KITS

4-30-2008 Version # 1

MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR

111 NW 1 Street, Miami

Thursday, June 5, 2008 at 9:30 a.m.

PREVIOUSLY DEFERRED

						DISTRICT
A.	08-4-CC-1	DREAM OF FIELDS GROUP, INC.	07-339	16-55-40	N	8

CURRENT

						DISTRICT
1.	08-6-CC-1	CUSTOM BUILDERS OF MIAMI, LLC	07-413	27-56-39	N	8

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, JUNE 5, 2008

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

A. DREAM OF FIELDS GROUP, INC. (08-4-CC-1/07-339) **16-55-40**
BCC/District 8

Applicant is appealing the Administrative Decision alleging that the Director erred in issuance of Building Permit No. 2008042872 by not restricting the development of the site to a plan submitted in conjunction with Zoning Hearing Application Z1998000337.

The purpose of the request is to require the development of the subject property in accordance with the plan submitted in conjunction with the aforementioned Zoning Hearing Application and limiting the number of students to 21 as shown on the said site plan.

LOCATION: 13115 S.W. 89 Avenue, F/K/A: 13111 S.W. 89 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.53 Acre

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 4/24/08

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1. **CUSTOM BUILDERS OF MIAMI LLC (08-6-CC-1/07-413)** **27-56-39**
BCC/District 8

DELETION of a Declaration of Restrictions recorded in Official Records Book 22176, Pages 2674-2678.

The purpose of the request is to allow the applicant to delete an agreement tying the site to plans for a townhouse development and to allow the applicant to develop the site in accordance with the Naranja Community Urban Center District zoning regulations.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants after Public Hearing).

LOCATION: Lying on the Northwest corner of S.W. 260 Street and S.W. 137 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.5 Acres

Department of Planning and Zoning Recommendation:

Approval under Section 33-311 (A)(7) (generalized modification standards) and denial without prejudice under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing).

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. DREAM OF FIELDS GROUP, INC.
(Applicant)

08-4-CC-1 (07-339)
BCC/District 8
Hearing Date: 6/5/08

Property Owner (if different from applicant) **K & B Investments.**

Is there an option to purchase ☐/lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1999	Florida Gymnastics Training Center	Appeal of an administrative decision.	CZAB-12	Appeal Approved, Application Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: April 24, 2008 **#Z-14-08**

ITEM: 1.

APPLICANT: DREAM OF FIELDS GROUP, INC. (08-4-CC-1)

ACTION: Deferred to June 5, 2008 with leave to amend

ROLL CALL	M/S	YES	NO	ABSENT
Diaz		X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez		X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson	M	X		
Sosa	S	X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		13	0	0

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Dream of Fields Group, Inc. **PH:** Z07-339 (08-4-CC-1)

SECTION: 16-55-40 **DATE:** June 5, 2008

COMMISSION DISTRICT: 8 **ITEM NO.:** A

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A. INTRODUCTION

o REQUEST:

Applicant is appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit #2008042872 by not restricting the development of the site to a plan submitted in conjunction with zoning hearing application #Z1998000337.

The purpose of this request is to require the development of the subject property in accordance with the plan submitted in conjunction with the aforementioned zoning hearing application and limiting the number of students to 21 as shown on said site plan.

o SUMMARY OF REQUEST:

The applicant, Dream of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing an Administrative Decision on the property located at 13115 S.W. 89 Avenue alleging that the Director erred in the issuance of Building Permit #2008042872 by not restricting the site to the plan previously submitted in conjunction with a 1999 application filed by the owner of the subject property which dealt with parking calculations.

o LOCATION:

13115 S.W. 89 Avenue, FKA 13111 SW 89 Avenue, Miami-Dade County, Florida.

o SIZE: 0.53 Acre

B. ZONING HEARING HISTORY:

In 1999, the Community Zoning Appeals Board #12 passed Resolution #CZAB12-23-99 which approved an appeal of an administrative decision concurring with the applicant that the Director erred in the decision to require 1 parking space for each 100 sq. ft. of classroom area for a gymnastics training center. This Resolution allowed the center's parking to be calculated as a school.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are

construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-1; gymnastic training center	Industrial and Office
Surrounding Properties:	
NORTH: IU-1; warehouse	Industrial and Office
SOUTH: IU-1; warehouse	Industrial and Office
EAST: IU-1; warehouse	Industrial and Office
WEST: BU-2; shopping center	Industrial and Office

The subject property is located north of "The Falls" shopping center at 13115 S.W. 89 Avenue, FKA 13111 SW 89 Avenue in an industrial area characterized by warehouses and shopping centers.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**

Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

1. Upon application of an **appeal of an administrative decision**, the Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of the regulations.

2. **Section 33-124(k)(4). Off-street parking** shall be provided in accordance with the following minimum standards: Dance, karate, and aerobics schools, and health/exercise studios shall be provided one (1) parking space for each one hundred (100) square feet of classroom area, or fractional part thereof. Office, retail, and restaurant areas in conjunction therewith shall have parking spaces provided as otherwise contained in this Section.

G. NEIGHBORHOOD SERVICES:

DERM	**No objections**
Public Works	**No objections**
Parks	**No objections**
MDT	**No objections**
Fire Rescue	**No objections**
Police	**No objections**
Schools	**No comments**

H. ANALYSIS:

This application was deferred from the April 24, 2008 meeting in order to properly advertise the appeal request, which now includes Building Permit #2008042872. The subject 0.53-acre property is a gymnastics training center located north of "The Falls" Shopping Center at 13115 S.W. 89th Avenue, FKA 13111 SW 89 Avenue in an area characterized by warehouses and shopping centers. The applicant, Dream of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit #2008042872 by not restricting the development of the site to a plan submitted in conjunction with zoning hearing application #Z1998000337. Said zoning hearing was an appeal of an administrative decision which dealt with the parking requirements for the gymnastics training center and resulted in Resolution #CZAB12-23-99 (Exhibit "A"). The applicant alleges that the site plan submitted in conjunction with the prior hearing was "mandatory" and, as such, alleges that the plan is inherently tied to Resolution #CZAB12-23-99 and, therefore, the number of students (21 at a time) as indicated on said plan, should be enforced. In 1999, the Community Zoning Appeals Board #12 approved an Appeal of an Administrative Decision concurring with the applicant that the Director erred in requiring 1 parking space for each 100 sq. ft. of classroom area for a gymnastics training center and allowing the parking to be calculated in accordance with the requirements for private school facilities, which requires parking to

be calculated as the combined total of both personnel and transportation vehicles only. Although included in the hearing file, the plan was not included in the preliminary notice, final notice, legal or Layman's advertisements and property posting (see Exhibit "B") since the issue that was before the CZAB-12 was not the plan but the manner in which the Department calculated the parking for these uses. The plan was not addressed in the Department's recommendation, the body of the Resolution nor was there any condition tying the development of the property to the plan. As indicated by the County Attorney at the 1999 zoning hearing on pages 32 and 33 of the transcript (see Exhibit "C"), the "technical issue" before the Board was whether or not the Director abused his discretion when he said that the proper category for gymnasium was the category that included dance, karate and aerobic schools and health/exercise studios or should he had said that a gymnasium was the same as a day nursery, kindergarten, elementary school or a junior high school. Staff notes that the aforementioned was the sole issue before CZAB-12 and not the plan. The development of the site would have been restricted to a site plan if the applicant had filed an application for a non-use variance of parking requirements. Although the use is allowed in the IU-1 zoning district, a building permit to establish the above referenced Center is required prior to the issuance of a Certificate of Use (CU). On April 17, 2008, Building Permit #2008042872 was issued after the owner of the subject property provided a hold harmless agreement to the Department. Therefore, this application was amended to reflect the appeal of the issuance of the aforementioned Building Permit.

Staff notes that, although the Community Zoning Appeals Board #12 heard the 1999 appeal of an administrative decision, an amendment to the Zoning Code, Section 33-314(C)(7), requires that Appeals of Administrative Decision be heard by the BCC (Ordinance #03-93). Therefore, this application is required to be heard before this Board. In the 1999 hearing, the applicant, Florida Gymnastics Training Center, indicated that the gymnastics training center was intended for students in an age group that were dropped off by parents who would not stay on the premises during the training periods. The center consisted of 10,112 sq. ft. and the Department had calculated the required parking in accordance with Section 33-124(k)(4) of the Zoning Code, which requires one parking space for each 100 sq. ft. of classroom area, or any part thereof for a total of 101 spaces. The applicant opined that the Zoning Code did not take into account the special conditions of a gymnastics training facility, such as: equipment space requirements, students below driving age, and that the use was a training facility, not a spectator facility, which would have generated more vehicle trips and the need for more parking spaces. However, the Community Zoning Appeals Board #12 disagreed with staff's recommendation and reversed the Director's decision by approving the Appeal of Administrative Decision, pursuant to Resolution #CZAB12-23-99. Therefore, the gymnastics training center's parking was allowed to be calculated in accordance with the school parking regulations of the Zoning Code.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Additionally, the **Public Works Department** and the **Miami-Dade Fire and Rescue Department** have **no objections** to this application.

The current applicant, Dream of Fields Group, Inc., claims in the current submitted Appeal of Administrative Decision application that the Director erred in the issuance of Building Permit #2008042872 by not restricting the development of the site to a plan submitted in conjunction with zoning hearing application #Z1998000337. Staff disagrees

with the applicant and opines that the submitted plan in the 1999 public hearing file was only intended for informational purposes only and was not intended to approve the layout of the center, equipment location nor the number of students. The plan was a moot point since the issue before the Board was not the plan submitted but the manner in which the parking was being calculated for the use. Notwithstanding the above, staff reiterates that the number of students was not the issue that was under consideration throughout the 1999 public hearing. As previously mentioned, although part of the hearing file, the plan was not advertised, was not addressed in the body of Resolution #CZAB12-23-99 nor was it included as a condition to tie the development of the property to the plan. As such, the development of the property is not bound to the previously submitted plan nor is the development of the site limited to 21 students. Therefore, staff recommends that this Appeal of Administrative Decision be denied without prejudice.

I. RECOMMENDATION: Denial without prejudice

J. CONDITIONS: None

DATE INSPECTED: 01/14/08
DATE TYPED: 02/25/08
DATE REVISED: 02/28/08; 03/03/08; 03/10/08; 03/12/08; 03/18/08; 03/19/08; 04/30/08; 05/01/08
DATE FINALIZED: 05/06/08
SB:MTF:LVT:JV

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

EXHIBIT "A"

RESOLUTION NO. CZAB12-23-99

WHEREAS, **FLORIDA GYMNASTICS TRAINING CENTER** applied for the following:

APPEAL OF AN ADMINISTRATIVE DECISION that the Director erred in his decision to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center.

SUBJECT PROPERTY: Lot 12, Block 7, SOUTH KENDALL INDUSTRIAL NO. 2, Plat book 68, Page 97.

LOCATION: 13111 S.W. 89 Avenue, Miami-Dade County, Florida,

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the grounds and reasons specified for the reversal of the decision of the Director of the Department of Planning and Zoning in his interpretation were sufficient to merit a reversal of the decision, and that the Director erred in his interpretation to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center, and that the gymnasium training center should be treated as a school for parking purposes, and

WHEREAS, a motion to approve the appeal and reverse the Director's decision was offered by Peggy Brodeur, seconded by Gregory W. Bush, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	absent	Lorraine Grigsby	aye
Peggy Brodeur	aye	Larry Harris	absent
Gregory W. Bush	aye	Maureen O'Donnell	nay

Sanford A. Youkilis aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the interpretation of the Director of the Department of Planning and Zoning be and the same is hereby reversed and the appeal of the administrative decision is hereby approved.

BE IT FURTHER RESOLVED that the Director shall treat the gymnasium training center as a school for parking purposes.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

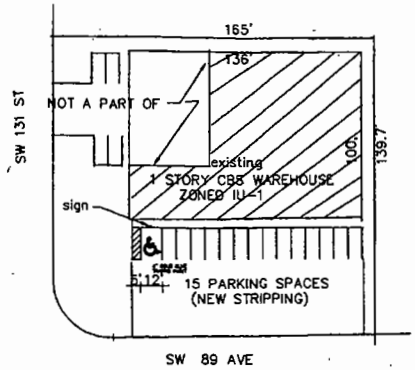
PASSED AND ADOPTED this 28th day of July, 1999.

Hearing No. 99-7-CZ12-1

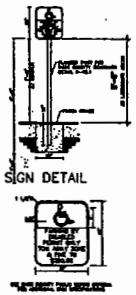
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3rd DAY OF AUGUST, 1999.

FROM 1999 HEARING

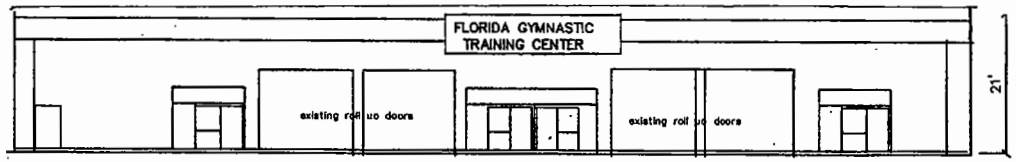
10



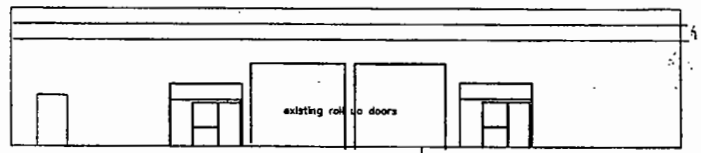
SITE PLAN



TYP. LOGO



FRONT ELEVATION
scale 1/8" = 1'-0"



SIDE ELEVATION
scale 1/8" = 1'-0"

SITE INFORMATION

PARKING REQUIREMENTS =

CLASSES	ZERO
INSTRUCTORS	3
ADMINISTRATOR	1
MISC	6
HANDICAPPED	1
TRANSITORY	4
TOTAL	15 CARS

EQUIPMENT SQUARE FOOTAGES

FLR EX	1681 SF
PEE BARS	352 SF
HORSE	308 SF
BEAMS	930 SF
VAULT	672 SF
UNEVEN BARS	1400 SF
TRAMPOLINES	500 SF
HIGH BAR	359 SF
TOTAL	6193 SF

CIRCULATION ETC 1953 SF

TOTAL RM SF 8126 SF

WARMUP AREA 1586 SF

TOTAL SPACE 10,112 SF

NFPA 101 EXIT REQUIREMENTS

OCCUPANTS (101-9.1.7.1/B)

10112 SF / 15 = 675 PERSONS

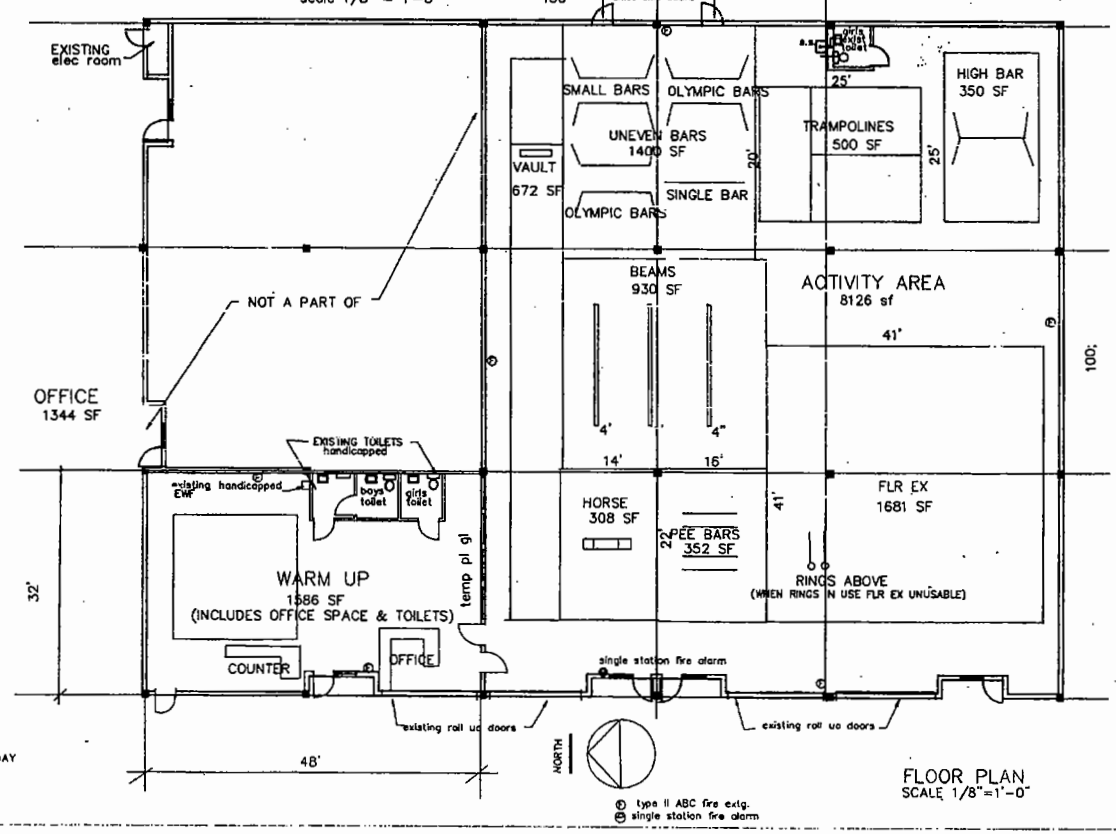
675 X .2"/PERSON = 135" REQUIRED

7 DOORS @ 34" EA = 238PROVIDED

THIS SPACES TOTAL OCCUPANCY IS 35 PEOPLE
FIGURED AS FOLLOWS;

CLASSES	21
INSTRUCTORS	3
ADMISTRATOR	1
MISC	6 (INCLUDES MISC PARENT)
TOTAL	31 OCCUPANTS

THE CLASS AGE LEVEL IS BETWEEN 4 YEARS OF AGE TO 15 YEARS OF AGE,
AND THE TIME OF OCCUPANCY IS FROM 3:30 PM TO 8:30 PM MONDAY THRU FRIDAY



FLOOR PLAN
SCALE 1/8"=1'-0"

william hamilton arthur architect inc.
800 douglas entrance
suite 300
coral gables
florida 33134
305 443 3400
fax 305 441 7060
license number 2282

DRAWN BY: WA

SEAL:

SHEET TITLE: FLOOR PLAN SITE PLAN-ELEVATION
TENANT DRAWING ONLY

PROJECT TITLE: FLORIDA GYMNASTIC TRAINING CENTER
13115 SW 89 AVE
MIAMI FLA PH - 251-4414

REVISION DATE(S)
△
△
△

PROJ. NO.:
DATE: 1/10/98

SHEET NO.: A-1

DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

PRESORTED FIRST CLASS

MIAMI FL OCT-1'98

U.S. POSTAGE ≈0.23 8

PB METER 6835174

MIAMI FL 331 100298

ZONING HEARING NOTICE

Z98000337 C12 21
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1010
MIAMI, FLORIDA 33128-1974

AUTO AUTO

Exhibit "B"

11

MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE, HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER ON CORRESPONDENCE AND MAIL SAME TO **MIAMI-DADE COUNTY DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION, ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974.** FOR FURTHER INFORMATION, PLEASE CALL 271-1242 AND DIRECT DIAL: 1-4-1-6 OR FOR SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS.

HEARING NUMBER: 98-337
APPLICANT NAME: FLORIDA GYMNASTICS TRAINING CENTER

THE APPLICANT IS REQUESTING AN APPEAL OF AN ADMINISTRATIVE DECISION AS IT PERTAINS TO THE PARKING REQUIREMENT FOR A GYMNASIUM.

LOCATION: 13111 S.W. 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 0.53 ACRES

HEARING WILL BE HELD AT THE
GLADES MIDDLE SCHOOL
AUDITORIUM
9451 SW 64 STREET
MIAMI-DADE COUNTY, FLORIDA

THIS IS A PRELIMINARY NOTICE ONLY. PRIOR TO THE HEARING, MORE SPECIFIC INFORMATION WILL BE SENT TO YOU.

Z98000337 C12 21
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1010
MIAMI, FLORIDA 33128-1974

Exh. B
CONTINUED

12

MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET, SUITE 1110
MIAMI, FLORIDA 33128-1974

6-28-99

PRESORTED FIRST CLASS

MIAMI FL JUN 25 '99

U.S. POSTAGE 0.243

PB METER 6142479

ZONING HEARING NOTICE

Z1998000337 C12 21
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1010
MIAMI, FLORIDA 33128-1974

AUTO

Exhibit B (CONTINUED)

13

MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER ON CORRESPONDENCE AND MAIL SAME TO **MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974.** FOR FURTHER INFORMATION, PLEASE CALL (305) 271-1242 AND DIRECT DIAL: 1-4-1-6 OR FOR SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS. IF YOU ARE IN NEED OF A TRANSLATOR, FOR THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE. PLEASE CALL (305) 375 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING NUMBER: 98-337
APPLICANT NAME: FLORIDA GYMNASTICS TRAINING CENTER

THE APPLICANT IS REQUESTING AN APPEAL OF AN ADMINISTRATIVE DECISION THAT THE DIRECTOR ERRED IN HIS DECISION TO REQUIRE ONE PARKING SPACE FOR EACH ONE HUNDRED SQUARE FEET OF CLASSROOM AREA, OR FRACTIONAL PART THEREOF, AS REQUIRED IN SECTION 33-124 K(4) OF THE ZONING CODE, FOR A GYMNASTIC TRAINING CENTER.

LOCATION: 13111 SW 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA

SIZE OF PROPERTY: 0.53 ACRE

HEARING WILL BE HELD AT THE
MIAMI-DADE COMMUNITY COLLEGE
KENDALL CAMPUS - ROOM #6120
11011 SW 104 STREET
MIAMI-DADE COUNTY, FLORIDA

COMMUNITY ZONING APPEALS BOARD 1
DATE 07/28/1999
WEDNESDAY
TIME 7:00 PM

Z1998000337 C12 21
METROPOLITAN DADE COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT AND REGULATION
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1010
MIAMI, FLORIDA 33128-1974

Exhibit B
CONTINUED

14

1999
LEGAL ADVERTISEMENT

Exhibit B
CONTINUED

HEARING NO. 99-7-CZ12-1 (98-337)

16-55-40
Council Area 12
Comm. Dist. 9

APPLICANT: FLORIDA GYMNASTICS TRAINING CENTER

APPEAL OF AN ADMINISTRATIVE DECISION that the Director erred in his decision to require 1 parking space for each 100 sq. ft. of classroom area, or fractional part thereof as required in §33-124 k(4) of the Zoning Code, for a gymnastics training center.

SUBJECT PROPERTY: Lot 12, Block 7, SOUTH KENDALL INDUSTRIAL NO. 2, Plat book 68, Page 97.

LOCATION: 13111 S.W. 89 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.53 Acre

PRESENT ZONING: IU-1 (Industry - Light)

1999 HEARING

Exhibit B
CONTINUED

SW. 89 AVE & 131ST.

PHOTO OF POSTING ZONING HEARING SIGNS

C12

HEARING NUMBER 98-337

LOCATION OF SIGN 13111 SW. 89 AVE.

DADE COUNTY, FLORIDA

DATE OF POSTING 7/7/99

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE

PRINT NAME

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION
REVISED

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207-339
MAY 05 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

*AMOUNT OF FEE $855.00

Total including surcharge $923.40

Additional Radius Fee $ _____

Imaging Fee $80.00

See fee information and amounts on next page.

FOLIO # 3050160090360

BY _____
Date Receipt Stamp

Appeal to be heard by
BCC# _____

Sec. 16 Twp. 55 Rge. 40

RADIUS ASSIGNED

IMPORTANT -- The applicant and/or the applicant's attorney must be present at the hearing.

1. Name of Applicant (PRINT) DREAM OF FIELDS GROUP INC.
2. Mailing Address 12986 SW 89th Ave. Miami Tel No. 786-256-1206
   Please send all mailings to 1555 Rada Lane, North Port FL 34288
3. Contact Person Mr. Richard Cole Esq.
4. Mailing Address 1390 Brickell Ave. Tel. No. 305-350-5300
   3rd Floor, Miami FL 33131
   E-mail Address of Contact Person richard.cole@csklegal.com
5. Name of Property Owner K&B investments
6. Owner's Address 11925 SW 128th Street Miami FL 33186
   Tel. No. 305-238-1866
7. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION (If subdivided, lot, block, complete name of subdivision, plat book and page number.) (If metes and bounds description -- complete description, including section, township and range.)
   Lot 12, Block 7 South Kendall Industrial No. 2
   Platbook 68, Page 97
8. Address or location 13115 SW 89th Ave. or 13111 SW 89th Ave. Miami
9. Size of Property 165 ft. x 139 ft. Acres .53
10. Administrative Decision appealed: (State in brief and concise language.)
   Critical required data on a hearing site plan submitted for public hearing in connection with CZAB 12-23-99 which has been disregarded instead of enforfced by the Director of Planning and Zoning with respect to the issuance of permit # 2008 042 872 in favor of Florida Gymnastics Training center

11. Section and paragraph of regulations if applicable: (Copy regulations in detail)

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BY

12. Alleged error in the order, requirement, decision or determination made by administrative official in interpretation or enforcement of regulation:

We challenge the Director's decision and/or determination in issuing permit # 2008 804 2872 whereby the permittee is not bound by the hearing site plan which resulted in Resolution No. C2AB 12-23-99 and which specifically limited the number of students at the facility to 21 at 1 time.

13. Reason why the decision should be reversed:

The Submission of the aforementioned hearing site plan as well as certain information contained therein was mandatory and as such THE PLAN was inherently tied to the outcome of the aforementioned Resolution. The Director erred when issuing permit # 2008 804 2872 by not limiting to 21 the number of students at the subject facility and thereby not following the number as stated by permittee in the original hearing site plan attached.

AFFIDAVIT

I, Michael J. Fulch, being first duly sworn, depose and say that I am the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statements and answers herein contained and

Michael J. Fulch
SIGNATURE
PRES. DREAM OF FIELDS GROUP INC.

Sworn and Subscribed before me
This 2 day of May 2008

Nicole Medina
NOTARY PUBLIC

NICOLE MEDINA
Comm# DD0691624
Expires 7/2/2012
Florida Notary Assn., Inc

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

August 29, 2007

Mr. Timothy M. Ravich
Cole, Scott & Kissane, P.A.
Pacific National Bank Building
1390 Brickell Avenue, 3rd Floor
Miami, FL. 33131

Re: Florida Gymnastics Training Center

Dear Mr. Ravich:

Your letter dated August 17, 2007, to Mr. Alex Munoz, Assistant County Manager, and attachments dated July 9, 2007 and August 8, 2007, have been forwarded to my office for a response. You have requested that the Department clarify your concerns in regards to permit #C2007139147 regarding the aforementioned gymnastic training center.

As I indicated in my previous correspondence to Mr. Cole, my staff has reviewed the file and has listened to the entire tape of the proceedings that is part of our zoning records. In your correspondence you indicate that the Plan resulted in Resolution CZAB12-23-99. However, although part of the hearing file, the Plan that you reference was not included in the final kit submitted to all the Board members, was not addressed in the body of the Resolution nor was there any condition tying the development of the property to the Plan or to a number of students. As such, the Plan is not inherently tied to the Resolution and is not the operative plan. The Plan and the number of students were not the issues that were under consideration throughout the hearing only the manner in which parking is to be calculated for the type of use. As such, this Department will not bind the development of the property to the Plan nor limit its use to 21 students.

You are correct when you state that my staff disapproved the plans submitted under permit #C2007139147 indicating that the new site plan has to match the hearing plan. However, that comment was made in error by the processor reviewing the plans who is not familiar with the file. On August 27, 2007, the comments were amended to indicate that the

Delivering Excellence Every Day

applicant must submit the number of personnel and transportation vehicles to ensure that adequate parking has been provided in accordance with the CZAB's decision. As mentioned in my previous correspondence to your Firm the Department of Planning and Zoning

will ensure that the operator of the facility complies with all zoning requirements and any applicable zoning action pursuant to Resolution CZAB12-23-99.

Please do not hesitate to contact Maria Teresa Fojo, Acting Assistant Director for Zoning, at 305-375-2117, if you desire additional information on this matter.

Sincerely,

Maria T. Fojo
for Subrata Basu, AIA, AICP
Interim Director

SB:MTF:er

c: Alex Munoz, Assistant County Manager
Henry Sori, Executive Assistant to the County Manager

Memorandum

MIAMI-DADE COUNTY

Date: September 26, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-12 #Z2007000339
Field of Dreams Group, Inc.
13111 S.W. 89th Avenue
Appeal of an Administrative Decision
(IU-1) (0.53 Acres)
16-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

REVISION 1

PH# Z2007000339
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DREAM OF FIELDS GROUP, INC.

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
19-MAR-08

Memorandum

Date: 04-OCT-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000339

Fire Prevention Unit:

APPLICANT MUST PROVIDE APPROVED SITE PLAN COMPLYING WITH MDFR SITE REQUIREMENTS.

Service Impact/Demand:

Development for the above Z2007000339
located at 13111 S.W. 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1994 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:22 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 4 - Coral Reef - 9201 SW 152 Street
Rescue, BLS Engine, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

NOT APPLICABLE TO SERVICE IMPACT ANALYSIS.

DATE: 05/02/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

DREAM OF FIELDS GROUP, INC.

APPLICANT

13115 S.W. 89 AVENUE, FKA 13111 SW 89 Ave, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2007000339

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No Current Violation Found (05-02-08)

There are 2 closed cases for this property.
Case # 200702008030 : Refer to Zoning for Certificate of Use and to verify # of parking spaces.

Case # 200702011159 : Warning letter given for unauthorized parties. Owner ceased and complied with warning. Case Closed.

Jose Lopez

Applicants Dream of Fulds Group, Inc. is address is:
12986 S.W. 89th Ave. Miami 33176

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: Dream of Fulds Group, Inc.

NAME AND ADDRESS	Percentage of Stock
Michael J. Fulds 1555 Rada Ln., N. Port, FL. 34288	50%
Diane M. Fulds 1555 Rada Ln. N. Port, FL. 34288	50%

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: _____

NAME AND ADDRESS	Percentage of Interest

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: _____

NAME AND ADDRESS	Percent of Ownership

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NOV 02 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

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: Michael J. Fulda
(Applicant)

Sworn to and subscribed before me this 31 day of October, 2007. Affiant is personally known to me or has produced FL DL as identification.

(Notary Public)

My commission expires 7/21/09

RYAN SIMS
MY COMMISSION # DD453473
EXPIRES: July 21, 2009
(407) 398-0153 Florida Notary Service.com

*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.

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07-339
NOV 02 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

AMNESTY PERMIT & RELATED IMPROVEMENTS
K & B INVESTMENTS
FOR
FLORIDA GYMNASTICS
13115 South West 89 Avenue
Miami, Florida 33156

PROJECT DATA

OCCUPANCY: Group "A-3"
GROSS FLOOR AREA: 10,330 Sq. Ft.

OCCUPANCY LOAD

AREA @ 10 per Class (3 classes at a time): 30 average occupants
MAX load 207 people: 16 INSTRUCTORS

TOTAL 36 occupants

PLUMBING FIXTURE DESIGN Area/Use

ASSEMBLY (A-3): Area = 10,330 sq. ft. / Tenant Space = 32 avg. Occupants (Max 207 at one time)

PLUMBING FIXTURES:
@ 207 Occupants Total (104 MALE/104 FEMALE)

	REQUIRED	PROVIDED
WATER CLOSETS	MALE = 1 PER 125 FEMALE = 1 PER 65	ONE TWO
LAVATORIES	1 PER 200	THREE
DRINKING FOUNTAIN	1 PER 500	ONE
SERVICE SINK	ONE	ONE
ADA ACCESSIBLE TOILET ROOM	ONE	ONE

*PLUMBING FIXTURE REQUIREMENTS PER F.B.C.-PLUMBING, CHAPTER 4, SECTION 403 - TABLE 403.1

WATER COOLER TO HAVE A CLEAR FLOOR SPACE OF 30"x48" AND SHALL COMPLY w/ F.B.C. 11-415.

BUILDING DEPT. NOTES

1. THIS APPLICATION TO COMPLY WITH AND HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING GOVERNING AUTHORITIES:
   A) SOUTH FLORIDA BUILDING CODE - 1994 EDITION WITH JUNE '99 REV.
   B) REGULATIONS OF LOCAL AUTHORITIES HAVING JURISDICTION
   C) THE AMERICAN WITH DISABILITIES ACT
   D) NATIONAL ELECTRICAL CODE - LATEST ISSUE
   E) OSHA REGULATIONS
   F) BUILDING OWNERS REQUIREMENTS
2. EXECUTE ALL WORK IN ACCORDANCE WITH LOCAL AND FEDERAL CODES, MANUFACTURER'S RECOMMENDATIONS, TRADE AND REFERENCE STANDARDS, INCLUDING BUT NOT LIMITED TO NFPA, ASTM, UFC, AND AMERICAN WITH DISABILITIES ACT, LATEST EDITIONS.

BUILDING INFORMATION

1. OCCUPANCY: GROUP "A-3"
2. CONSTRUCTION TYPE: TYPE II
3. NO. OF STORIES: 1 STORY
4. FIRE SUPPRESSION: N/A
5. NET TENANT AREA: 10,330 SF
6. PANIC HARDWARE: YES
7. FIRE ALARM: N/A

MINIMUM FIRE RESISTANCE

1. INTERIOR TENANT DEMISING WALLS - 2 HR (EXISTING)
2. INTERIOR EXIT CORRIDORS - N/A
3. INTERIOR NON BEARING PARTITIONS - NON-COMBUSTIBLE
4. CEILINGS - N/A
5. MINIMUM FLAME SPREAD INTERIOR FINISHES - CLASS "B" 76-200

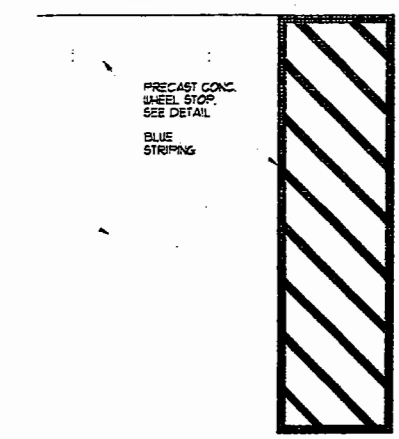
PARKING SUMMARY

USE	AREA	PARKING RATIO	REQ'D.	PROVIDED
SCHOOL	10,330 SF.	1.25/STAFF(6)	8	8
ACCESSIBLE PARKING	N/A	1/25	(1)	(1)
TENANT WAREHOUSE *8854 + *8854	2800 SF	1/1000	4	4
TOTAL PARKING PER RESOLUTION NO. CZAB2-33-99			12	12

SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES		CALIPER	HEIGHT		CANOPY DIAMETER	QUANTITY PROV.
SYMBOL	NEW	EXIST.	SCIENTIFIC	COMMON	YES	NO	INSTALLED	INSTALLED	ESTIMATED @ MATURITY	ESTIMATED @ MATURITY	
	X		QUERCUS VIRGINIANA	LIVE OAK	X		MIN. 2"	12' min.	40'	35'	8
		X	REVENALA MADAGASCARIENSIS	TRAVELERS PALM	X		---	---	40'-50'	---	2
		X	ARCHONTOPHOENIX ALEXANDRAE	ALEXANDRA PALM	X		---	---	40'-45	---	9
	X	X	CHRYSOBALANUS ICACO PELLOCAR	COCOPLUM (HEDGE)	X		---	24" O.C. SPACING MIN 36" H.	---	---	130+

ZONING NOTE:

PARKING FOR 6 STAFF PERSONS (MAX) AT ANY GIVEN TIME IS THE BASIS FOR PRESENT PARKING REQUIREMENTS. (THIS INCLUDES INSTRUCTORS & ADMINISTRATORS, SEE TENAT LETTER ATTACHED.)



DICAP PARKING SPACE DETAIL
N.T.S.
HANDICAP PARKING SPACES AND ACCESS AISLES BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING % IN ALL DIRECTIONS.

APPROVED
MIAMI-DADE COUNTY FIRE DEPARTMENT
FIRE ALARM
BLDG REPAIR
FIRE SUPPRESS ON
WATER MAINS
DATE

5/16" X 2½" CADMIUM PLATED BOLT (TYP.)

3/16" DIAM. HOLE (TYP.)

NOTE:
TYPE AND GAGE OF METAL FOR SIGN AND POST, SHALL BE EQUAL TO COUNTY SIGN REQUIREMENT.

NOTE:
1. ALL LETTER ARE 1" SERIES "C" PER MUTCD.
2. TOP PORTION OD SIGN SHALL HAVE A HIGHLY REFLECTORIZED BLUE BACKGROUND WITH WHITE REFLECTORIZED BACKGROUND LEGEND & BORDER
3. BOTTOM PORTION OF SIGN SHALL HAVE A HIGHLY REFLECTORIZED WHITE BACKGROUND WITH BLACK OPAQUE LEGEND & BORDER.
4. ONE (1) SIGN REQUIRED FOR EACH PARKING SPACE.
5. HEIGHT OF SIGN SHALL BE IN ACCORDANCE WITH SECTION 24-23 F THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD.)

2" ROUND BY .154 (WALL THICKNESS) ALUM. POST

CONC. FTG.

12" DIA.

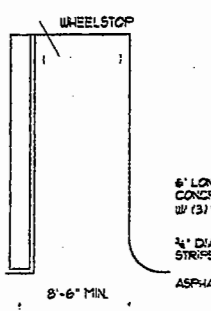
PARKING SIGN DETAIL N.T.S.
HANDICAP SIGNAGE PER F.D.T. SPECIFICATIONS

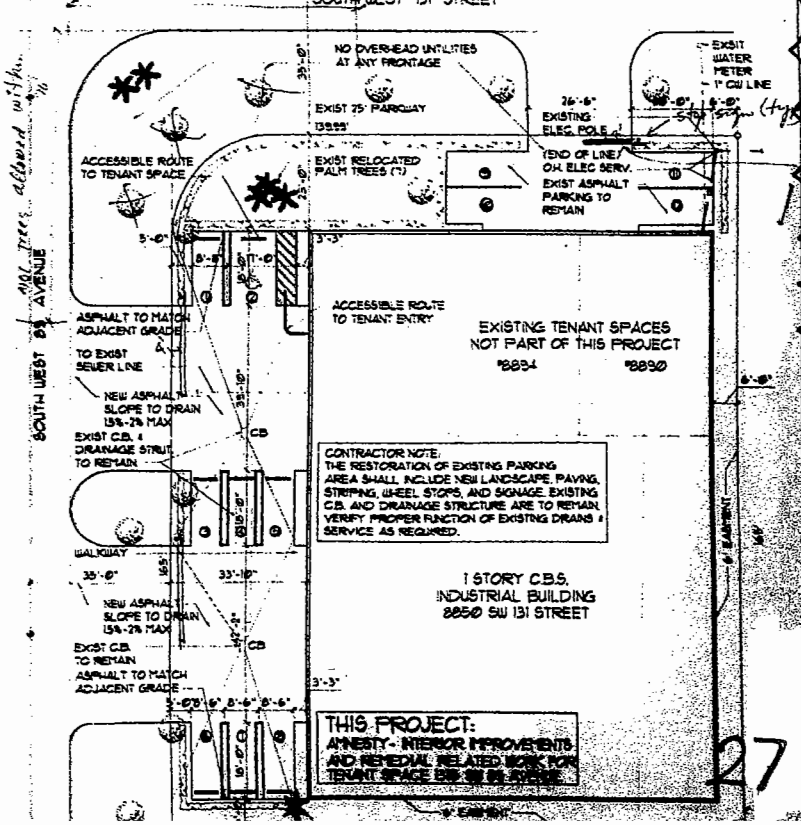
approved
miami-dade county
department of planning and zoning
landscape plan review
1 10 8

MIAMI-DADE COUNTY
DEPARTMENT OF
PLANNING & ZONING

ZONING PLANS PROCESSING
APPROVED BY: GR
DATE: 1/7/00

MIAMI DADE COUNTY
BUILDING DEPARTMENT
BUILDING SECTION
APPROVED BY:
DATE: 1/10/08





Date: SEPTEMBER 19, 2007

Revise
PERMIT REVISION - 10/25/07
PERMIT REVISION - 01/28/08

TENANT: FLORIDA GYMNASTICS
OWNER: K&B INVESTMENT CORP.

X	½ LANUS ICACO PELLOCAR	(HEDGE)	X	—	—	SPACEING MIN 36" H.	—	—	130'

PARKING REQUIREMENTS (INCLUDING INSTRUCTORS) FROM MIAMI-DADE SEE TENANT LETTER BELOW.

SOUTH WEST 131 STREET

NO OVERHEAD UTILITIES ON AND FRONTAGE

35'-0"

EXIST 25' PARKWAY

139.99'

EXSIT WATER METER 1" CW LINE

26'-6"

10'-0"

6'-0"

EXISTING ELEC. POLE

(END OF LINE) O.H. ELEC SERV.

EXIST ASPHALT PARKING TO REMAIN

ACCESSIBLE ROUTE TO TENANT SPACE

EXIST RELOCATED PALM TREES (7)

23'-0"

5'-0"

3'-3"

8'-8"

18'-0"

11'-0"

ACCESSIBLE ROUTE TO TENANT ENTRY

ASPHALT TO MATCH ADJACENT GRADE

TO EXIST SEWER LINE

NEW ASPHALT SLOPE TO DRAIN 1.5%-2% MAX

39'-10"

CB

EXIST C.B. & DRAINAGE STRUT TO REMAIN

EXISTING TENANT SPACES NOT PART OF THIS PROJECT

#8894 #8890

6'-0"

CONTRACTOR NOTE:
THE RESTORATION OF EXISTING PARKING AREA SHALL INCLUDE NEW LANDSCAPE, PAVING, STRIPING, WHEEL STOPS, AND SIGNAGE. EXISTING C.B. AND DRAINAGE STRUCTURE ARE TO REMAIN. VERIFY PROPER FUNCTION OF EXISTING DRAINS & SERVICE AS REQUIRED.

18'-0"

6' EASMENT

165'

WALKWAY

35'-0"

165'

33'-10"

1 STORY C.B.S.
INDUSTRIAL BUILDING
8850 SW 131 STREET

NEW ASPHALT SLOPE TO DRAIN 1.5%-2% MAX

42'-2"

EXIST C.B. TO REMAIN

CB

ASPHALT TO MATCH ADJACENT GRADE

3'-3"

5'-0" 8'-6" 8'-6" 8'-6"

THIS PROJECT:
AMNESTY- INTERIOR IMPROVEMENTS AND REMEDIAL RELATED WORK FOR TENANT SPACE 13115 SW 89 AVENUE.

18'-0"

6'-0"

6' EASMENT

139.72'

EXIST TRAVELERS PALM TREES (2)

SOUTH WEST 89 AVENUE

)SCAPE NOTE:
APING SHALL COMPLY WITH METRO-DADE ORDINANCE 98-13 (LANDSCAPE CODE R 18A). SEE PLANTING DETAILS SHEET A-4. ON PROVIDED BY WATER HOSE.

PLAN

SCALE: 1:20'

28

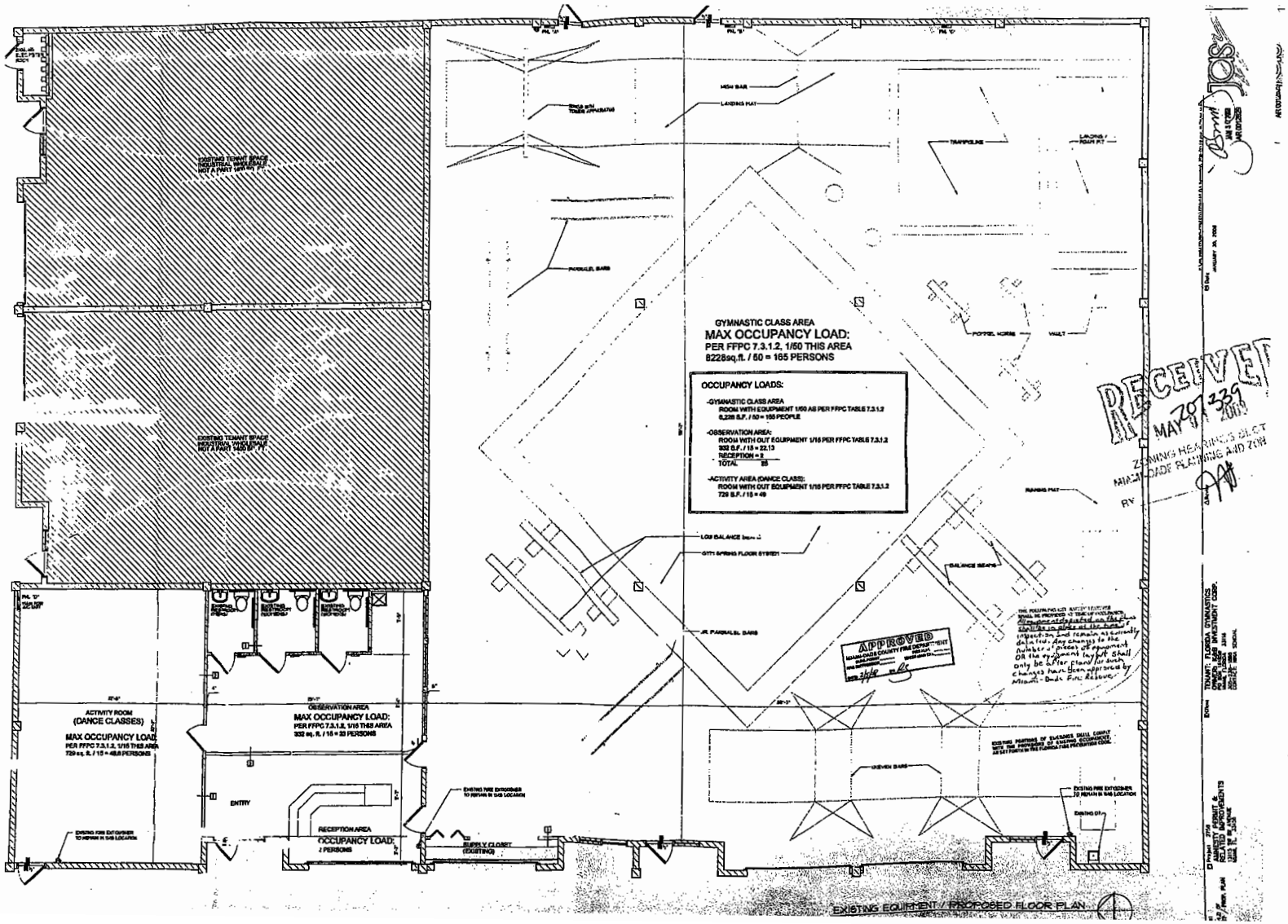
Revise

Client: TENANT: FLORIDA GYMNASTICS

Project 2758

Sheet

29



EXISTING EQUIPMENT / PROPOSED FLOOR PLAN

RECEIVED
MAY 29 2009
ZONING HEARINGS SECT
MIAMI-DADE PLANNING AND ZONING
BY

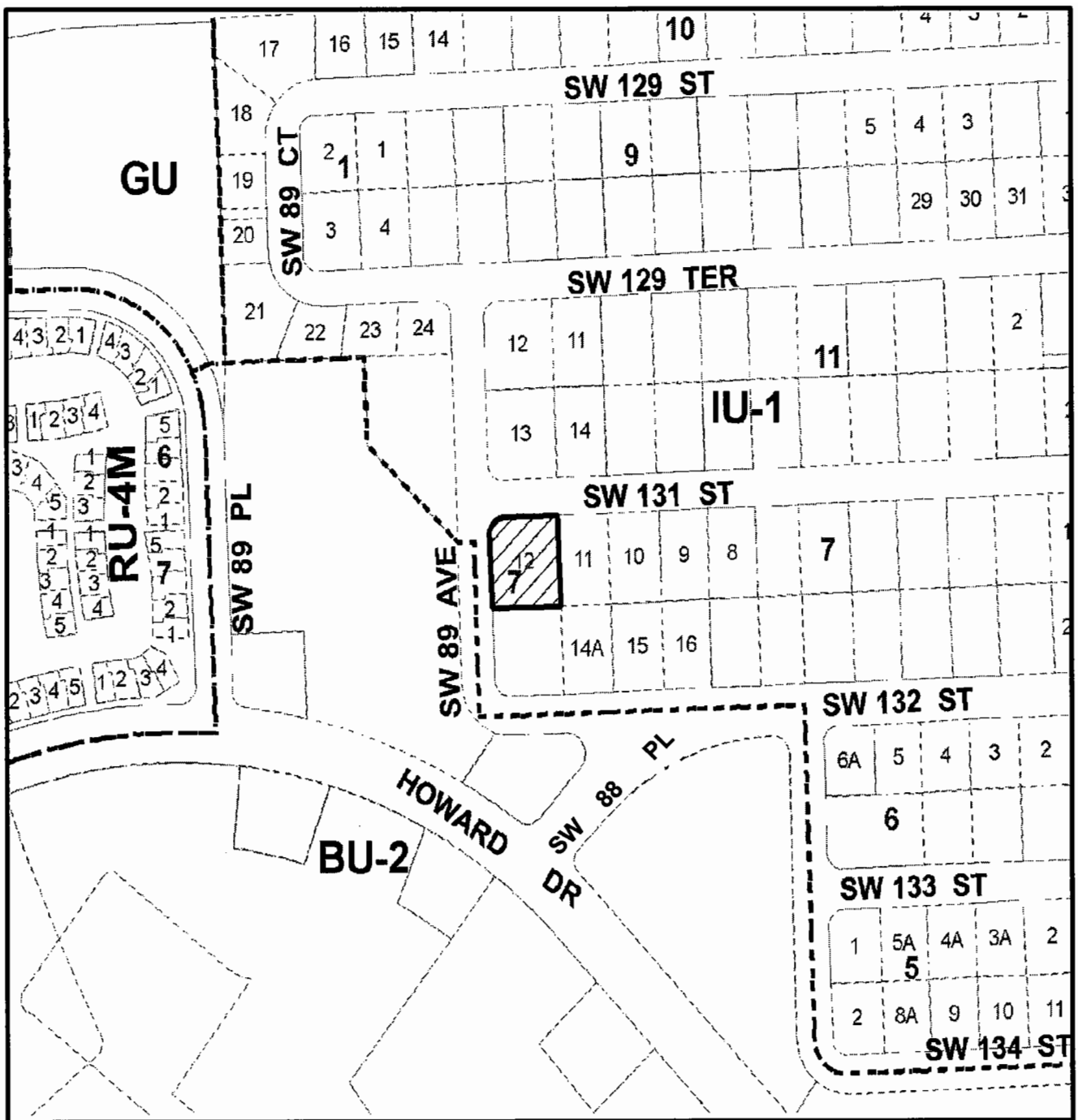
TENANT: FLORIDA GYMNASTICS
OWNER: 5500 INVESTMENT CORP.
ADDRESS: 5500 NW 36 AVE
MIAMI, FL 33142
DADE COUNTY SCHOOL

D.P. Project 2774
INDUSTRY AIRPORT & INDUSTRIAL PARK
5500 N.W. 36 AVENUE
MIAMI, FL 33142

Dwg. Title: EXISTING EQUIPMENT / PROPOSED FLOOR PLAN

Date: JANUARY 20, 2009

JOS ARCHITECTS



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-339

N

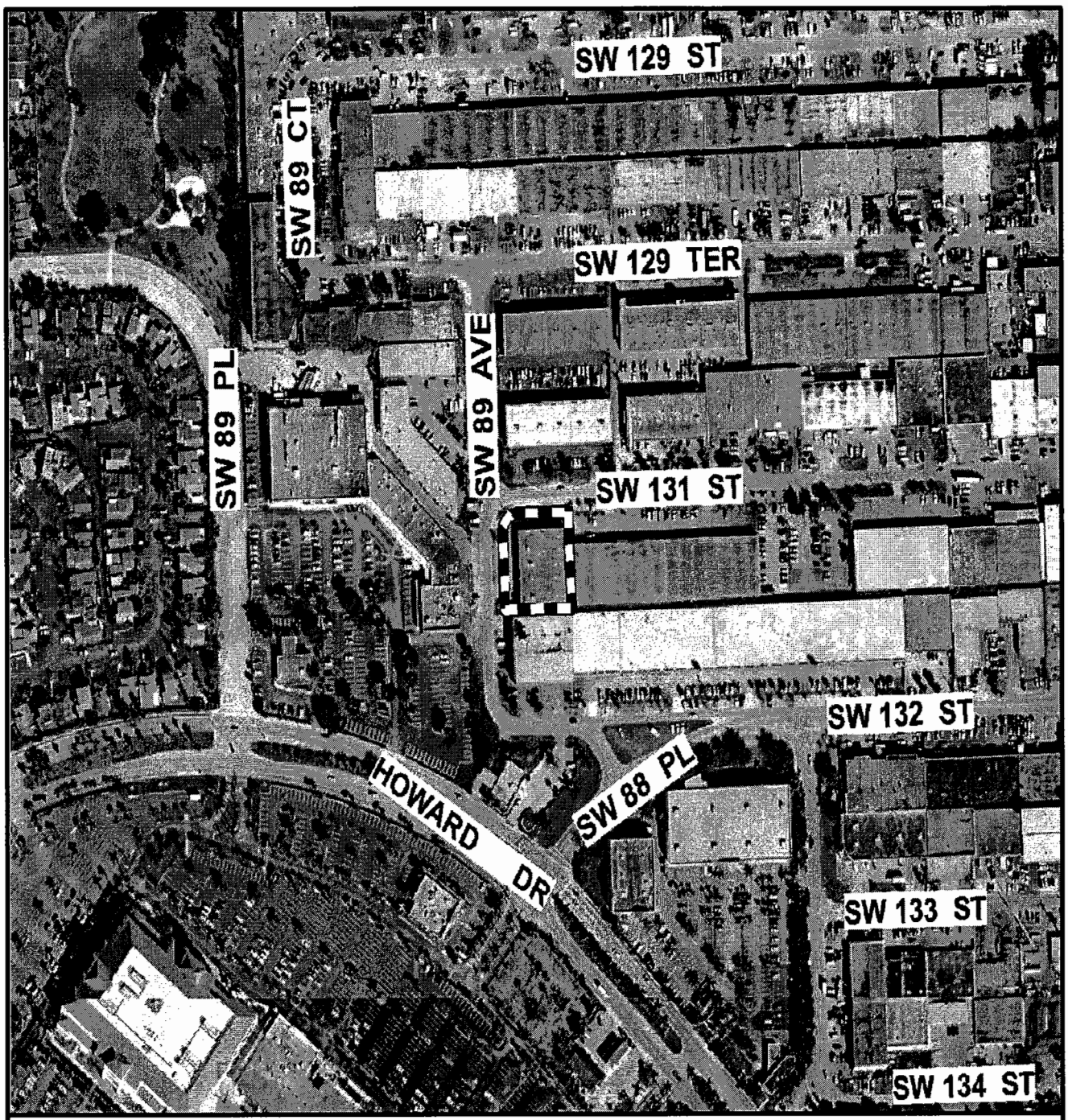
SUBJECT PROPERTY

Section: 16 Township: 55 Range: 40
Applicant: FIELD OF DREAMS GROUPS INC.
Zoning Board: C12
District Number: 08
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/27/07

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
07-339

N

SUBJECT PROPERTY

Section: 16 Township: 55 Range: 40
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MIAMI-DADE COUNTY

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EXHIBIT "C"

1
2 COMMUNITY ZONING APPEALS BOARD - AREA 12
3 GLADES MIDDLE SCHOOL - AUDITORIUM
4 9461 SW 64 STREET - MIAMI
5 July 28, 1999
6 7:00 p.m.
7
8
9 ITEM NO:
10 **FLORIDA GYMNASTICS TRAINING CENTER**
98-337
11
12
13
14 BOARD MEMBERS
15 Present:
16 Sanford Youkilis, Chairman
Maytee Armesto
17 Peggy Brodeur
Gregory Bush
18 Lorraine Grigsby
Maureen O'Donnell
19
20
21 STAFF PRESENT:
22 Mario Cepero
Maria Teresa Fojo
23 Damon Holness
Thomas Logue, Assistant County Attorney
24
25

1 INDEX

2 BOARD MEMBERS PAGE NO.

3 CHAIRMAN YOUKILIS: 4,5,6,11,12,13,14,16,17,18,21,24,26,28,
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4 BOARD MEMBER ARMESTO: 51
BOARD MEMBER BRODEUR: 14,15,37,42,44,46,47,48,51
5 BOARD MEMBER BUSH: 49,51
BOARD MEMBER GRIGSBY: 12,27,28,29,30,38,39
6 BOARD MEMBER O'DONNELL: 29,34,35,36,37,42,43,45,47,48,49,50

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9 STAFF

10 MR. CEPERO: 3,4,49,51
MS. FOJO: 5,30,36,37,38,47
11 MR. LOGUE: 12,13,31,32,33,34,35,39,44,48,49,50

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13 APPLICANT

14 MS. DOMINGUEZ-FRICK: 5,6-18,22,24,26,29,37,38
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15 MR. ARTHUR: 24-26,27,33,39
MR. HERTACH: 21-22
16 MR. DAVIS: 22-24
MR. GONZALEZ: 40
17 MR. HAN: 41
MS. GUTIERREZ: 41

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1 * * * *

2 MR. CEPERO: In accordance with the Code of
3 Miami-Dade County, all items to be heard tonight
4 have been legally advertised in the newspaper,
5 notices have been mailed and the properties have
6 been posted.
7 Additional copies of the agenda are available
8 at the meeting. Items will be called up to be
9 heard by agenda number and name of applicants.
10 The record of the hearing on each application
11 will include the records of the Department of
12 Planning and Zoning. All these items are
13 physically present tonight, available to all
14 interested parties and available to the Members of
15 the Board who may examine items from the record
16 during the hearing.
17 Parties have the right of cross-examination.
18 This statement, along with the fact that all
19 witnesses have been sworn, should be included in
20 any transcript of all or any part of these
21 proceedings.
22 In addition, the following departments have
23 representatives present here at the meeting to
24 address any questions; the Department of Public
25 Works, the Department of Planning and Zoning, the

1 County Attorney's Office.
2 All exhibits used in presentation before the
3 Board becomes part of the public record and will
4 not be returned unless an identical letter-size
5 copy is submitted for the file.
6 Any persons making impertinent or slanderous
7 remarks, or who become boisterous while addressing
8 the Community Zoning Appeals Board, shall be
9 barred from further audience before the Board
10 by the presiding officer, unless permission to
11 continue or again address the Board be granted by
12 the majority vote of the Board Members present.
13 The number of filed protests and waivers on
14 each application will be read into the record at
15 the time of hearing as each application is called.
16 Those items not heard prior to the ending
17 time for this meeting will be deferred to the next
18 available zoning hearing meeting date for this
19 Board.
20 * * * * *
21 CHAIRMAN MR. YOUKILIS: Thank you very much.
22 We are ready to proceed on Item No. 1.
23 Item No. 1 is called Florida Gymnastics
24 Training Center. It is located at 13111 Southwest
25 89th Avenue. The staff will read into the record

1 the case.
2 MS. FOJO: Item No. 1, Florida Gymnastics
3 Training Center, 99-7-CZ12-1, and there are no
4 protests on file.
5 CHAIRMAN MR. YOUKILIS: How many protests?
6 MS. FOJO: Zero.
7 CHAIRMAN MR. YOUKILIS: Okay.
8 Is there someone here representing the --
9 MS. DOMINGUEZ-FRICK: Yes, I am. If you can
10 hear me.
11 CHAIRMAN MR. YOUKILIS: Okay, proceed. Your
12 name and address for the record.
13 MS. DOMINGUEZ-FRICK: I'm Carmen
14 Dominguez-Frick and I'm the attorney for Florida
15 Gymnastics.
16 CHAIRMAN MR. YOUKILIS: I didn't hear it, did
17 you hear it?
18 Please. There is a lot of blue uniforms out
19 there.
20 MS. DOMINGUEZ-FRICK: They are with me.
21 CHAIRMAN MR. YOUKILIS: What is your name?
22 MS. DOMINGUEZ-FRICK: Can you hear me? Is
23 this working?
24 CHAIRMAN MR. YOUKILIS: You have to speak a
25 little slower, it is real dull.

1 MS. DOMINGUEZ-FRICK: I'm Carmen
2 Dominguez-Frick, and I'm the attorney representing
3 the Florida Gymnastics Training Center, as well as
4 the parent of one of those kids in blue out there.
5 CHAIRMAN MR. YOUKILIS: They are going to
6 need your address actually.
7 MS. DOMINGUEZ-FRICK: 5711 Southwest 83rd
8 Street, South Miami, Florida.
9 CHAIRMAN MR. YOUKILIS: Thank you.
10 MS. DOMINGUEZ-FRICK: Mr. Chairman and
11 Members of the Board, we are here appealing the
12 Director's decision to require one parking space
13 for each 100 square feet of area, based on our
14 position that the Code does not address the
15 specific situation of a childrens' gymnastics
16 training facility, which is what the Florida
17 Gymnastics Training Center is. And I'm going to
18 be brief, but I would like to give you a short
19 history of this facility.
20 This facility was located on 124th and U.S. 1
21 and had approximately 4,500 square feet. And for
22 many years they operated with tremendous space and
23 ceiling limitations. They needed approximately
24 10,000 square feet, and they spent several years
25 looking for a facility that would accommodate

1 their equipment and their space requirements.
2 They found a facility that is at issue today,
3 and before moving in did a tremendous amount of
4 research and investigated the zoning associated
5 with this property in order to make sure that
6 before they invested tremendous amount of money
7 into it, they were going to be okay with the
8 zoning.
9 The property is zoned under IU-1. And if you
10 look under the IU-1 in 33-259(3) the definition of
11 school specifically included gymnastics.
12 So based on the definition out of the IU-1
13 section that defined them as a school, they
14 proceeded and operated under the assumption that
15 with that definition the Article VII, Off-street
16 Parking, would require that they then have one
17 parking space per staff member.
18 Now, they don't have any more than maybe six
19 to seven staff members at one time.
20 So, the Florida Gymnastics Training Center
21 moved into this property, did invest tremendous
22 amounts of money, and then suddenly found
23 themselves cited for a lack of parking. They were
24 told they needed 102 parking spaces, when
25 originally they were operating under the

1 assumption that they were going to need 15. And
2 so this appeal has ensued and here we are today.
3 I would like to just briefly go over three
4 provisions of the Code. The first one is the one
5 that I just mentioned, which is IU-1 zoning,
6 33-259(63) which defines a school as technical
7 trade school, such as, but not limited to,
8 aviation, electronic, mechanics. Also physical
9 training schools such as, but not limited to,
10 gymnastics and karate.
11 Based on that, the definition in the
12 Off-street Parking Section, which is Article VII,
13 talked about schools.
14 And based on their reliance on the fact that
15 they were a school said total parking spaces shall
16 equal the combined total of personnel and
17 transportation vehicles. They have no
18 transportation vehicles, so it would be the total
19 number of personnel, which is approximately six to
20 eight staff members at one time.
21 However, the Director, in his opinion, which
22 is at issue here tonight, choose to apply the
23 definition in Article VII, Off-street Parking,
24 which is subparagraph K, subparagraph 4, under
25 recreational and entertainment use, and defined

1 the Florida Gymnastics Training Center equally
2 with dance, karate and aerobics schools. And
3 health and exercise studios. And these kind of
4 facilities require one space per one hundred
5 square feet.
6 And since we've got 10,000 square feet, we
7 would need approximately 100 to 102 parking
8 spaces.
9 Now, the Director and the Staff at the Zoning
10 Department applied that definition and issued its
11 decision.
12 However, even in his letter he did suggest
13 that we consider going to a public hearing. We
14 believe that the Director and his Staff, in good
15 faith, interpreted the Code pursuant to the way
16 that the Code stands.
17 However, we believe that the Code does not
18 properly address the kind of facility that we are.
19 We are not a karate school, we are not a dance
20 studio, we are not aerobics, we are a training
21 facility strictly for children who are from the
22 ages of three to approximately fifteen who get
23 dropped of by their parents and picked up
24 afterwards.
25 If you talk about aerobic places, dance

1 studios, you have got people coming in who would
2 park, who would need a lot more parking than what
3 we would require.
4 We are asking that you recognize that the
5 Code does not address a childrens gymnastic
6 training facility and that the parking requirement
7 should be adjusted accordingly.
8 I'm going to call a few persons to speak to
9 you tonight, and they will be brief also, and they
10 are going to try to give you a thorough and
11 complete picture of what a childrens gymnastics
12 facility exactly is.
13 I would like to call -- I'm going to call
14 David Arthur, who is the owner of the facility. I
15 will then call Jeff Hertach, who is the parent of
16 one of the team members.
17 You will also hear from Bruce Davis, who is a
18 retired professor of Physical Education from
19 Miami-Dade Community College, as well as the owner
20 of the first gymnastics facility in all of Dade
21 County. And he is going to tell you, and his
22 testimony is going to be very critical to our
23 position, what a gymnastics facility consists of.
24 If you have ever watched gymnastics on T.V,
25 you know that the floor exercise, for example,

1 requires a tremendous amount of space and there is
2 one child doing the floor exercise and occupying
3 that space. The beam, the vault requires a
4 tremendous amount of area to run to. And only one
5 child operates the vault at one time. The same
6 with the balance beam.
7 He will describe to you the nature of the
8 equipment, the nature of the space requirements,
9 the dangers associated with gymnastics and why we
10 have a minimal amount of students per class and on
11 the equipment at one time.
12 CHAIRMAN MR. YOUKILIS: Counselor?
13 MS. DOMINGUEZ-FRICK: Yes?
14 CHAIRMAN MR. YOUKILIS: I'm going to ask a
15 question.
16 MS. DOMINGUEZ-FRICK: Sure.
17 CHAIRMAN MR. YOUKILIS: This may help your
18 presentation.
19 MS. DOMINGUEZ-FRICK: Okay.
20 CHAIRMAN MR. YOUKILIS: And your case.
21 The Staff recommended that you have how many
22 spaces based on one hundred foot per --
23 MS. DOMINGUEZ-FRICK: Well, it would be one
24 per one hundred square foot. And we are
25 approximately 10,100, I believe, which would be

1 102 spaces.
2 CHAIRMAN MR. YOUKILIS: 102 spaces.
3 And the existing spaces that are there now
4 are how many?
5 MS. DOMINGUEZ-FRICK: Approximately fifteen.
6 CHAIRMAN MR. YOUKILIS: Okay.
7 BOARD MEMBER MS. GRIGSBY: Fifteen or fifty?
8 MS. DOMINGUEZ-FRICK: One-five, fifteen.
9 CHAIRMAN MR. YOUKILIS: And your
10 contention -- your contention is that there should
11 be really, under the gymnastics, that is what I've
12 got to ask the Staff.
13 She made the statement that gymnastics is
14 listed as a use under industrial use gymnastics.
15 We just need to clarify these things because
16 I think we are all getting a little lost here.
17 You made a statement that gymnastics is
18 allowed use in an IU District. Does it
19 specifically say that?
20 MS. DOMINGUEZ-FRICK: Yes, it does.
21 It is the -- it is Section -- it is Section
22 33-259(63). I've got it right here.
23 CHAIRMAN MR. YOUKILIS: I'm going to ask the
24 attorney a question.
25 MR. LOGUE: Mr. Chairman, the definition of

1 uses for IU-1 includes schools, so schools can be
2 included in IU-1 zoning. Gymnasiums is mentioned
3 as a school, but that provision does condition it
4 on all school uses, shall be subject to compliance
5 with Off-street Parking requirements.
6 You then have to turn to the Code section
7 dealing with Off-street Parking requirements.
8 In other words, this is definitely a
9 permissible use within IU-1, no one is disputing
10 that.
11 CHAIRMAN MR. YOUKILIS: The Director is
12 saying that this is really a school.
13 MS. DOMINGUEZ-FRICK: No.
14 CHAIRMAN MR. YOUKILIS: It is a health or
15 exercise facility. And you're saying that it
16 is --
17 MS. DOMINGUEZ-FRICK: -- a gymnastics
18 training facility.
19 Our position really is that the Code does not
20 address that a gymnastics training facility is a
21 very unique kind of facility, that is really not
22 comparable to karate, dance and aerobics.
23 Karate, dance and aerobics do not have any
24 equipment associated with it, such as the kind of
25 equipment that is included in a gymnastics

1 facility.
2 I would also like to point out that in the
3 packet you have in front of you on page four, in
4 the Miami-Department of Planning and Zoning, the
5 county departments that were questioned, who were
6 asked for their opinion, did not object except
7 for the Public Works Department. And the Public
8 Works Department submitted -- and it is not part
9 of your packet, so I'm not sure if you are aware
10 of it. And I would like to --
11 CHAIRMAN MR. YOUKILIS: We have it as page 8
12 in our packet.
13 MS. DOMINGUEZ-FRICK: You have the Public
14 Works Department --
15 CHAIRMAN MR. YOUKILIS: The Department
16 objects to the appeal of administrative decision.
17 MS. DOMINGUEZ-FRICK: Right. And if you read
18 unless the approval is conditioned that the
19 gymnastics facility is to be used only as a
20 training facility, not as a spectator facility,
21 which does not require many parking spaces. And I
22 would like to just point out that we are in no way
23 a spectator type of facility.
24 BOARD MEMBER MS. BRODEUR: Don't you have
25 meets?

1 MS. DOMINGUEZ-FRICK: No, we do not have
2 meets.
3 BOARD MEMBER MS. BRODEUR: And you have no
4 parents weekend or the children performing in
5 front of the parents?
6 MS. DOMINGUEZ-FRICK: No, we don't. When we
7 compete, we've competed -- in fact, there is the
8 team and they are all wearing their medals. We've
9 competed throughout --
10 BOARD MEMBER MS. BRODEUR: What are your
11 hours of operation?
12 MS. DOMINGUEZ-FRICK: The hours of operation,
13 I believe, are over the summer it is from
14 approximately 9:00 o'clock until about 7:30.
15 BOARD MEMBER MS. BRODEUR: During the school
16 year?
17 MS. DOMINGUEZ-FRICK: I believe that it
18 operates from 9:00 o'clock, 10:00 o'clock giving
19 some three year old classes that takes place
20 during the day. And then from approximately
21 9:00 o'clock until about again 8:00, 8:30 at
22 night.
23 CHAIRMAN MR. YOUKILIS: You put up a chart?
24 MS. DOMINGUEZ-FRICK: Right.
25 CHAIRMAN MR. YOUKILIS: I think the

1 microphone comes out, it slips out of that thing.
2 MS. DOMINGUEZ-FRICK: This is the IU
3 definition of school, which includes also physical
4 training schools, such as but not limited to
5 gymnastics.
6 And based on this that I know is part of the
7 zoning section, IU. But we relied on the
8 definition of school, and then went over to the
9 Off-street Parking Section. And schools require,
10 you know, one parking space per staff person,
11 which is why they went ahead and moved in and
12 invested the money and have done a tremendous
13 amount of renovation to this facility.
14 And then this is strictly just for your
15 benefit. The age level of our children are 4 to
16 15. There's approximately 40 children there at
17 one time and we have 15 spaces currently.
18 CHAIRMAN MR. YOUKILIS: The hours of
19 operation?
20 MS. DOMINGUEZ-FRICK: And the hours of
21 operation are from about 9:00 o'clock to 8:00
22 o'clock at night.
23 The team practices because they teach classes
24 to children that are not necessarily on the team.
25 And then the team comes in after school and

1 practices.
2 In brief, I'm going to ask that you listen to
3 our speakers and to try to understand the
4 distinctions between a childrens gymnastics
5 training facility and the other places referred to
6 in the Code, the dance studio, aerobics and
7 karate. And we are going to ask for your
8 favorable review, and that your recognize that the
9 Code does not specifically address a gymnastics
10 training facility in this type of situation, and
11 that you readjust the parking requirements on our
12 behalf.
13 I would also like to just submit this
14 quickly, and we only have one original, but we did
15 go out and get 100 percent of our neighbors
16 approval who have all specified that we've been
17 there for two years, and there has not been any
18 parking problems, as well as 120 parents
19 signatures. And we have a lot more parents. But
20 because it is summer, there aren't as many but
21 they are all saying they drop their child off for
22 training and return to retrieve the child and they
23 have found no parking problems.
24 CHAIRMAN MR. YOUKILIS: If you can turn that
25 in. That's your only copy?

1 MS. DOMINGUEZ-FRICK: This is our only copy.
2 CHAIRMAN MR. YOUKILIS: If you turn it in,
3 you have to keep it; don't you?
4 We'll believe you. I know you're in an
5 industrial zone.
6 MS. DOMINGUEZ-FRICK: And then I would like
7 to call as our first speaker, and an we will be
8 brief, David Arthur.
9 MR. ARTHUR: David Arthur, I reside at 7850
10 Southwest 128 Street in Pinecrest.
11 I just want to quickly go over a few things
12 about our company, and about the sport of
13 gymnastics, in hopes of giving you a bigger
14 picture of our situation.
15 CHAIRMAN MR. YOUKILIS: Just for -- do you
16 know how long you will be? We have to set a limit
17 on time.
18 MR. ARTHUR: Less than three minutes.
19 CHAIRMAN MR. YOUKILIS: Fine, go ahead.
20 MR. ARTHUR: Our corporation name is Davalco
21 Company, Inc. and it was derived from a
22 combination of my name and my wife, Valerie's,
23 name. We established it in 1985 for a d/b/a
24 called Florida Gymnastics Training Center.
25 Now, as Florida Gymnastics Training Center,

1 we provide gymnastics instructions to boys and
2 girl three to fifteen years of age. And the
3 reason we limit ourselves to that age group, it is
4 not because of a parking problem, but we found
5 that there was no market for that age group. Ten
6 years ago, when we started, we opened a class for
7 ten kids over that age group and found like in a
8 week or two there was only two or three left, and
9 that is because they don't have the proper
10 strength-to-weight ratio to do gymnastics, so they
11 tend to drop out quickly.
12 We also found out it was just financially
13 impractical to accommodate that age group.
14 I want to say a little bit about the virtues
15 of gymnastics. I've been told that our business
16 is more than a business, it is a service to the
17 community. And over the years numerous times
18 we've had parents come up to us and tell us how
19 much our program has done for their child, be it
20 improving their scholastic grades or their
21 discipline, or they've become more focused. And
22 the reason they've become more focused in
23 discipline is because in gymnastics, especially as
24 a competitive gymnast, you to analyze your skills.
25 Let's say if you fall off a piece of equipment,

1 you have to analyze what you did wrong and what
2 you can do to improve that. And this transfers
3 over to their academics in school. In fact USGF
4 several years ago did a study.
5 Before we moved in there there was an auto
6 repair and a transmission repair. The building
7 was very delapidated, there was a quarter inch of
8 grease and guck all over the floor. They had
9 contaminated the ground soil, which they repaired,
10 and they paid a fee to DERM for that. The parking
11 was atrocious. There were cars triple-parked
12 everywhere. There were junkers on blocks, they
13 were parking across the street on County easement
14 for 24 hours with junked cars waiting to be
15 repaired.
16 We came in there, we fixed the place up, we
17 did a little landscaping. And in contrast, our
18 parking is actually basically empty for the most
19 part 22 hours out of the 24 hour day. And that is
20 because we are a drop-off/pick-up facility and we
21 also parallel to the school system. Actually
22 Carmen made an error. We are parallel to the
23 school system. We open when school gets out, our
24 first class starts at 3:30. They are rather light
25 because we don't have a big draw for younger kids.

1 We are more 9:00 to 11:00, in there. And our main
2 classes are from about 4:30 and 5:30.
3 In closing I would just like to say that we
4 are a clean business. We've contributed to the
5 area, we are a service to the community and I hope
6 that you'll consider that in your decision
7 tonight. Thank you.
8 CHAIRMAN MR. YOUKILIS: Thank you.
9 MR. ARTHUR: Also, we have a gentleman here
10 whose the father of one of our gymnast on our
11 gymnastics team. He recognizes the virtues of the
12 sport, and he is also a Metro Dade police officer,
13 which we consider to be somewhat of an expert in
14 traffic situations, and he is at the gym quite
15 frequently. He would like to say something on our
16 behalf.
17 CHAIRMAN MR. YOUKILIS: Your name and
18 address.
19 MR. HERTACH: Good evening.
20 My name is Jeff Hertach, 15541 Southwest 168
21 Terrace. Like David said, my name is Jeff
22 Hertach, I'm employed with Miami-Dade Police
23 Department for approximately about five years now.
24 I'm a parent of Lauren Hertach who is a nine year
25 old gymnast who has been a member of Club

1 Gymnastics for about three years now.
2 Due to my experience in traffic and traffic
3 enforcement and traffic violations, I'm here to
4 testify that given the drop-off and pick-up
5 methods practiced by the parents of gymnastics, I
6 see no evidence of overcrowding or inaccessibility
7 to the facility. I appreciate your time. Thank
8 you.
9 MS. DOMINGUEZ-FRICK: Our next speaker is the
10 retired Miami-Dade Community College professor and
11 the one who owned the first gymnastics gym in Dade
12 County.
13 CHAIRMAN MR. YOUKILIS: Once again, if you
14 don't mind, if you'll give your name and address.
15 We will limit you to three munites.
16 MR. DAVIS: Okay. My name is Bruce Davis, my
17 address is 1016 Sonato Lane, Apollo Beach,
18 Florida. I've just left Miami-Dade County. I
19 came down here when I was 21 years of age, and in
20 1966 started coaching for the College. In 1969
21 November, I opened Gym Miami, Incorporated at 374
22 Northwest 171 Street. And later on moved over to
23 Opalocka Airport Hanger 1, and that was the first
24 private gymnastics school in Dade County.
25 My sister, Mariel Grossfeld, is a three time

1 Olympian for the United States, and two times
2 Olympic Coach. She opened the first private
3 gymnastics school operation in America in 1967, in
4 New Haven, Connecticut.
5 What I've seen is that there is a distinct
6 difference -- and, by the way, because I'm a
7 physical educator, I've got a strong background in
8 dance. I took ballet, I took karate, I've taught
9 aerobic dance and I've been in a lot of wellness
10 centers. But I see the gymnastic operation as
11 being distinctly different from any of those
12 sports because gymnastics requires a lot of small
13 group instruction and individualized instruction
14 on large equipment.
15 As I said, the area of the floor exercise is
16 40 by 40 feet, runway for vaulting is 30 meters,
17 one balance beam is 16 1/2 feet long and has
18 landing protection mats at both ends, which are at
19 least 12 feet long. So all of this makes for a
20 very, very large warehouse area with a high
21 ceiling in order to be able to work safely in that
22 type of environment. When you are in advance
23 class or karate class, or you're in a ballet
24 class, generally all the participants are bunched
25 closer together, they have no special equipment,

1 and they are doing a redundant activity where they
2 are all doing the same thing.
3 The people in gymnastics are very concerned
4 about safety. We are all professional members of
5 USA Gymnastics, which is the ruling body for the
6 sport out of Indianapolis, Indiana. And we
7 believe we've had a tremendous safety record. All
8 of our coaches have to be safety certified and
9 renew themselves every four years. And we stand
10 behind a lot of important safety information to
11 make it safe for all the kids that are in this
12 sport.
13 So, I hope from that you can see some of the
14 differences between ballet school or karate
15 operation versus a gymnastics facility where we
16 have to have a big space, a lot of individualized
17 instruction and a lot of safety. Thank you.
18 CHAIRMAN MR. YOUKILIS: Thank you, sir.
19 MS. DOMINGUEZ-FRICK: Last we have our
20 architect, Mr. William Arthur, will just briefly
21 go over some of the portions of the Code.
22 CHAIRMAN MR. YOUKILIS: If you will give your
23 name, address.
24 MR. ARTHUR: William Hamilton Arthur,
25 architect. I have offices in the historic Douglas

1 Entrance building in Coral Gables, Florida. I
2 have been a practicing architect for, I hate to
3 tell you, 43 years.
4 The chart that I put up there, I'll come
5 around so you can see it a little better, the
6 chart I put up here for 10,000 square foot
7 gymnastic facility, if we were to develop it by
8 Code, we would have to provide space for 673
9 students. If we provided parking for that 10,000
10 square foot facility, we would have to park 102
11 cars.
12 Now, understand that we have 40 pupils ages 4
13 to 15, who hardly drive, and if you take the
14 ratio, it is about 2 1/2 cars per student.
15 Well, I've driven a car for sixty years, I
16 guess, 50 years, and I still can't drive 2 1/2
17 cars at one time, so I don't see quite how they
18 could divide these cars.
19 If we went by the Code, we would have to pay
20 an impact fee of $19,285. We would have to
21 provide sanitary requirements, costing $144,000.
22 And there is no land available in the area to park
23 102 cars, which would cost, if available, would
24 cost over half a million dollars. This would put
25 us out of business.

1 So, we are -- I have to put on my glasses
2 here -- we recognize that it's very difficult to
3 override your professional Staff. But on the
4 other hand, we are not asking you to override the
5 professional Staff. What we are saying, the Code
6 does not apply to a specialized gymnastic training
7 facility. And what we are requesting is a
8 qualified request; age level 4 to 15, 40 students
9 maximum per session. We request the parking for
10 15 cars, three for personnel, one for handicap and
11 eleven for parent drop-off.
12 Your consideration will be greatly
13 appreciated. Thank you.
14 CHAIRMAN MR. YOUKILIS: Thank you,
15 Mr. Arthur.
16 MS. DOMINGUEZ-FRICK: Just very briefly, we
17 ask that based on what you have heard, that you
18 recognize the distinction between gymnastics and
19 dance, karate and aerobics and that you give us
20 your favorable review and readjust the parking
21 requirements for the Florida Gymnastics Training
22 Center. That's it.
23 CHAIRMAN MR. YOUKILIS: Okay. Thank you. If
24 you will just stand near there, there may be some
25 questions.

1 The first step will be, any questions of the
2 applicant or the applicant's representative.
3 Let's start. Do you want to go first?
4 BOARD MEMBER MS. GRIGSBY: Sure.
5 How long have you been in business at this
6 location?
7 MS. DOMINGUEZ-FRICK: At this location, I
8 believe two years, approximately two years.
9 BOARD MEMBER MS. GRIGSBY: And when -- was
10 there some reason that this parking issue came to
11 notice? Were there neighborhood complaints, or
12 how was it that this parking issue became to the
13 notice of the County?
14 MR. ARTHUR: Would you repeat your question?
15 BOARD MEMBER MS. GRIGSBY: How was it that
16 this issue of parking, not having sufficient
17 parking spaces, how did it come to light, to the
18 County, such that they would say that you don't
19 have sufficient parking?
20 MR. ARTHUR: Well, let me give you a little
21 history, I guess.
22 After they checked the Code and moved over to
23 this location, and started doing some repair work
24 on the building, which they thought was general
25 maintenance, painting, fixing some light fixtures

1 and refurbishing the air conditioning, a
2 competitor, who I won't mention, reported them
3 to the Building Department saying that they didn't
4 have a building permit. The enforcement section
5 came out and gave them a citation for no building
6 permit.
7 Then they contacted me to see if I could give
8 them a building permit.
9 And when I went to the County, I went with
10 the understanding that we were a school, we
11 qualified as a school, and that we didn't have to
12 provide any other parking, because of what it said
13 in the Code for the school.
14 But there was a rude awakening. When we got
15 there we found out that the County was not
16 counting parking for schools, they were counting
17 parking for recreation and entertainment. And we
18 don't think -- we don't think that this is
19 recreation nor entertainment. It is hard work for
20 these kids, it is training. And that is how it
21 came about.
22 CHAIRMAN MR. YOUKILIS: Okay.
23 Any other question?
24 BOARD MEMBER MS. GRIGSBY: No, not right at
25 the moment.

1 BOARD MEMBER MS. O'DONNELL: One question of
2 the applicant.
3 When a child is dropped off at the facility,
4 what is the average amount of time that they stay
5 at the facility for training?
6 MS. DOMINGUEZ-FRICK: If the child is taking
7 just a gymnastics class without being on the team,
8 usually it is maybe an hour, hour and a half.
9 The team members practice for approximately
10 three and a half hours. So, they get dropped off,
11 you know, during the school year they get dropped
12 off at about 5:00 o'clock, 5:15, and get picked up
13 at 8:45 at night.
14 BOARD MEMBER MS. O'DONNELL: So, the parents
15 aren't going to wait around for three hours
16 usually.
17 Okay, I have a question.
18 CHAIRMAN MR. YOUKILIS: Another question?
19 We'll come back.
20 Any other questions of the applicant or of
21 the applicant's representative?
22 Okay, any questions of Staff?
23 BOARD MEMBER MS. GRIGSBY: I have one
24 inquiry. Procedurally, in our analysis I'm
25 wondering why we weren't given the actual

1 ordinances that were quoted, because we are
2 reading partials, and I very much dislike reading
3 just excerpts out of an ordinance. So, if in the
4 future you could, when there is such a technical
5 issue as this involved in reading the ordinance,
6 if we could be provided with it. I would very
7 much appreciate that.
8 And then I just wanted to inquire, to make
9 sure that I've understood and that is the County's
10 understanding also that one of the ordinances with
11 IU-1 does describe a gymnastics facility as a
12 school.
13 I don't have that specifically. Is that
14 true? And if so, if you could read it. I think
15 you had read part of that before.
16 CHAIRMAN MR. YOUKILIS: What they are reading
17 out of is a big thick book, it used to be called
18 Zoning Code. I guess now they call it Land
19 Development Code; right?
20 MS. FOJO: It's still the Zoning Code.
21 If I could read that section that they cited
22 to you. It looks like there are three code
23 sections that you want to focus in on.
24 And the first one they ask you to focus in on
25 is the definition of permitted uses within IU

1 districts. And subsection 63 says
2 schools-technical trade schools such as, but not
3 including -- excuse me, let me start again.
4 School: Technical trade schools such as, but
5 not limited to, aviation, electronics, mechanics.
6 Also physical training schools such as, but not
7 him limited to, gymnastics and karate. All school
8 uses shall be subject to compliance with
9 off-street parking requirements.
10 CHAIRMAN MR. YOUKILIS: Okay.
11 MR. LOGUE: So, may I take a moment to try to
12 frame the issue for you?
13 This case -- this matter comes up to you in a
14 particular posture. I think you ought to keep
15 that in mind. The Director has said that a
16 particular code section governs. They are
17 appealing that decision.
18 The Director has said, apart from my
19 decision, you can come to this Board for a
20 variance. But they have not done that as of yet.
21 So, obviously, you want to -- I think you need to
22 separate those two issues.
23 There is a technical legal issue, and then
24 there is a separate equity issue of farness in the
25 variance, which is not technically before you

1 today.

2 So, this one section they cite to you

3 establishes clearly that this type of use is

4 allowed in IU-1. But then you have to look at the

5 parking requirements for IU-1. And this is really

6 where the heart of the dispute is. Because the

7 school is suggesting that they should be -- they

8 are raising the issue of, "Gee, we don't see

9 exactly where the parking requirements of RU-1

10 addresses our circumstances." So they say they

11 should be treated as -- and they've cited the

12 sections up there -- either a day nursery,

13 kindergarten, elementary school, or as a junior

14 high school.

15 So, if you would agree with them, you would

16 have to find that this gymnasium is the equivalent

17 to a day nursery, kindergarten and elementary

18 school, or a junior high school.

19 What the Director has said is, he feels that

20 category -- those categories are not appropriate,

21 but that another category is more appropriate.

22 And that category is dance, karate and aerobics

23 school and health/exercise studios.

24 So, the technical issue before you is, did

25 the Director abuse his discretion when he said

1 that the proper category for gymnasium is the
2 category that includes "dance, karate and aerobic
3 schools and health/exercise studios".
4 Or should he have said that a gymnasium is
5 the same as day nursery, kindergarten, elementary
6 school or a junior high school.
7 CHAIRMAN MR. YOUKILIS: What they have up
8 there says school. It doesn't say day nursery or
9 anything. Did they cut out some of the wording
10 that you just quoted?
11 MR. LOGUE: Well, I think they -- if you
12 would like, I can walk over and pick that up and
13 bring it before you.
14 MR. ARTHUR: While he is doing that, can I
15 say something?
16 CHAIRMAN MR. YOUKILIS: Not at this time, no.
17 It is between us. There will be a rebuttal,
18 because we are going to ask for opposition to
19 speak.
20 MR. ARTHUR: I just wanted to differentiate
21 between karate and gymnastics.
22 CHAIRMAN MR. YOUKILIS: Not at this time.
23 The attorney has a copy of what --
24 MR. LOGUE: They believe that the gymnasium
25 is either of these two categories.

1 CHAIRMAN MR. YOUKILIS: I see.
2 MR. LOGUE: They accurately said it, Mr.
3 Chair. It is either a day nursery, kindergarten,
4 elementary school or a junior high school. They
5 are -- there are various categories covering what
6 type of parking that is.
7 What the Director had indicated was, he
8 thinks that an alternative category that would be
9 more appropriate; dance, karate and aerobics
10 school, health/exercise studios. So, that is your
11 --- that is the narrow issue before you is which
12 of those categories is appropriate.
13 BOARD MEMBER MS. O'DONNELL: Just for
14 clarification, we are limited to deciding which of
15 the categories are more appropriate here?
16 MR. LOGUE: Since they have not yet applied
17 for a variance, that is the narrow issue before
18 you.
19 BOARD MEMBER MS. O'DONNELL: That is my point
20 here. This is an appeal, it is not a variance.
21 We are used to dealing with variances. We can
22 say, "Well, it is okay to do that." And I just
23 want to clarify for the Board that this is an
24 appeal, it is whether the Director, like he said,
25 abused his discretion. And we have to choose

1 which of two categories the school belongs in.
2 I don't think it belongs in either but, you
3 know, we have -- that is the choice we are limited
4 to.
5 Had they filed for variance, we could say,
6 "We agree that they should only have to have 15
7 parking spaces because of the nature of the
8 school." It is a different -- it is a different
9 standard that we have to apply, just so everybody
10 understands what we are dealing with.
11 MR. LOGUE: Mr. Chairman, if I could
12 interrupt your discussions just two more points.
13 Please keep in mind that in this capacity
14 your acting, as always, in a quasi judicial
15 aspect, capacity. So your governed by the same
16 rules that govern judges. One of the rules that
17 governs judges in this type of situation is that
18 they will defer to the interpretation of Staff if
19 it is a reading that is reasonable.
20 In other words, if there are alternative
21 readings of a Code or Ordinance in the
22 administrators who normally enforce that Ordinance
23 interpret it in a certain way, the Courts will
24 defer to that if it's a reasonable interpretation.
25 That is because the Courts recognize that

1 administrators build up a certain expertise and
2 have to deal with issues of consistencies when
3 they interpret these things.
4 Along those lines, please keep in mind that
5 if you were to determine that the proper category
6 for this type of gymnasium is, what counsel is
7 suggesting, that would be a rule that would govern
8 across the County. In other words, you are now
9 telling the Director that his interpretation is
10 wrong across the County, it wouldn't be just for
11 this one facility, it would be, you know, in the
12 future he would have to address it that way.
13 BOARD MEMBER MS. O'DONNELL: Question for
14 Staff. If we have a situation here where we have
15 to agree with what the recommendation of the
16 Director was, how soon could the applicant apply
17 for a variance on this issue?
18 CHAIRMAN MR. YOUKILIS: Assuming we would
19 overturn the Director's decision without
20 prejudice.
21 MS. FOJO: The Board could waive the
22 requirement of applying again. You could waive
23 the requirement, you know, so that -- because they
24 would be required -- you could waive --
25 BOARD MEMBER MS. O'DONNELL: They can

1 immediately apply for a variance instead of what
2 they've done.
3 MS. FOJO: That's correct.
4 CHAIRMAN MR. YOUKILIS: I wanted to ask a
5 question of the applicant, because we are still in
6 that mode.
7 Did you make -- why did you decide to --
8 could they have applied for an appeal? I mean,
9 for a variance instead of appealing the
10 administrative decision of the Director?
11 MS. FOJO: That's correct. They could have
12 applied for a variance, they choose not to go this
13 route.
14 MS. DOMINGUEZ-FRICK: The question is why
15 didn't we? Because this is a business that has
16 operated from the heart, and not from the pocket.
17 And, to be honest, it cost $5,000 to apply for a
18 variance and this company did not have $5,000.
19 So we choose to go the administrative appeal
20 route, as suggested by the Director.
21 CHAIRMAN MR. YOUKILIS: Is her statement
22 correct?
23 BOARD MEMBER MS. BRODEUR: There's a $5,000
24 fee for a variance?
25 CHAIRMAN MR. YOUKILIS: Well, that is why I

1 wanted to -- let Staff answer.
2 MS. FOJO: It is only $500. The zoning
3 hearing will be more money. I could not tell you
4 the exact amount, but it may be $5,000.
5 CHAIRMAN MR. YOUKILIS: It could be.
6 MS. FOJO: It could be.
7 MS. DOMINGUEZ-FRICK: As well as the total
8 cost could be $20,000 when they have to retain
9 actual zoning counsel, as opposed to the parent of
10 a team member, and hire an architect and all that.
11 The cost is really prohibitive for this facility
12 to apply for a variance.
13 CHAIRMAN MR. YOUKILIS: Additional questions?
14 No additional questions? Okay. I'll call
15 for persons --
16 BOARD MEMBER MS. GRIGSBY: I do have one
17 additional question and this will be directed at
18 Staff.
19 The definition that is not clear which I
20 believe is the same one that you listed stated
21 that a school -- down about halfway down where it
22 said karate or gymnastics, describes a certain
23 kind of school; doesn't it? In the very top;
24 doesn't it? Limited to gymnastics and -- at the
25 very top. Definition of school. I thought it --

1 CHAIRMAN MR. YOUKILIS: That is in the uses
2 allowed.
3 BOARD MEMBER MS. GRIGSBY: But they grouped
4 gymnastics and karate together, I thought. And
5 then when you get down to the description of the
6 parking, which accommodates either schools or
7 health and exercise, health and exercise is split
8 into karate, and gymnastics is left out; is that
9 correct? Is that correct?
10 MR. ARTHUR: Can I say something?
11 CHAIRMAN MR. YOUKILIS: Not at this time.
12 MR. LOGUE: Yes, ma'am.
13 CHAIRMAN MR. YOUKILIS: Okay.
14 Any additional questions for the applicant,
15 the applicant's representative?
16 BOARD MEMBER MS. BRODEUR: I just want for
17 the benefit of the committee to say something.
18 CHAIRMAN MR. YOUKILIS: We are only in the
19 stage where we are asking questions of the
20 applicants or of the Staff. We'll get back to --
21 okay.
22 What we are going today, you'll have a chance
23 for rebuttal because we are going to now ask for
24 anybody in opposition.
25 Are there anybody in opposition? Any

1 additional persons in support?
2 Okay. Do you want -- anybody want to speak?
3 Do you want to have them stand up, if you want to
4 do that? Go ahead, your name.
5 MR. GONZALEZ: My name is Eduardo Gonzalez,
6 12055 Southwest 120 Terrace. I think the point he
7 has is the difference between the school and the
8 gymnastics. The school you don't want to park and
9 go inside, you drop your kid. This is the same
10 situation. Our kids they don't -- you have them
11 for one hour, you hang around the mall, shopping
12 center. My kids are there 3:00, 3:30, we don't
13 pick them up until 7:30. And then you drop your
14 kid and you pick them up. The ballet and karate,
15 you only have one hour. In one hour you don't
16 have time to get in the middle, to be over there
17 and come back. I mean, I go and drop her off, and
18 then I come back and pick her up. And that is not
19 a regular school. Thank you.
20 CHAIRMAN MR. YOUKILIS: Thank you.
21 Anyone else in favor, if you just want to
22 stand up so we can see. Those in favor? Okay,
23 thank you.
24 Are there any speakers in support? Okay,
25 sir. You can all sit down. Thank you.

1 MR. HAN: My name is Tomas Han. My daughter
2 is a gymnast and I pick her up basically and I'm a
3 professional engineer registered in Florida.
4 Thank you.
5 CHAIRMAN MR. YOUKILIS: Thank you very much.
6 Yes, ma'am, your name and address.
7 MS. GUTIERREZ: My name is Jackie Gutierrez,
8 my address is 20108 Southwest 117 Drive.
9 My daughter has been a gymnast and she has
10 gone to this gym, and we do drop our children off.
11 It is a school, it is a training center. And the
12 parents aren't there, one or two might stay and
13 watch the child, because the children like to be
14 watched when they accomplishing something new, but
15 as a general rule we do, all of us, drop our
16 children off and leave them there for the time
17 that they are being trained, come back and pick
18 them up and go home. So it is a school. And I
19 don't understand why -- I can't even imagine how
20 they are debating about this. It is a school.
21 CHAIRMAN MR. YOUKILIS: Okay.
22 Thank you very much. Any additional
23 speakers? Okay, I'm going to close the public
24 hearing.
25 You could rebuttal, if there is opposition.

1 There is no opposition.
2 I wouldn't. I know that. That's in the
3 record. But generally we advise people, if there
4 is no opposition, you know -- I didn't hear any
5 opposition.
6 We can't proceed any further.
7 Okay, now what we're doing, we are limited --
8 we are going to have discussion among the Board
9 Members here.
10 BOARD MEMBER MS. BRODEUR: From what I saw
11 the other day in the Budget, the Budget book, the
12 Zoning Director is going to rewrite some of the
13 Code. So I just thought that I would mention
14 that. That some of this is going to be rewritten.
15 CHAIRMAN MR. YOUKILIS: Okay.
16 Additional comments?
17 Maureen?
18 BOARD MEMBER MS. O'DONNELL: I think if we
19 are dealing with a an issue of a variance I would
20 have absolutely no problem approving this because
21 I don't believe that this is the same as a dance
22 studio or exercise facility. I don't believe that
23 102 parking spots are anywhere near necessary, and
24 I think 15 are sufficient.
25 However, we are here on a legal issue of an

1 appeal. The standard is completely different, and
2 we have a choice of whether this is a school,
3 under the Code, or whether this comes under the
4 other section of the Code.
5 Keep in mind that as County Attorney pointed
6 out to us, if we were to overrule the Director's
7 decision, we are setting precedent in the County.
8 So anybody else who has a facility that is not a
9 dance studio, or not a karate studio, can come in
10 and get -- and automatically only have to have a
11 few parking spaces, even if they have meets or
12 whatever.
13 This could be a problem. And I don't know
14 that this Board wants to set a precedent such as
15 that.
16 I'm very concerned about this issue because
17 we are stuck dealing with a very, very narrow
18 issue here. And as I said, as a variance, you
19 know, if this came up as a variance, I think it is
20 an absolute, it would not even be an issue, we
21 would have already said yes and moved on. But you
22 just need to keep in mind, unfortunately that we
23 are here on an appeal and we need to look at the
24 legal issue involved.
25 CHAIRMAN MR. YOUKILIS: Additional comments?

1 I have some comments.
2 BOARD MEMBER MS. BRODEUR: Go ahead.
3 CHAIRMAN MR. YOUKILIS: I think it is a case
4 where the interpretation is not correct by the
5 Director. There is that school is listed, if
6 that's correct, that is IU-1, that is the zoning
7 district they are in, and clearly it has the word
8 gymnastics in it. It is a gymnastics school.
9 And so I think, you know, this is a case
10 where the interpretation is just to be very
11 strict, they have used the interpretation of, you
12 know, being -- I don't know what -- how did he get
13 to 102? It's one per one hundred feet because
14 that is for a school -- that is for dance, karate
15 and what else aerobic?
16 If that --
17 MR. LOGUE: A health and exercise studio.
18 CHAIRMAN MR. YOUKILIS: If the word
19 gymnastics did not appear there, then I would kind
20 of -- I would go along with you. But this is
21 clearly, you know, the word gymnastics and clearly
22 they have -- they should use -- he should have
23 used the school definition.
24 And in this case, I think the Director's
25 decision should be overturned by this Board. And

1 I think we are creating a hardship on what appears
2 to be a very nice, I think, use in that
3 neighborhood. That is an industrial neighborhood.
4 It is not the most pleasant place to go -- to be
5 in. They have done a real nice job of renovating
6 and having a very facade and very clean.
7 So, I think it is creating a hardship, it is
8 unnecessary. And I think this Board should
9 overturn the decision.
10 BOARD MEMBER MS. O'DONNELL: Again, I would
11 agree with you if we were here on the issue of
12 variance.
13 Just understand that the definition of
14 gymnastics is in the IU-1 definition, but there
15 are -- in the parking area, if you look in the
16 bottom, there are one or two specific issues.
17 Yes, this is -- this is in a not-so-great
18 neighborhood, but what if we have, down the road,
19 if we set a precedent, there is a facility that is
20 in a -- closer to a residential area, and then you
21 have people parking on people's lowns because they
22 are allowed to piggy-back on to this decision.
23 That is the only concern I have. You know, I
24 agree that this is not fair. I mean, these people
25 shouldn't even have to be here. This is something

1 that is, you know, a slam-dunk, it's no brainer.
2 But unfortunately we are dealing with a Code.
3 CHAIRMAN MR. YOUKILIS: I think Peggy made
4 the comment that there has to be -- there is
5 usually amendments to these zoning codes done
6 every year. And maybe this is one wording that
7 should be looked at. And sometimes a decision by
8 one of the Community Zoning Boards will trigger a
9 review of a certain section of a Zoning Code, and
10 this may do that.
11 Any other comments?
12 BOARD MEMBER MS. BRODEUR: Well, one other
13 thing.
14 Remember all the different cases we've had at
15 these nurseries? And they've had like ten spaces,
16 some of these nurseries and schools that you've
17 brought before us, Mr. Price. And we've had all
18 these different things, these places never have
19 more than eight to ten spaces, these nurseries
20 that we've been dealing with and things like that.
21 All of a sudden we are confounded with an
22 overwhelming amount of requirement, that we've
23 never had a requirement before, and they've had
24 more than 40 children at these other things. How
25 come they've had 70 children to 125 at these

1 places and they didn't need 102 spaces at these
2 nursery schools, and these other schools that
3 we've had in front of us on Sunset and on 112th
4 and all these other schools?
5 Why is the Code so -- because that is -- and
6 these facilities were in residential. This isn't
7 residential. This is what I don't understand the
8 inconsistency here.
9 BOARD MEMBER MS. O'DONNELL: Because those
10 schools applied for a variance, they did not
11 appeal a decision of the Director. That is the
12 only difference. It is the procedural mechanism
13 that they used to get here. That is the only
14 difference.
15 MS. FOJO: Mr. Chairman?
16 CHAIRMAN MR. YOUKILIS: Yes.
17 MS. FOJO: Day nursery, the requirement for
18 the day nursery are, according to the staff. So
19 if they have three staff persons, that is the
20 requirement that they will have. They will only
21 need three parking spaces.
22 CHAIRMAN MR. YOUKILIS: Okay.
23 Can I hear a motion?
24 BOARD MEMBER MS. BRODEUR: I think the whole
25 thing is incongruous, and I agree with you, Sandy.

1 The whole thing is mind-boggling. And I think we
2 are going too far on something that ought to be
3 handled in a simple manner. And I would propose
4 that we vote that the Director erred in his
5 interpretation.
6 CHAIRMAN MR. YOUKILIS: What is the proper
7 wording? Whatever the word is.
8 MR. LOGUE: I thought it would be motion to
9 approve the application.
10 CHAIRMAN MR. YOUKILIS: To approve the
11 application, overturning the Director's decision.
12 BOARD MEMBER MS. O'DONNELL: It's not an
13 application.
14 CHAIRMAN MR. YOUKILIS: Well, it is an appeal
15 of administrative decision. Well, it is to
16 approve the appeal.
17 MR. LOGUE: Well, I guess it would be -- we
18 could just put it this way. It is a motion to
19 overturn the Administrator's decision and to allow
20 the parking subject to the conditions in the
21 appeal, in the application.
22 CHAIRMAN MR. YOUKILIS: Okay.
23 That was your motion?
24 BOARD MEMBER MS. BRODEUR: Yes.
25 CHAIRMAN MR. YOUKILIS: That is the motion,

1 just as the attorney worded it.
2 Is there a second to that?
3 BOARD MEMBER MR. BUSH: I'll second it.
4 CHAIRMAN MR. YOUKILIS: Second by Mr. Bush.
5 Any discussion directly on the motion?
6 Okay. You know, we can call the question.
7 And Staff will read the motion. And then call the
8 question.
9 MR. CEPERO: Motion to approve the appeal; is
10 that correct?
11 MR. LOGUE: Yes.
12 BOARD MEMBER MS. O'DONNELL: No, no.
13 MR. LOGUE: It would be approve the appeal,
14 overturn the Administrator's interpretation of the
15 Code to allow the parking as requested in the
16 application subject to the conditions in the
17 application. Are those conditions spelled out?
18 BOARD MEMBER MS. O'DONNELL: No, there are no
19 conditions.
20 CHAIRMAN MR. YOUKILIS: There are no
21 conditions. Because he just said deny.
22 BOARD MEMBER MS. BRODEUR: No, it is only
23 about erring, that's all. There is no conditions,
24 as far as I can see.
25 MR. LOGUE: I mean, there was discussion of

1 40 students.
2 CHAIRMAN MR. YOUKILIS: Okay, subject --
3 MR. LOGUE: Well --
4 BOARD MEMBER MS. O'DONNELL: I think if you
5 look at the analysis that is in our packet, it
6 said that we would have to impose any conditions
7 that we wanted to impose because -- because we are
8 here on an appellate issue there are no
9 conditions. Look at the analysis. I think that
10 is what I read. It is on the second page.
11 But if we -- we would have the option of
12 imposing conditions -- if they are granted a
13 variance.
14 CHAIRMAN MR. YOUKILIS: No, in this case we
15 just overturn the Director's decision, and it is
16 now going to be interpreted as this being a
17 school. And they will apply the conditions,
18 whatever. And probably you are going to meet it.
19 I'm not sure, but with the parking that you have
20 now you are probably going to meet the
21 requirements of a school.
22 Okay, all right.
23 MR. LOGUE: Better said, Mr. Chairman.
24 CHAIRMAN MR. YOUKILIS: Okay.
25 You can call the roll.

1 MR. CEPERO: Ms. Armesto?
2 BOARD MEMBER MS. ARMESTO: Yes.
3 MR. CEPERO: Ms. Brodeur?
4 BOARD MEMBER MS. BRODEUR: Yes.
5 MR. CEPERO: Mr. Bush?
6 BOARD MEMBER MR. BUSH: Yes.
7 MR. CEPERO: Ms. Grigsby?
8 BOARD MEMBER MS. GRIGSBY: Yes.
9 MR. CEPERO: Ms. O'Donnell?
10 BOARD MEMBER MS. O'DONNELL: No.
11 MR. CEPERO: Mr. Youkilis?
12 CHAIRMAN MR. YOUKILIS: Yes.
13 MR. CEPERO: Motion carries 5-1.
14 CHAIRMAN MR. YOUKILIS: Okay, thank you very
15 much.
16 MS. DOMINGUEZ-FRICK: Thank you very much.
17 (Thereupon, the hearing was concluded.)
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24
25

1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA

4 COUNTY OF DADE

5

6 I, Janice Aguirre, Registered Professional

7 Reporter, Notary Public, State of Florida, certify that the

8 witnesses personally appeared before me on July 28, 1999 and

9 were duly sworn.

10 WITNESS my hand and official seal this 19th

11 day of October, 2007.

12

13

14

15 ----------

16 JANICE AGUIRRE

17 Registered Professional Reporter

18 Notary Public, State of Florida

19

20 JANICE AGUIRRE
MY COMMISSION # DD 467592
EXPIRES: August 31, 2009
Bonded Thru Notary Public Underwriters

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF DADE)

4

5 I, JANICE AGUIRRE, Registered Professional

6 Reporter, do hereby certify that I was authorized to and did

7 stenographically report the CZAB PROCEEDINGS of July 28,

8 1999; that a review of the transcript WAS requested; and

9 that the foregoing transcript, pages 1 through 58, is a true

10 record of my stenographic notes.

11 I FURTHER CERTIFY that I am not a relative,

12 employee, or attorney, or counsel of any of the parties; nor

13 am I a relative or employee of any of the parties' attorney

14 or counsel connected with the action, nor am I financially

15 interested in the action.

16 DATED this 8th day of July, 2007 at Miami, Dade

17 County, Florida.

18

19 ----------

20 JANICE AGUIRRE,
Registered Professional Reporter

21

22

23

24

25

1. CUSTOM BUILDERS OF MIAMI, LLC **08-6-CC-1 (07-413)**
(Applicant) **BCC/District 8**
Hearing Date: 6/5/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2004	The Royalty Investment & Development Group LLC	Zone change from AU to RU-TH.	CZAB-4	Approved
2005	The Director of the Dept. of Planning & Zoning	Zone change from multi zones to NCUCD.	BCC	Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Custom Builders of Miami **PH:** Z07-413 (08-6-CC-1)

SECTION: 27-56-39 **DATE:** June 5, 2008

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION

o **REQUEST:**

DELETION of a Declaration of Restrictions recorded in Official Record Book 22176, Pages 2674-2678.

The purpose of this request is to allow the applicant to delete an agreement tying the site to plans for a townhouse development and to allow the applicant to develop the site according to the Naranja Community Urban Center District zoning regulations.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

o **SUMMARY OF REQUEST:**

This application will allow the deletion of an agreement that restricts the development of the property to a previously approved site plan for a residential townhouse development in order to allow the applicant to build in compliance with the Naranja Community Urban Center (NCUC) District zoning regulations.

o **LOCATION:**

Lying on the Northwest corner of S.W. 260 Street and S.W. 137 Avenue, Miami-Dade County, Florida.

o **SIZE:** 2.5 Acres

o **IMPACT:**

Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Naranja Community Urban Center District (NCUCD), which will require the site to be reviewed through the Administrative Site Plan Review (ASPR) process. The NCUCD will allow additional residential units to be developed on the site, which will impact traffic and could bring additional students to the area's public schools. However, said impacts are reviewed on a case-by-case basis through the Administrative Site Plan Review (ASPR) process.

B. ZONING HEARINGS HISTORY:

In 2004, the Zoning Appeals Board granted, pursuant to Resolution #CZAB15-7-04, a zone change from AU, Agricultural District, to RU-TH, Townhouse District, subject to the acceptance of a proffered covenant. Subsequently, in June 2005, pursuant to Resolution #Z-13-05, the subject property was a part of a zoning application filed by the Director of the Department of Planning and Zoning for a section of land that was approved by the Board of County Commissioners (BCC) for a district boundary change from multiple zones to NCUC (Naranja Community Urban Center) District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Community Urban Center**.

Urban Centers

Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and **Community Centers** which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers.

The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Activities.

Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Radius.

The area developed as an Urban Center shall extend to a one-mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Density and Intensity

The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.

Densities	Average Floor Area Ratios (FAR)	Max. Dwellings per Gross Acre
Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500
Metropolitan Urban Centers	greater than 3.0 in the core not less than 0.75 in the edge	250
Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125

In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element.

Gross Residential Density

In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

Policy LU-7F. Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
NCUC/R; 6 to 18 dua; Vacant land	Low-Medium Density Residential, 6 to 13 dua/Community Urban Center
Surrounding Properties:	
NORTH: NCUC/R; 6 to 18 dua; Townhouse construction site	Low-Medium Density Residential, 6 to 13 dua/Community Urban Center
SOUTH: NCUC/R; 6 to 18 dua; Vacant land	Low-Medium Density Residential, 6 to 13 dua/Community Urban Center
EAST: RU-1; church/school	Low Density Residential, 2.5 to 6 dua
WEST: NCUC/ R; 6 to 18 dua; Church	Low-Medium Density Residential, 6 to 13 dua/Community Urban Center

The subject parcel is located lying on the Northwest corner of S.W. 260 Street and S.W. 137 Avenue. The area where the subject property lies is within the Naranja Community Urban Center, which is currently being developed as a compact, mixed-use community.

E. SITE AND BUILDINGS:

Site Plan Review:	(No site plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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; 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.

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**

Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

Section 33-314(C)(15) specifies that applications to modify or delete declarations of restrictive covenants recorded prior to July 27, 2005, encumbering property wholly located within any Urban Center zoning district where and to the extent that modification or elimination of the declaration of restrictive covenant or part thereof is necessary to allow development conforming in all respects to the applicable Urban Center District regulations, be heard by the Board of County Commissioners (BCC).

The subject property is located on the Northwest corner of S.W. 260 Street and S.W. 137 Avenue, approximately .75 miles east and south of and within the Urban Development Boundary (UDB) Line, in an area, which is currently being developed as a compact, mixed-use community. The applicant is seeking to delete an agreement (Exhibit A) restricting the development of the property to a previously approved site plan for a 17-unit residential townhouse development (Exhibit B) in order to permit the development of the property in accordance with the Naranja Community Urban Center District (NCUC) zoning regulations.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and indicates that no new additional daily peak hour vehicle trips would be generated, therefore no vehicle trips have been assigned.

The subject property lies within a **Community Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Approval of this application will allow the applicant to develop the subject property in accordance with the zoning regulations of the Naranja Community Urban Center (NCUC) District. Urban Centers are hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. Urban Centers are intended to be moderate- to high-intensity, design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. These centers are designed to create an identity and a distinctive sense of place through unity of design and distinctive urban architectural character. Emphasis in design and development of these centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Staff supports this application as the applicant intends to develop the subject property in accordance with the regulations. The regulations, which provide development parameters for the community urban center, have been approved

by the Board of County Commissioners and are enumerated in Ordinance No. 05-145 under Article XXXIII (J) of the Zoning Code. The Naranja Community Urban Center District requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria shaping the way buildings front onto open spaces and streets.

The subject 2.5-acre property lies within the Edge Sub-District of the Naranja Community Urban Center (NCUC). The subject property is designated as Residential (R) under the NCUC's Land Use Plan map. The R zone allows residential development within single-family detached, courtyard, sideyard, rowhouse, urban villa and duplex dwelling types at a minimum of 6 units per net acre to a maximum of 18 units per net acre. Approval of this application will delete the agreement restricting the development of the property to a previously approved site plan in order to enable the applicant to comply with the NCUC District zoning regulations. Said site plans depicted a 17-unit residential townhouse development (Exhibit B). The Department of Planning and Zoning as well as other departments, have reviewed plans submitted by the applicant for compliance with the site plan review criteria provided in the Standard Urban Center District Regulations (Ordinance No. 05-143) as part of the Administrative Site Plan Review (ASPR) process. The Ordinance stipulates that, except for individual single-family homes and duplexes, all applications shall be reviewed as part of the ASPR process by the following Departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the applications: Public Works Department, Department of Environmental Resources Management (DERM), Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of Planning and Zoning of such discussion. The plans for this site submitted as part of the ASPR indicate the development of this site with a 33-unit residential rowhouse development, which furthers the intent of the NCUC (Exhibit C). The site plans were reviewed by all of the above named departments pursuant to ASPR application #06-025, which proposes a 33-unit rowhouse development and approval of same is subject to the approval of this application.

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which of the modification standards are applicable to this application. Due to the lack of information, staff is unable to properly analyze this application under said standards and, as such, this application should be denied without prejudice under Section 33-311(A)(17).

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that the proposed deletion of the agreement will not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard,

provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Naranja Community Urban Center District. The Ordinance provides for the allocation of development intensities within Core, Center and Edge sub-districts within the boundaries of the Urban Center as envisioned by the CDMP; requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria shaping the way buildings front onto open spaces and streets. The deletion of the restrictive covenant is necessary to allow the development of the site conforming in all respects to the NCUC zoning regulations. Based on all of the aforementioned, staff is of the opinion that the approval of this application would be **consistent** with the CDMP and **compatible** with the surrounding area and would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, nor would it tend to provoke a nuisance or be incompatible with the area. Therefore, staff recommends approval of this application under Section 33-311(A)(7).

Accordingly, staff recommends approval of this application under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

I. RECOMMENDATION:

Approval under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

J. CONDITIONS: None

DATE INSPECTED: 03/10/08
DATE TYPED: 04/03/08
DATE REVISED: 04/08/08, 04/15/08, 05/01/08, 05/08/08
DATE FINALIZED: 05/08/08
SB:MTF:LVT:NC:CH

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

EXHIBIT A

CFN 2004R0228699
OR Bk 22176 Pgs 2674 - 2678; (5pgs)
RECORDED 04/02/2004 13:02:43
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

Name: Javier L. Vazquez, Esq.

Address: Javier L. Vazquez, P.A.
8061 NW 155th Street
Miami Lakes, Fl. 33016

A/12

(Space reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida described in Exhibit "A," attached hereto, and hereafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B," and

IN ORDER TO ASSURE the County that representations made by the Owner during consideration of Public Hearing No. 03-260 will be abided by the Owner freely, voluntarily and without duress, Owner makes the following Declaration of Restrictions covering and running with the property:

1.) **Site Plan**

The property shall be developed substantially in accordance with that plan submitted with this declaration entitled, "Proposed Townhouse For: "La Hacienda," as prepared by J. Antonio Rodriguez, Architect, stamped date received 1-16-04 and consisting of 6 sheets.

LM

2) ~~The~~ gating of the ingress and egress area along SW 137 Avenue shall be prohibited. RDB

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

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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 of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all 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, or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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 to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

Acceptance of Declaration. The Owner acknowledges that 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.

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

Signed, sealed and acknowledged on this 2 day of Dec, 2003.

Witnesses:

The Royalty Investment and Development Group, LLC

By: Joshua Murray
Its: Managing Member

Print Name

Print Name

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 2 day of Dec., 2003 by Joshua Murray, as Managing Member of The Royalty Investment and Development Group, LLC. He personally appeared before me, is personally known to me or produced _____ as identification, and did not take an oath.

Notary:_____

Print Name:_____

Notary Public, State of Florida

My commission expires:_____

(NOTARIAL SEAL)

IVETTE FROMETA
MY COMMISSION # DD 123167
EXPIRES: June 9, 2006
Bonded Thru Notary Public Underwriters

Exhibit "A"

The East ½ of the South ½ of the SE ¼ of the NE ¼ of SE ¼ of Section 27, Township 56 South, Range 39 East, lying and being in Miami-Dade County, Florida.

EXHIBIT B

16

ZONING LEGEND

ZONING RU-TH

Height (to ridge of roof)_	27'-1"
gross land area	111,656 s.f. (2.97 acre)
net land area	91,738 SQ FT (2.106 acre)
Lot Coverage (everything under roof)	16,707 SQ.FT. 18% OF LOT COVERAGE

COMMON AREA

	REQUIRED	PROVIDED
30% OF THE SITE AREA	27,521 s.f.	58,417 ft.
TOT LOT: (1,869 s.f.) PEDESTRIAN WALKS (14,630 s.f.) GAZEBO (256 s.f.) — 30% of common area	13,877 s.f.	14,566 ft.
UNENCUMBERED GREEN AREA — 30% of common area	13,877 s.f.	41,852 ft.

DENSITY

8.5 Units/Net Acre

8.5 Units x 2.106 Net Acre = 17.90 allowed, 17 units provided

PROPERTY COVERAGE AREA

	1st FLR		2nd FLR		Total building area
BUILDING 1	5,882 S.F.	+	5,298 S.F.	=	11,180 S.F.
BUILDING 2	4,843 S.F.	+	4,437 S.F.	=	9,280 S.F.
BUILDING 3	5,882 S.F.	+	5,298 S.F.	=	11,180 S.F.
TOTAL LOT COVERAGE	16,707 S.F.				

SETBACK	REQUIRED	PROVIDED
Front	20 ft.	20 ft.
Rear	15 ft.	18 ft.
Between Buildings	20 ft.	55 ft.
Building Side Street	15 ft.	40 ft.

TOWNHOUSE UNIT BREAKDOWN

MODEL "A"	5	3 Bedroom Units	11
MODEL "B"	6	4 Bedroom Units	6
MODEL "C"	6	Total units	17

MODEL "A" PROPOSED LOT SIZE (25'x78') 1950 s.f. area

MODEL "B" PROPOSED LOT SIZE (25'x78') 1950 s.f. area

MODEL "C" PROPOSED LOT SIZE (25.33'x78') 1976 s.f. area

ENCLOSED PATIO AREA

MODEL "A" & "B" = 434 S.F. MODE: "C" = 439 S.F.

PARKING

Required (2.25 per unit) = 40.5 parking spaces 38.2

Provided 3 spaces @ ea. unit w/ 1 car garage = 3 X (17 Units) = ~~51 spaces~~ 34

Guest parking = 12 spaces 46

Total Parking Spaces = 63 P.S.

Total Parking Area w/o Garage(9,144 s.f.) = 10% of net land area

PRIVATE STREET AREA

Total Street Area (12,856 s.f.) = 14% of net land area

LANDSCAPE LEGEND

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTICT: RU-TH NET LOT AREA: 91,738 SF ACRES 2.106

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area= 91,738 s.f. x .25 X = s.f.	22,935 s.f.	41,853 s.f.
B. Square feet of parking lot open space required by Chapter 33A, as indicated on site plan: No. parking spaces _____ x 10s.f. per parking space =		
C. Total s.f. of landscaped open space required by Chapter 33: A + B =		

LAWN AREA CALCULATION

A. 22,935s.f. total s.f. of landscaped open space required by Chapter 33		
B. Maximum lawn area (sod) permitted= 60 % x 22,935 s.f. s.f. =	13,761 s.f.	13,700 s.f.

TREES

A. No. trees required per net lot area		
Less existing number of trees meeting minimum required = .25 trees x net lot acres=	60	60
B. % Palms allowed: No. trees provided /2 x 30% =		
% Palms permitted to count as street trees on 1:1 basis x 30%		
C. % Natives Required: No. trees provided x 30% =	20	60
D. Street trees (maximum average spacing of 35' o.c.): 364 linear feet along street /35=	17	17
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): _____ linear feet along street /25 =		

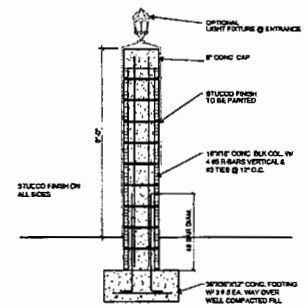
SHRUBS

A. No. trees required x 10 = no. shrubs allowed	770 SHRUBS	770 SHRUBS
B. No. shrubs allowed x 30% = no. of native shrubs required	231 SHRUBS	770 SHRUBS

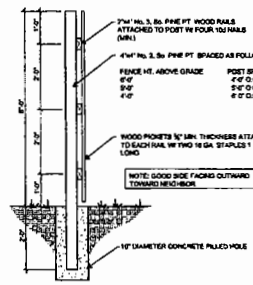
IRRIGATION PLAN : IF REQUIRED BY CHAPTER 33 IRRIGATION BY HOSE ONLY

TABLE containing information as indicated in sample:

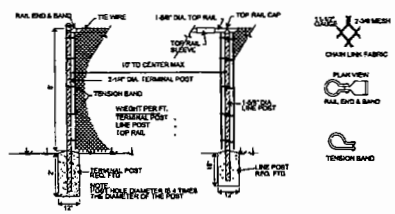
SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES	CALIPER Installed	HEIGHT		CANOPY DIA.	QUANTITY
Symbol	New	Exist.	Scientific	Common	Yes/No		Installed	est. at maturity	est. at maturity	
	32	0	bursea simaruba	gumbo limbo	Yes	2"	14'			32
	17	0	quercus virginiana	live oak	Yes	2"	14'			17
	28	0	ligustrum lucidum	glossy privet	Yes	2"	14'			28
	770	0	chrysobalanus icaco pellocarpus	cocoplum	Yes	2'	12"	16"		770



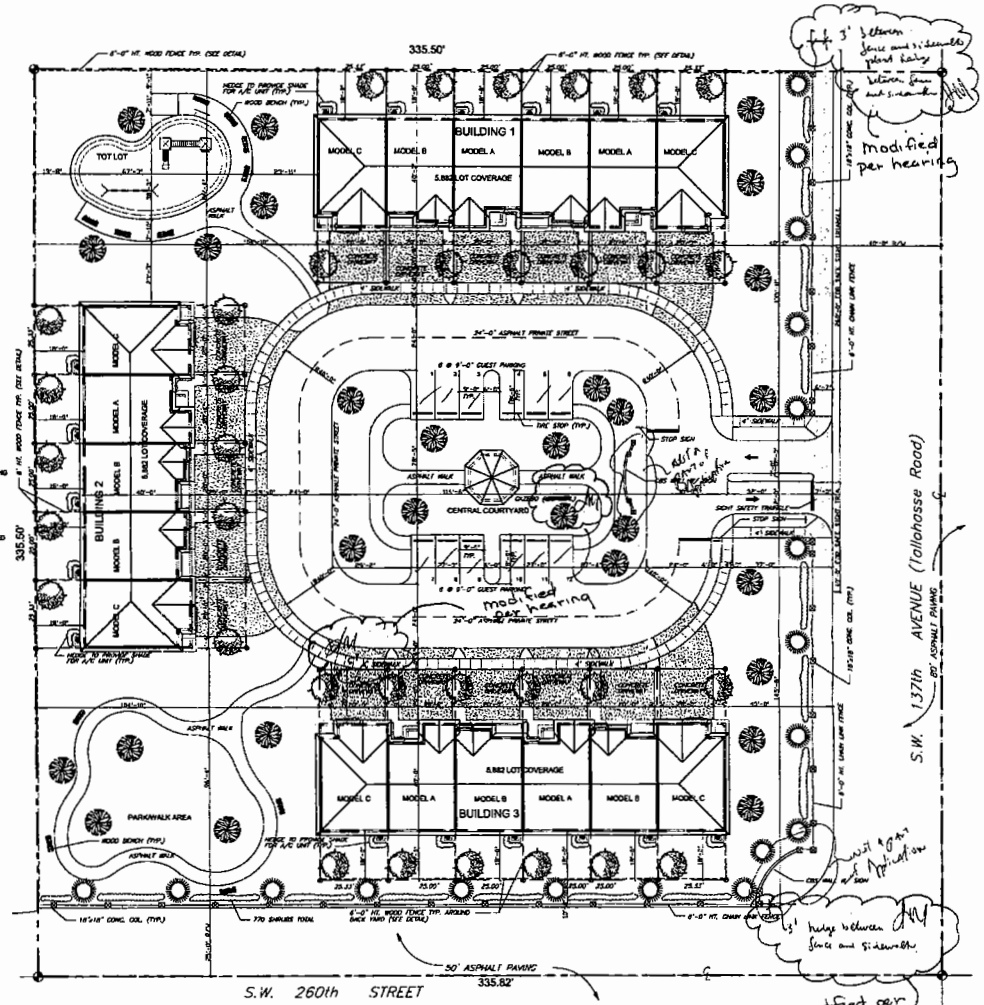
C TYPICAL CONC. BLK. COL. DETAIL N.T.S.



B TYPICAL WOOD FENCE DETAIL N.T.S.



A TYPICAL CHAIN LINK FENCE DETAIL N.T.S.



SITE PLAN

SCALE: 25'-0"

LEGAL DESCRIPTION

THE EAST ½ OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF NORTHEAST ¼ OF SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

NOTE:- g.c. to verify location of utilities prior to submitting bids
- g.c. to verify fin. flr. elev. requirements for dade county and health dept.(septic tank reqm't.) prior to submitting bids

N

203-260

ZONING HEARING PLANS REVIEW

PLANS WITHIN THE SCOPE OF THE APPROVED BY THE ZONING HEARINGS BOARD

REVIEWED BY: _____

ON: 3/16/04

REVISIONS	BY

SHEET TITLE

SP-1 SITE PLAN
A-1 BUILDING FLOOR PLAN
A-2 BUILDING ELEVATIONS
A-3 MODEL "A" PLAN/ELEVATION
A-4 MODEL "B" PLAN/ELEVATION
A-5 MODEL "C" PLAN/ELEVATION

J. Antonio Rodriguez, Architect
Architecture Planning Design
AR0017560
7434 SW. 48 STREET MIAMI FLORIDA 33155
(305) 265-1443

PROPOSED TOWNHOUSE FOR:
"LA HACIENDA"
THE ROYALTY INVEST. & DEVELOP. GROUP INC.
AT: 25900 S.W. 137th AVENUE
MIAMI, FLORIDA 33032
(305) 471-4485

DRAWN: bello, I
CHECKED: T.R.
DATE: NOV 26, 2003
SCALE: see plan
JOB NO.:
SHEET: SP-1
1 OF 6 SHEETS

ZONING LEGEND EXHIBIT B

ZONING RU–TH

Height (to ridge of roof)_	27'–1"
gross land area	111,856 s.f. (2.57 acre)
net land area	91,738 SQ FT (2.106 acre)
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STUC
ALL SI

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BUILDING 3	5,882 S.F.	+	5,298 S.F.	=	11,180 S.F.
TOTAL LOT COVERAGE	16,707 S.F.				

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PRIVATE STREET AREA

17

Total Street Area (12,856 s.f.) = 14% of net land area

EXHIBIT C

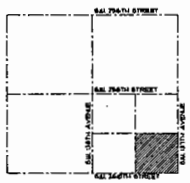
ZONING:	RU-TH
GROSS LAND AREA	111,856 s.f. (2.57 acres)
NET LAND AREA	91,235 s.f. (2.09 acres)
TOTAL ROWHOUSE UNITS	33 UNITS
ROOF HEIGHT TO RIDGE	31'-6"

DENSITY:	
ALLOWED UNITS/ACRE	18 UNITS/ACRE
2.09 ACRES X 18 UNITS/ACRE	37 UNITS ALLOWED
TOTAL ROWHOUSE UNITS	33 UNITS PROVIDED

SETBACKS:	REQUIRED	PROPOSED
MODEL 'A'		
FRONT	10'-0" OR 15'-0"	15'-0"
REAR	5'-0"	5'-0"
STREET SIDE	N/A	N/A
INTERIOR SIDE	0'-0"	0'-0"
MODEL 'B'		
FRONT	10'-0" OR 15'-0"	10'-0"
REAR	5'-0"	5'-0"
STREET SIDE	N/A	N/A
INTERIOR SIDE	0'-0"	0'-0"
MODEL 'C'		
FRONT	10'-0" OR 15'-0"	10'-0"
REAR	5'-0"	5'-0"
STREET SIDE	10'-0"	10'-0"
STREET SIDE W/ PORCH	4'-0"	4'-0"
INTERIOR SIDE	0'-0"	0'-0"

TOWNHOUSE UNIT BREAKDOWN	
MODEL 'A'	15
MODEL 'B'	12
MODEL 'C'	6

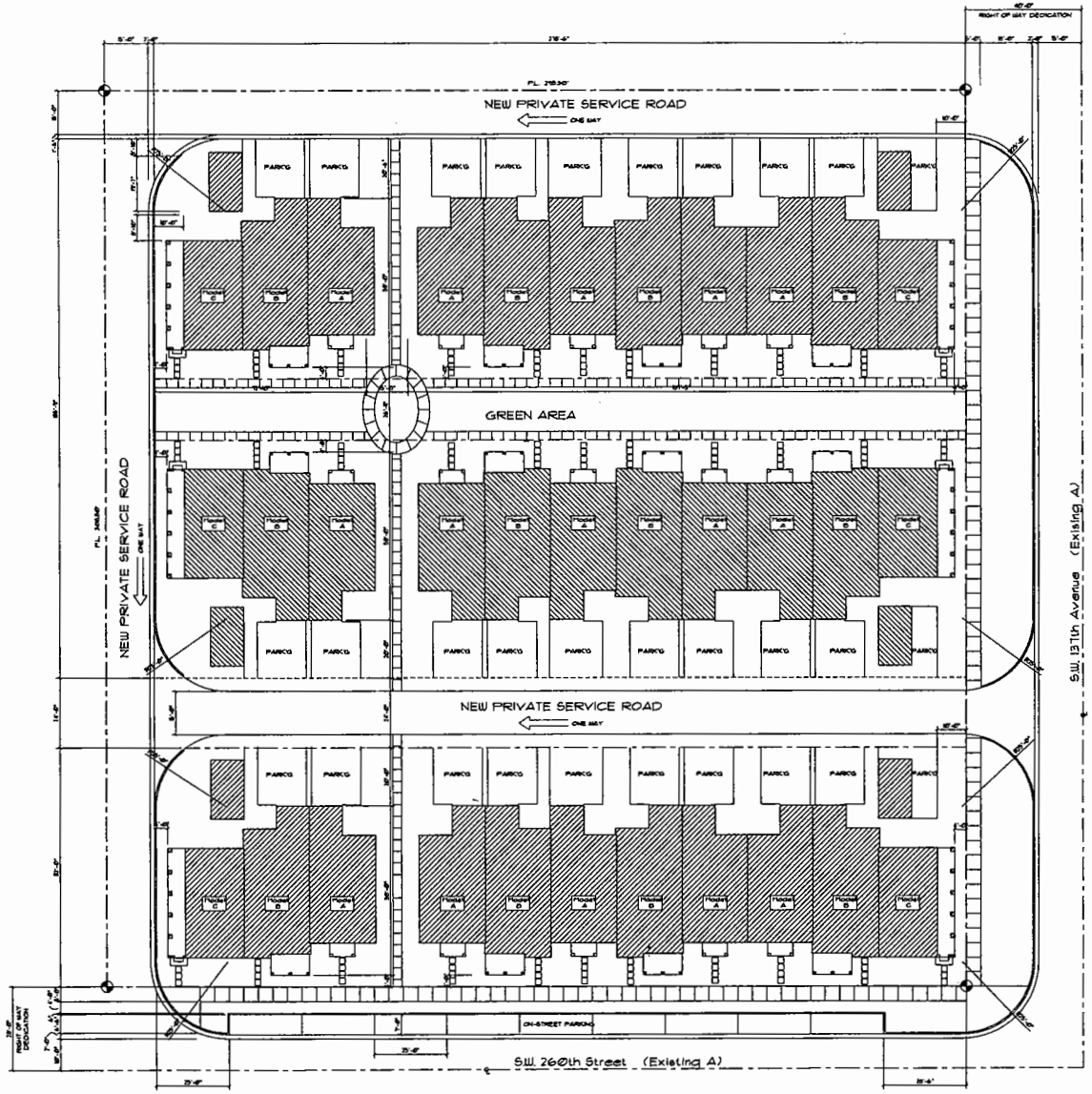
PARKING	REQUIRED	PROPOSED
OFFSTREET PARKING		
33 UNITS (2 SPACES / UNIT)	66	66
ONSTREET PARKING	0	9



North

LOCATION MAP

SCALE: 1" = 300'



Legal Description:
THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

North

SITE PLAN

SCALE: 1/16" = 1'-0"

ANDEREZ ARCHITECTS

NEW CONDOMINIUMS

PALMS COURT

Miami, Florida

Project

Owner's Information

Revisions ASPR #2 12-14-06

Date June 12, 2006

Drawn by J.A.

Project 06-111

Sheet of 11

A-1

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CURRENT ASPR

EXHIBIT C

ZONING: RU-TH	
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REAR	5'-0"	5'-0"
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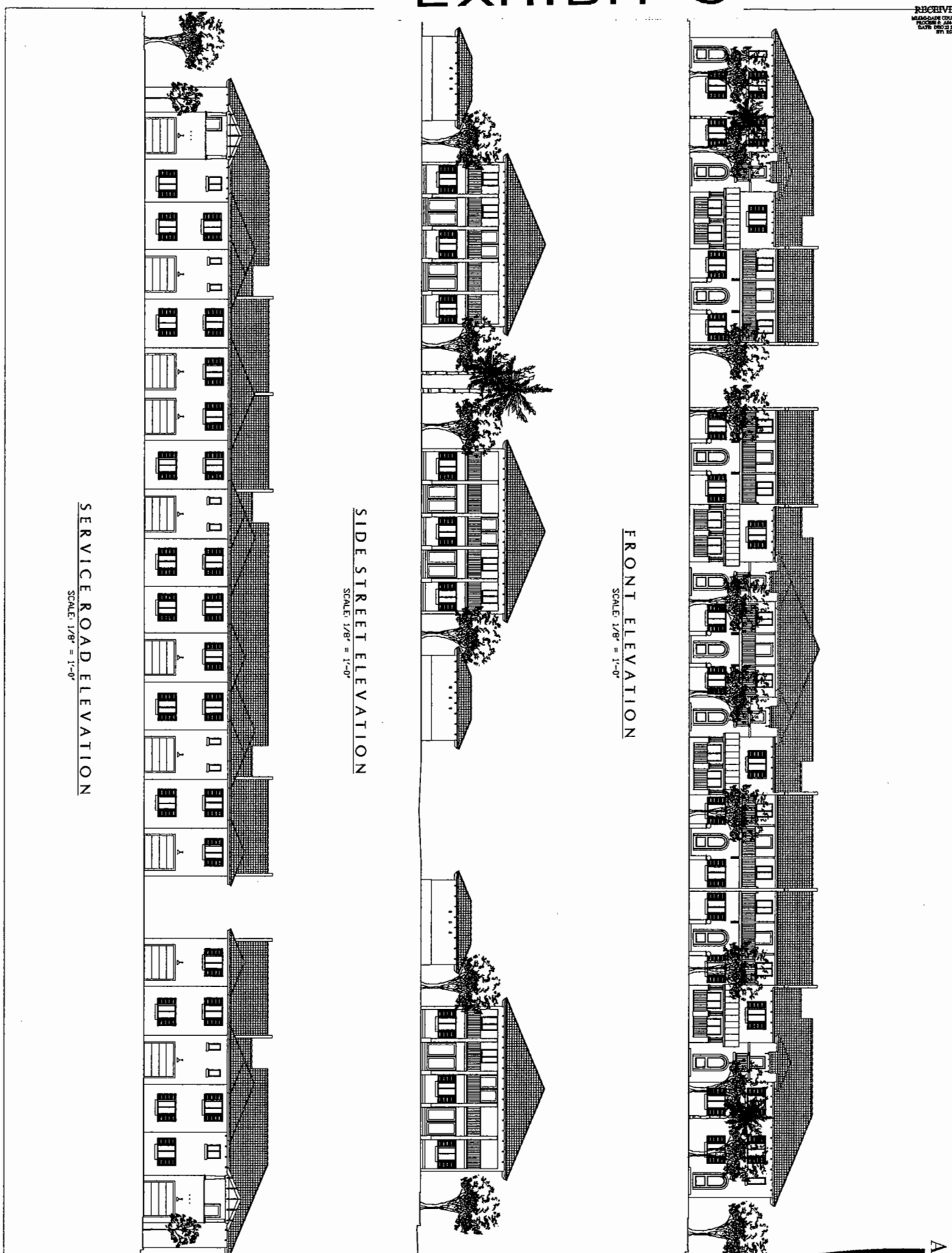
MODEL 'C'		
FRONT	10'-0" OR 15'-0"	10'-0"
REAR	5'-0"	5'-0"
STREET SIDE	10'-0"	10'-0"
STREET SIDE W/ PORCH	4'-0"	4'-0"
INTERIOR SIDE	0'-0"	0'-0"

TOWNHOUSE UNIT BREAKDOWN	
MODEL 'A'	15
MODEL 'B'	12
MODEL 'C'	6

PARKING	REQUIRED	PROPOSED
OFFSTREET PARKING		
33 UNITS (2 SPACES / UNIT)	66	66
ONSTREET PARKING	0	9

EXHIBIT C



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NEW CONDOMINIUMS

PALMS COURT

Miami, Florida

ANDEREZ ARCHITECTS

A-3

Memorandum

MIAMI-DADE COUNTY

Date: January 24, 2008

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-15 #Z2007000413
Custom Builders of Miami
25900 S.W. 137th Avenue
Deletion of a Declaration of Restrictions
(PCUC) (3 Acres)
27-56-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000413
CZAB - C15

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:CUSTOM BUILDERS OF MIAMI

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
14-MAR-08

Memorandum

Date: 17-APR-08

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000413

Fire Prevention Unit:

MDFR has no objections to letter of intent date stamped December 18, 2007.

Service Impact/Demand:

Development for the above Z2007000413
located at LYING ON THE NORTHWEST CORNER OF S.W. 260 STREET AND S.W. 137 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2461 is proposed as the following:

33 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 9.00 alarms-annually.
The estimated average travel time is: 7:18 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 5 - Goulds/Princeton - 13150 SW 238 Street
Rescue, BLS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

Current service impact calculated based on approved ASPR 06-025.

DATE: 04/18/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

CUSTOM BUILDERS OF MIAMI, LLC

APPLICANT

LYING ON THE NORTHWEST CORNER OF S.W. 260 STREET AND S.W. 137 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2007000413

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200801002329 was opened based on enforcement history request and inspected on 4-11-08.
No violations were observed and case was closed.

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Custom Builders of Miami LLC

NAME AND ADDRESS	Percentage of Stock
Daryl Gomez De Rosas	100%

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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20743
DEC 18 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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 other similar entities, further disclosure shall be made to identify natural persons having the 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 any 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: Doug Homey Alhance
(Applicant)

Sworn to and subscribed before me this 16 day of Dec, 07, Affiant is personally know to me or has produced _____ as identification.

Debra Schultz
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Debra Schultz
Commission # DD392406
Expires: MAR. 15, 2009
Bonded Thru Atlantic Bonding Co., Inc.

My commission expires: _____

*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.

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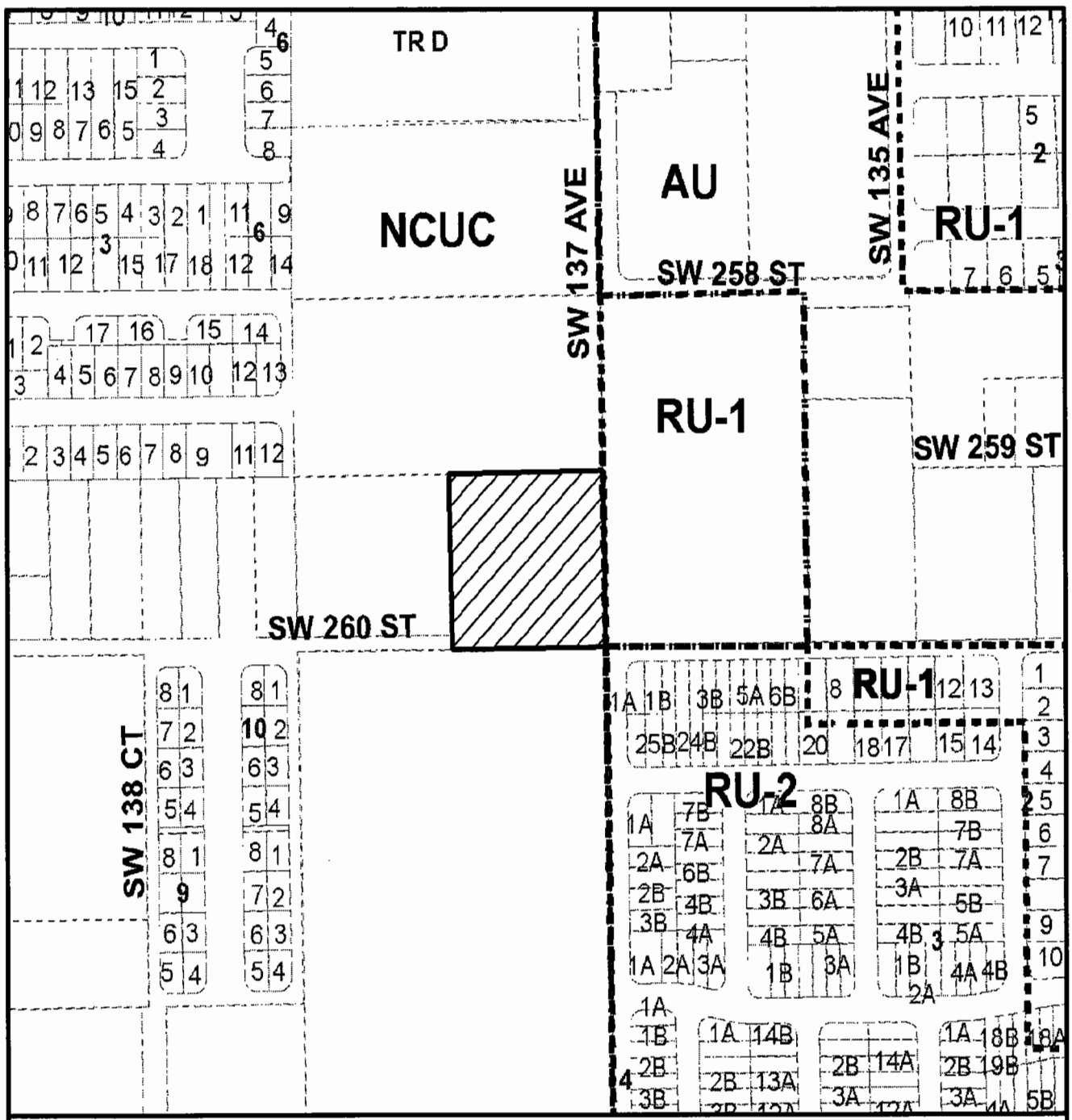
C07413
DEC 18 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

26



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-413

N

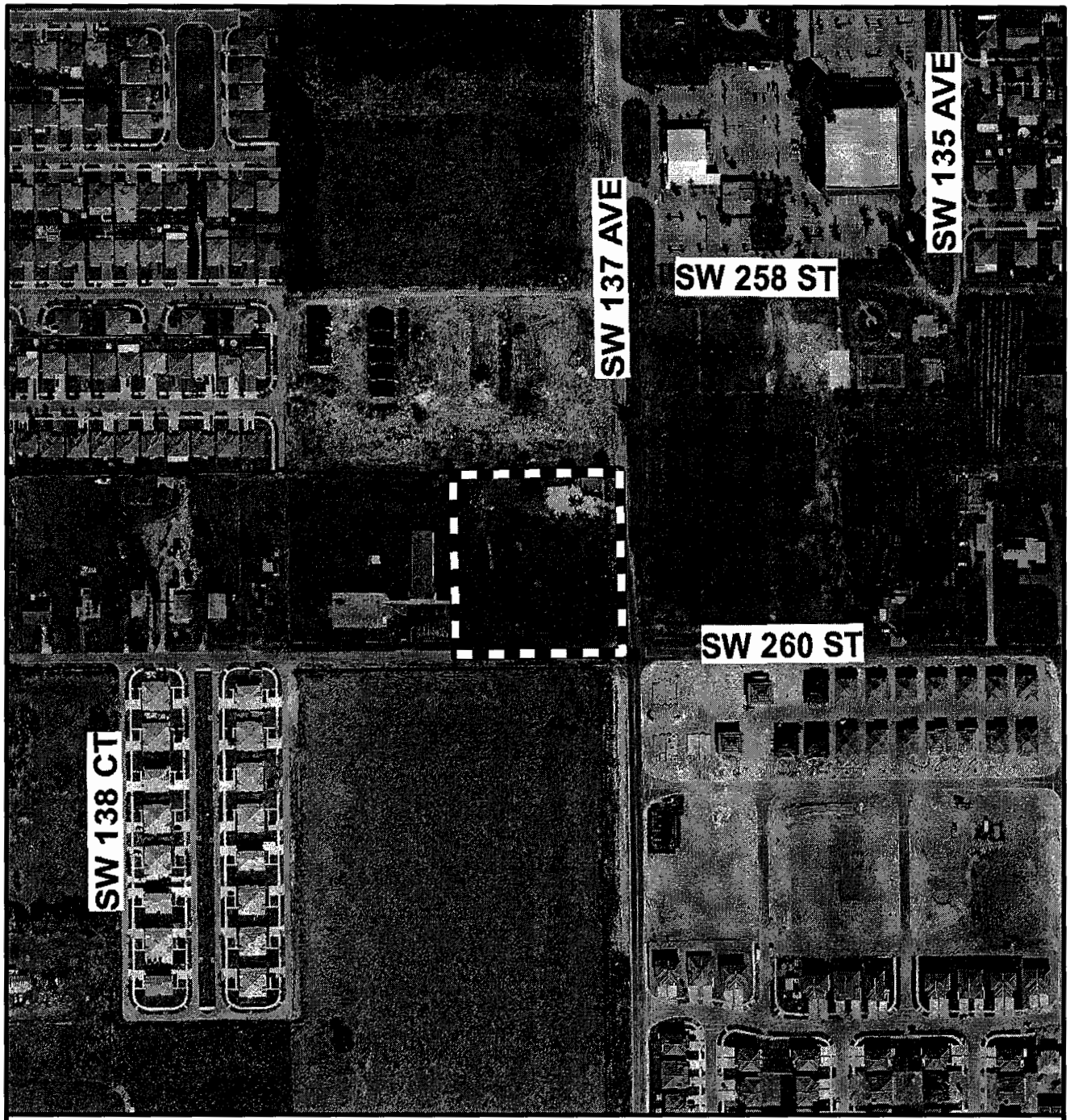
SUBJECT PROPERTY

Section: 27 Township: 56 Range: 39
Applicant: CUSTOM BUILDERS OF MIAMI
Zoning Board: C15
District Number: 8
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 12/26/07

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
07-413

N

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MIAMI-DADE COUNTY

CREATED ON: 12/26/07

REVISION	DATE	BY