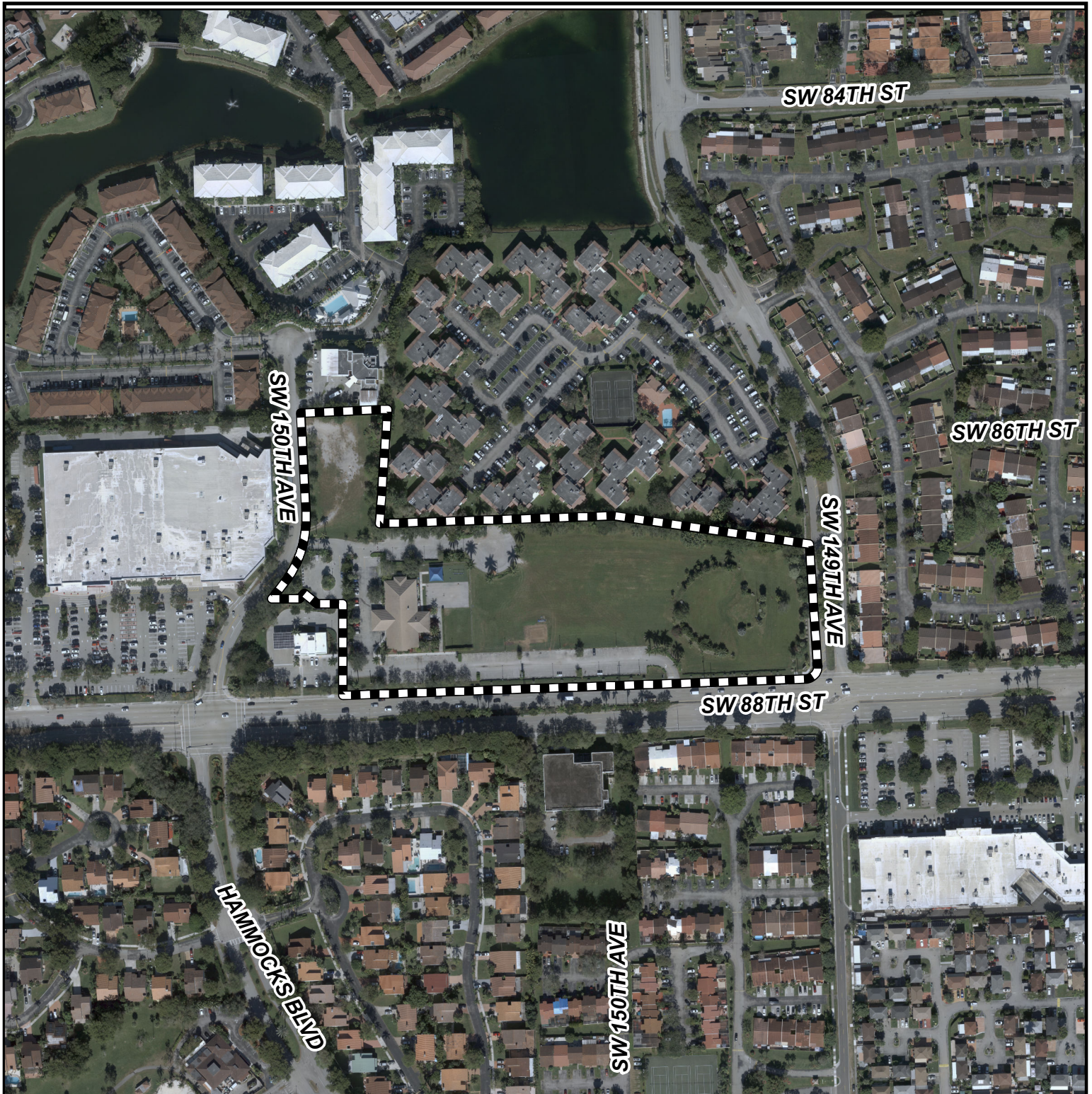
Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Monday, May 23, 2022


REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2022000089

Legend
 Subject Property

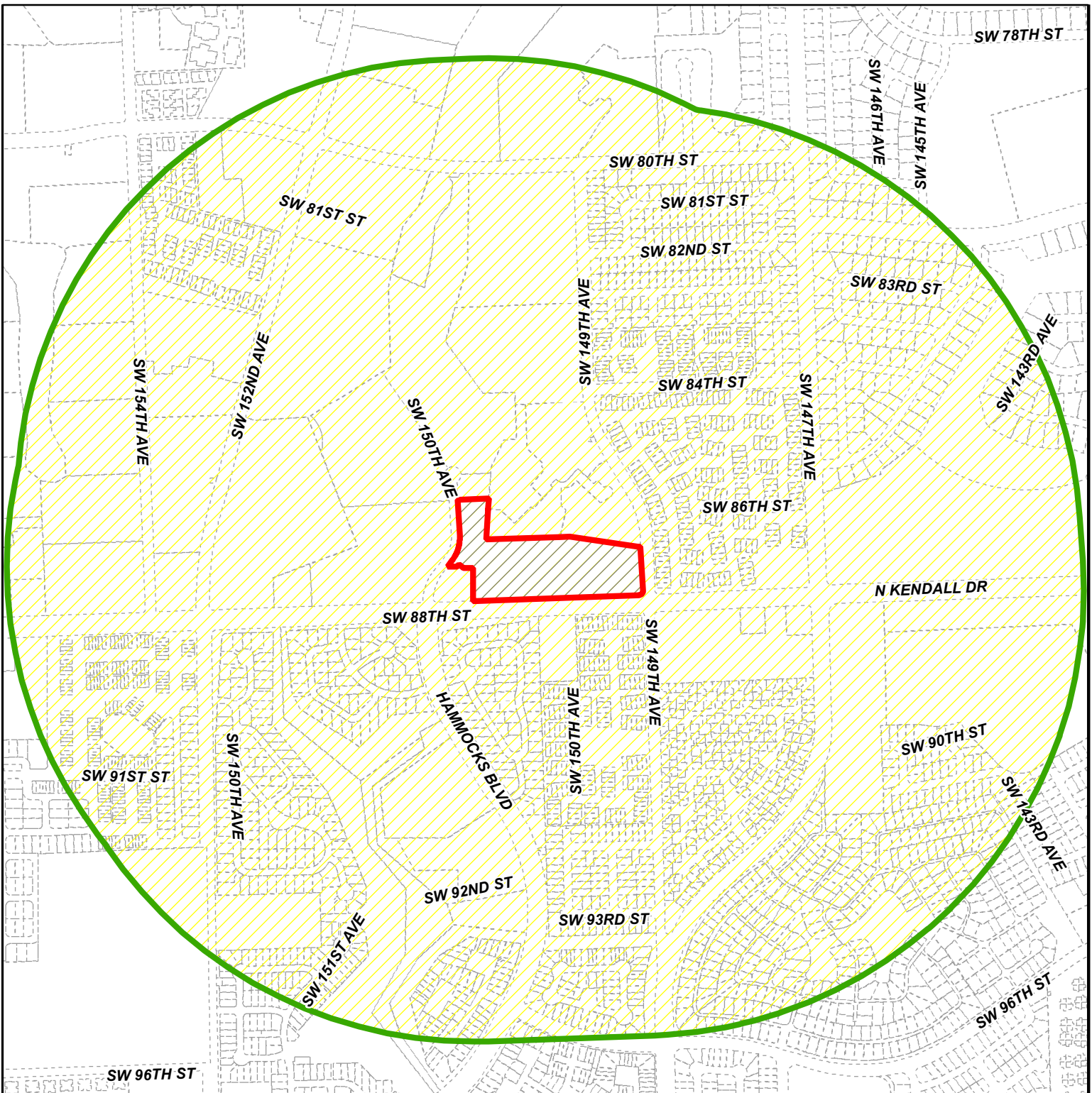


Section: 33 Township: 54 Range: 39
 Applicant: Miami Baptist Church At Inc
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Monday, May 23, 2022

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 33 Township: 54 Range: 39
 Applicant: Miami Baptist Church At Inc
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2022000089
 RADIUS: 2640

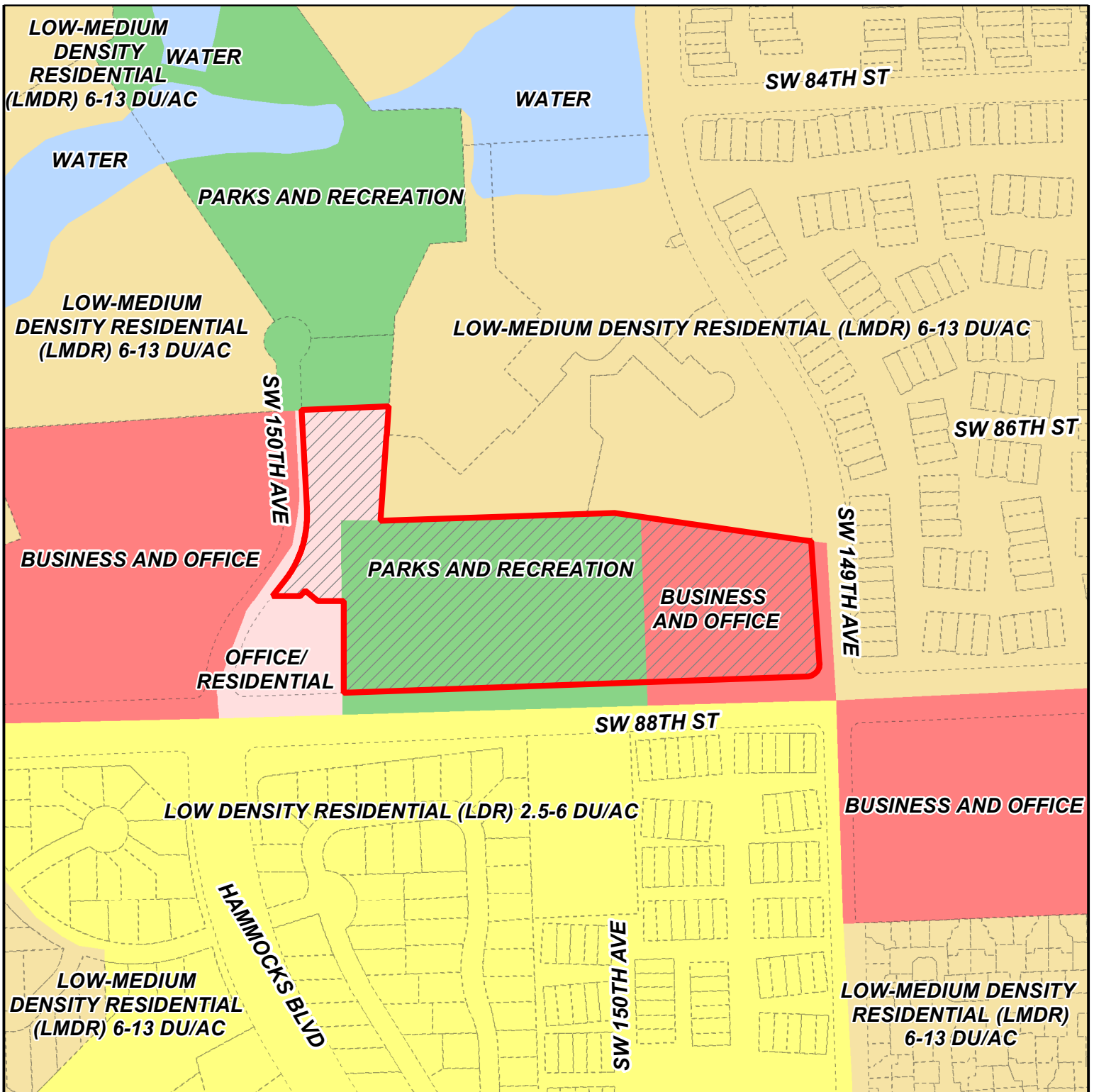
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Monday, May 23, 2022

REVISION	DATE	BY



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2022000089

Section: 33 Township: 54 Range: 39
 Applicant: Miami Baptist Church At Inc
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, May 23, 2022

REVISION	DATE	BY

This instrument was prepared by:

Name: Oliver D. Wechsler, Esq.
Holland & Knight LLP
Address: 701 Brickell Avenue
Suite 3300
Miami, FL 33131

DECLARATION OF RESTRICTIONS

**Amendment and Restatement of the Declaration of Restrictions
Recorded at Official Records Book 28049, Pages 0297-0310**

WHEREAS, the undersigned owner, **Lifted Church, Inc.**, (referred to as the "Owner", and is formerly known as Miami Baptist Church AT Inc.), holds the fee simple title to that certain parcel of land, which is legally described in Exhibit "A", hereinafter the "Property";

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "2012 Declaration") in favor of Miami-Dade County was recorded in the Public Records of Miami-Dade County in Official Record Book 28049, at Pages 0297-0310, which placed certain conditions in conjunction with Public Hearing No. Z2011000021 on the use of the subject Property;

WHEREAS, the Miami-Dade County Board of County Commissioners held a public hearing on September 20, 2023, wherein it adopted Resolution No. _____ in connection to Public Hearing Application No. Z2022000089 to approve, in relevant part, a modification to Condition #1 of the 2012 Declaration as follows:

From: "1. The Property will be developed in substantial conformity with the site plan entitled, "TD Bank-West Kendall,' as prepared by Bergmann Associates, dated stamped received December 02, 2011, consisting of 6 sheets, "TD Bank" as prepared by Bohler Engineering, dated stamped received December 02, 2011 consisting of 12 sheets, "TD Bank/West Kendall Drive" prepared by Atlas Sign Industries, dated stamped received December 02, 2011, "West Kendall Baptist Church," as prepared by South Bay Architects, consisting of 9 sheets, dated stamped received 4/25/05 and one boundary survey as prepared by Wenceslao Ortega, Professional Surveyor, dated stamped received 04/25/05 and sign plans as prepared by Linville Graphics, Inc. consisting of 6 sheets, dated stamped received 4/25/05. No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Permitting, Environment and Regulatory Affairs or its successor Department."

To: "1. The Property will be developed in substantial conformity with the site plan entitled, "Lifted Academy", as prepared by Merlo & Associates, consisting of 3 sheets, and landscape plans as prepared by Thomas Engineering Group, consisting of 5 sheets, all dated stamped received 5/25/23, for a total of 8 sheets. No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Regulatory and Economic Resources or its successor Department."

WHEREAS, the current Public Hearing Application #Z2022000089 approved Miami-Dade County's proposed modification of the 2012 Declaration to allow the "Miscellaneous" Section of the covenant to be modified administratively as permitted by the County Code; to provide how the covenant is addressed in cases of annexation or of incorporation and to update other "Miscellaneous" provisions to current standard "Miscellaneous Clauses".

WHEREAS, the Owner and the County desire that the covenants herein amend, restate and supersede those of the 2012 Declaration;

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owner during consideration of Public Hearing Application No. Z2022000089 will be abided by the Owner freely, voluntarily and without duress, makes the following declaration of restrictions covering and running with the Property:

- (1) That the foregoing recitals are incorporated as if fully set forth herein.
- (2) To: "1. The Property will be developed in substantial conformity with the site plan entitled, "Lifted Academy", as prepared by Merlo & Associates, consisting of 3 sheets, and landscape plans as prepared by Thomas Engineering Group, consisting of 5 sheets, all dated stamped received 5/25/23, for a total of 8 sheets. No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Regulatory and Economic Resources or its successor Department."

MISCELLANEOUS

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the

requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Signed, sealed and acknowledged on this ____ day of _____, 2023.

WITNESSES

Lifted Church, Inc.,

a Florida not for profit corporation

[Signature]

Signature

Anthony De Leo

Printed Name

[Signature]

Signature

Armando Maldonado

Printed Name

[Signature]

Signature

Michael E. Myers

Printed Name

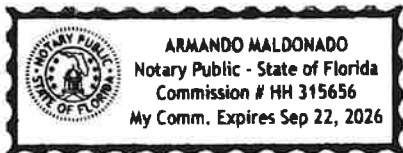
STATE OF FLORIDA)

) ss:

COUNTY OF Miami Dade)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18th day of September, 2023, by Michael E. Myers, as President of Lifted Church, Inc., a Florida not for profit corporation, who is personally known to me or who has produced Driver License as identification. # M620 545 88 252-6

[NOTARIAL SEAL]



Print Name: Armando Maldonado

Notary Public, State of Florida

Commission #: HH 315656

My Commission Expires: Sep. 22, 2026

Exhibit "A"

Legal Description

TRACTS C AND E, OF BENSON LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT:

A PORTION OF TRACTS "C" AND "E", "BENSON LAKES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF SAID TRACT "E", SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 150TH AVENUE (HAMMOCK BOULEVARD) AND ON THE ARC OF A CURVE CONCAVE EASTERLY, A LINE FROM THE RADIUS POINT TO SAID POINT BEARS NORTH

64°32'45" WEST; THENCE NORTHEASTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, THE WESTERLY BOUNDARY OF SAID TRACT "E" AND ON THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 14°06'09" FOR AN ARC LENGTH OF 73.84 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY BOUNDARY OF TRACT "E", NORTH 39°33'20" EAST 38.51 FEET; THENCE SOUTH

90°00'00" EAST 53.17 FEET; THENCE NORTH 39°33'00" EAST 16.01 FEET; THENCE SOUTH 52°27'00" EAST 34.98 FEET; THENCE SOUTH 90°00'00" EAST 55.92 FEET; SOUTH 00°00'00" WEST 197.18 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF NORTH KENDALL DRIVE (S.W. 88TH STREET) (STATE ROAD NO. 94) AS SHOWN ON SAID PLAT; THENCE SOUTH 87°41'53" WEST ON SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE 212.00 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY BOUNDARY OF SAID TRACT "C" AND THE ARC OF SAID CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 98°35'01" FOR AN ARC LENGTH OF 43.02 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF S.W. 150TH AVENUE (HAMMOCK BOULEVARD) AND THE WESTERLY BOUNDARY OF SAID TRACT "C", AND TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE SOUTHEASTERLY; THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY BOUNDARY OF TRACT "C", AND ON THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 19 10'17" FOR AN ARC LENGTH OF 100.38 FEET TO THE POINT OF BEGINNING.

OPINION OF TITLE

To: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as an inducement for the acceptance of a Declaration of Restrictions (“Declaration”), covering the real property hereinafter described, it is hereby certified that I have examined the Old Republic National Title Insurance Company, Title Commitment No. 23029179, covering the period from the beginning to February 23, 2023 at 8:00 and Title update from Old Republic National Title Insurance Company, Title Commitment No. 23029179, covering the period from February 23, 2023 at 8:00 am to August 31, 2023 at 8:00 am, inclusive, of the following described real property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Lifted Church, Inc., a Florida not for profit corporation (the “Owner”)

Further, I am of the opinion that Michael Everett Myers, as President, is authorized to execute the Declaration on behalf of the Owner.

Subject to the following encumbrances, liens, and other exceptions:

A. RECORDED MORTGAGES:

None.

B. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

C. GENERAL EXCEPTIONS:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
3. Rights or claims of parties in possession.

4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
5. Easements or claims of easements not shown by the public records.
6. General or special taxes and assessments required to be paid in the year 2023 and subsequent years.

D. SPECIAL EXCEPTIONS:

1. Easements, restrictions, dedications and reservations as shown on the Plat of Benson Lakes, as recorded in Plat Book 147, Page 17, of the Public Records of Miami-Dade County, Florida.
2. Easements, restrictions, dedications and reservations as shown on the Plat of Kendall Lakes West Section One, as recorded in Plat Book 98, Page 2, of the Public Records of Miami-Dade County, Florida.
3. Resolution recorded in Official Records Book 8403, Page 1955, of the Public Records of Miami-Dade County, Florida.
4. Agreement for Construction of Sanitary Sewage Facilities and for the Disposal of Sanitary Sewage for Kendall Racquet Club between Miami-Dade Water and Sewer Authority and B.K., Inc., recorded in Official Records Book 8750, Page 486, as affected by Addendum Number One recorded in Official Records Book 9094, Page 705, of the Public Records of Miami-Dade County, Florida.
5. Right of Way Resolution for State Highway System Projects recorded in Official Records Book 14258, Page 1974, of the Public Records of Miami-Dade County, Florida.
6. Declaration of Restrictive Covenants recorded in Official Records Book 15750, Page 3981, as restated and corrected by Restatement and Correction recorded in Official Records Book 16834, Page 3232, of the Public Records of Miami-Dade County, Florida.
7. Agreement for Water Facilities between Metropolitan Dade County and Paul Sansone recorded in Official Records Book 16574, Page 3279, of the Public Records of Miami-Dade County, Florida.
8. Covenant Running with the Land recorded in Official Records Book 16834, Page 3315, of the Public Records of Miami-Dade County, Florida.
9. Ordinance No. 96-51 in that certain Memorandum recorded in Official Records Book 17177, Page 1480, of the Public Records of Miami-Dade County, Florida.

Lifted Church, Inc. Opinion of Title

10. Resolution No. R-697-97 recorded in Official Records Book 17721, Page 1786, of the Public Records of Miami-Dade County, Florida.
11. Agreement for Water and Sanitary Sewage Facilities between Metropolitan Dade County and West Kendall Baptist Church, Inc., recorded in Official Records Book 17798, Page 4576, of the Public Records of Miami-Dade County, Florida.
12. Grant of Easement between West Kendall Baptist Church, Inc., and Miami-Dade County recorded in Official Records Book 18724, Page 846, of the Public Records of Miami-Dade County, Florida.
13. Application and Acceptance of Conditional Building Permit and Estoppel Notice recorded in Official Records Book 19271, Page 1233, of the Public Records of Miami-Dade County, Florida.
14. Declaration of Restrictions recorded in Official Records Book 25269, Page 3473, of the Public Records of Miami-Dade County, Florida.
15. Covenant Running with the Land in Lieu of Unity of Title recorded in Official Records Book 27754, Page 3242, of the Public Records of Miami-Dade County, Florida.
16. Resolution recorded in Official Records Book 27849, Page 4076, of the Public Records of Miami-Dade County, Florida.
17. Covenant Running with the Land in favor of Miami-Dade County recorded in Official Records Book 27889, Page 3295, of the Public Records of Miami-Dade County, Florida.
18. Covenant Running with the Land in Lieu of Unity of Title recorded in Official Records Book 28049, Page 297, of the Public Records of Miami-Dade County, Florida.
19. Reciprocal Easement and Operating Agreement recorded in Official Records Book 28051, Page 4859, as affected by Partial Assignment of Rights under Reciprocal Easement and Operating Agreement recorded in Official Records Book 30890, Page 2324, of the Public Records of Miami-Dade County, Florida.
20. Declaration of Restrictions recorded in Official Records Book 31310, Page 3339, of the Public Records of Miami-Dade County, Florida.
21. Agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and Miami Baptist Church At, Inc., recorded in Official Records Book 31876, Page 102, of the Public Records of Miami-Dade County, Florida.
22. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s)

Lifted Church, Inc. Opinion of Title

and any parties claiming through the lessee(s) under the lease(s).

NOTE: All of the recording references shall refer to the Public Records of Miami-Dade County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration.

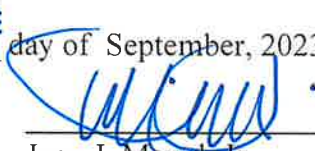
Therefore, it is my opinion that the following parties must join in the Declaration in order to make the Declaration a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
Lifted Church, Inc., a Florida not for profit corporation	Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Declaration.

I, the undersigned, further certify that I am attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 14th day of September, 2023.



Juan J. Mayol, Jr.
Florida Bar No. 739693
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 789-7787

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence [X] or online notarization [] by Juan J. Mayol, Jr., counsel for Lifted Church, Inc., a Florida Not For Profit Corporation. He is personally known to me.

Witness my signature and official seal this 14th day of Sept., 2023, in the County and State aforesaid.



My Commission Expires

Siuby Fleites
Signature
Notary Public-State of FL
SIUBY FLEITES
Print Name

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS C AND E, OF BENSON LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT:

A PORTION OF TRACTS "C" AND "E", "BENSON LAKES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF SAID TRACT "E", SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 150TH AVENUE (HAMMOCK BOULEVARD) AND ON THE ARC OF A CURVE CONCAVE EASTERLY, A LINE FROM THE RADIUS POINT TO SAID POINT BEARS NORTH 64°32'45" WEST; THENCE NORTHEASTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, THE WESTERLY BOUNDARY OF SAID TRACT "E" AND ON THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 14°06'09" FOR AN ARC LENGTH OF 73.84 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY BOUNDARY OF TRACT "E", NORTH 39°33'20" EAST 38.51 FEET; THENCE SOUTH 90°00'00" EAST 53.17 FEET; THENCE NORTH 39°33'00" EAST 16.01 FEET; THENCE SOUTH 52°27'00" EAST 34.98 FEET; THENCE SOUTH 90°00'00" EAST 55.92 FEET; SOUTH 00°00'00" WEST 197.18 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF TRACT "C", ALSO BEING THE NORTH RIGHT- OF-WAY LINE OF NORTH KENDALL DRIVE (S.W. 88TH STREET) (STATE ROAD NO. 94) AS SHOWN ON SAID PLAT; THENCE SOUTH 87°41'53" WEST ON SAID SOUTH LINE AND SAID NORTH RIGHT- OF-WAY LINE 212.00 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY BOUNDARY OF SAID TRACT "C" AND THE ARC OF SAID CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 98°35'01" FOR AN ARC LENGTH OF 43.02 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF S.W. 150TH AVENUE (HAMMOCK BOULEVARD) AND THE WESTERLY BOUNDARY OF SAID TRACT "C", AND TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE SOUTHEASTERLY; THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY BOUNDARY OF TRACT "C", AND ON THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 19°10'17" FOR AN ARC LENGTH OF 100.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.