

# KITS

11-15-2008 Version # 2



**COMMUNITY ZONING APPEALS BOARD 10**  
**RUBEN DARIO MIDDLE SCHOOL**  
**350 NW 97 Avenue, Miami**  
**Thursday, December 11, 2008 at 6:30 p.m.**

**PREVIOUSLY DEFERRED**

- |    |              |  |        |          |
|----|--------------|--|--------|----------|
| A. | 08-9-CZ10-2  | RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP. | 07-164 | 10-54-39 |
| B. | 08-11-CZ10-2 | BELEN JESUIT PREPARATORY SCHOOL, INC.        | 08-166 | 02-54-39 |

**CURRENT**

- |    |              |  |        |          |   |
|----|--------------|--|--------|----------|---|
| 1. | 08-12-CZ10-1 | FOUNTAIN INTERNATIONAL INVESTMENTS, INC. | 08-29  | 11-54-40 | N |
| 2. | 08-12-CZ10-2 | CARLOS & ROSA ROBLES                     | 08-49  | 19-54-40 | N |
| 3. | 08-12-CZ10-3 | NELSON MELENDRES                         | 08-99  | 02-54-40 | N |
| 4. | 08-12-CZ10-4 | DOMINGO J. TRUJILLO                      | 08-100 | 21-54-40 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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**COMMUNITY ZONING APPEALS BOARD - AREA 10**

**MEETING OF THURSDAY, DECEMBER 11, 2008**

**RUBEN DARIO MIDDLE SCHOOL**

**350 NW 97 AVENUE, MIAMI, FLORIDA**

**NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND**

**ALL PARTIES SHOULD BE PRESENT AT THAT TIME**

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD 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 MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM 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**

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**A. RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP. (08-9-CZ10-2/07-164)**

**10-54-39  
Area 10/District 11**

- (1) AU and EU-1 to BU-1A
- (2) Applicant is requesting to permit a setback of 6' (20' required) from the rear (north) property line and a setback of 15' (25' required) from the side street (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Coral Way Commercial South Parcel" as prepared by Ramos/Martinez Archts. Inc., dated stamped received 9/14/07, consisting of 5 sheets. Plans may be modified at public hearing.

LOCATION: The north side of S.W. 26 Street (Coral Way), approximately 264' east of S.W. 147 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.7 Acres

Department of Planning and Zoning Recommendation:

Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Sections 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 1

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 11/13/08

**B. BELEN JESUIT PREPARATORY SCHOOL, INC. (08-11-CZ10-2/08-166)**

**2-54-39  
Area 10/District 12**

- (1) EU-1 to RU-3
- (2) UNUSUAL USE to permit an annual carnival with amusement rides.
- (3) Applicant is requesting to permit a building height of 50'8" (35' maximum permitted).
- (4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (5) Applicant is requesting to permit a shed setback 19.34' and to permit bleachers setback 25' (30' required) from the side street (west) property line.

REQUESTS #1 - #5 ON PARCEL "A"

- (6) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional properties to the west.
- (7) MODIFICATION of Conditions #4, #5, #6, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners, reading as follows:
  - FROM: "4. That the use be approved and restricted to a maximum of 1,000 students."
  - TO: "4. That the use be approved and restricted to a maximum of 1,500 students."
  - FROM: "5. That the use be conducted on the premises on weekdays only, Monday through Friday, inclusive."
  - TO: "5. That the use be conducted on the premises seven days a week."
  - FROM: "6. That the hours of operation shall be from 7 a.m. to 10 p.m."
  - TO: "6. That the hours of operation shall be from 6:30 a.m. to midnight, Monday through Friday and 8:00 a.m. to midnight on Saturdays and Sundays."
  - FROM: "8. That the number of grades will be from 7 to 12."
  - TO: "8. That the number of grades will be from 6 to 12."
  - FROM: "9. That the number of classrooms will be as follows:
 

7-8	7 classes
9-10	10 classes
11-12	4 classes plus labs and special classrooms."
  - TO: "9. To permit 73 classrooms."
  - FROM: "10. That the number of teachers will be 40."
  - TO: "10. That the number of teachers will be 120."
- (8) MODIFICATION of Condition #2 of Resolution No. CZAB10-79-01, passed and adopted by Community Zoning Appeals Board #10, reading as follows:
  - FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Belen Jesuit Recreational Facility,' as prepared by Albaisa Architects, dated 12/23/99 and consisting of 1 sheet."
  - TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Belen Jesuit Preparatory School Master Plan, dated stamped received 9/2/08 and a plan entitled 'Partial Site Plan Annual Carnival,' dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of 14 sheets."

The purpose of requests #7 and #8 is to allow the applicant to submit new site plans showing additional property for the expansion of the school, an increase in the number of students, grades, teachers and classrooms and to extend the days and hours of operation.

REQUESTS #6 - #8 ON PARCELS "A", "B" AND "C"

- (9) Applicant is requesting to permit an administrative building setback 20'8" (75' required) from the interior side (west) property line and spaced less than 75' from a residence under different ownership to the west.
- (10) Applicant is requesting to permit a tiki hut setback 27'8" (30' required) from the side street (east) property line.

REQUESTS #9 AND #10 ON PARCEL "C"

(11) Applicant is requesting to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication of S.W. 128 Avenue between Parcels "A" and "B".

Upon a demonstration that the applicable standards have been satisfied, approval of requests #7 and #8 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 and approval of requests #3-#5 and #9-#11 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 500 S.W. 127 Avenue and 12800 S.W. 6 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 32.54 Acres

Department of Planning and  
Zoning Recommendation:

Denial without prejudice of request #1; approval with conditions of request #2; approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Section 33-311(A)(4)(c) (ANUV); approval with conditions of request #6 only as it pertains to Parcel C, and denial without prejudice of the balance of request #6 as it pertains to Parcel B; approval with conditions of request #7 as it pertains to Conditions #4, #8, #9, and #10 only, and denial without prejudice of request #7 as it pertains to Conditions #5 and #6 to permit the use to be conducted on the premises seven days a week and to permit the hours of operation to be from 6:30 a.m. to midnight Monday through Friday, and 8:00 a.m. to midnight Saturday and Sunday, all under Section 33-311(A)(7) (generalized modification standards), unless that portion of request #7 that pertains to the modification of Conditions #5 and #6 is withdrawn by the applicant; modified approval of request #8 only as it pertains to Parcels A and C and to show the removal of Parcel B under Section 33-311(A)(7); denial without prejudice of requests #7 and #8 under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing); denial without prejudice of request #11 under Sections 33-311(A)(4)(b) and 33-311(A)(4)(c); approval with conditions of request #10 under Section 33-311(A)(4)(b) and denial without prejudice of same under

Section 33-311(A)(4)(c); denial without prejudice of request #9 unless withdrawn by the applicant, all subject to the acceptance of the proffered covenant.

Protests: \_\_\_\_\_ 132 \_\_\_\_\_

Waivers: \_\_\_\_\_ 1,200 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 11/13/08

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**1. FOUNTAIN INTERNATIONAL INVESTMENTS, INC. (08-12-CZ10-1/08-29) 11-54-40  
Area 10/District 6**

(1) BU-1A and BU-2 to BU-2

(2) MODIFICATION of the Controlling Site Plan Paragraph of a Declaration of Restrictions recorded in Official Record Book 25471, Pages 935-940, reading as follows:

FROM: "Controlling Site Plan. Plans are on file and may be examined in the Zoning Department entitled 'Gables Gates Professional Building,' as prepared by Behar, Font and Partners, P.A., Architecture, Planning Interiors, consisting of 14 sheets, dated stamped received 1/5/07."

TO: "Controlling Site Plan. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'New Retail/Office Building & New Retail Parking Garage Gables Gate Professional Building,' as prepared by Behar, Font and Partner's, P. A., dated stamped received 8/21/08 and consisting of 10 sheets."

The purpose of Request #2 is to allow the applicant to submit a new site plan showing 3 office/retail buildings on additional property in lieu of the previously approved 2-office/retail buildings and show a reduction in building height.

- (3) Applicant is requesting to permit Building B setback 17' (27' required) from the front (south) property line.
- (4) Applicant is requesting to permit Building A setback 17.33' (20' required) from the front (south) property line.
- (5) Applicant is requesting to permit the existing building setback 17' (30' required, 17.33' previously approved) from the front (south) property line.
- (6) Applicant is to requesting to permit a lot coverage of 42.5% (40% permitted, 42.5% previously approved on existing BU-2 parcel).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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) and approval of requests #3 - #6 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: The northeast corner of S.W. 24 Street (Coral Way) and S.W. 72 Avenue and 7101 and 7171 S.W. 24 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.32 Acres

Department of Planning and Zoning Recommendation:

Approval of request #1; approval with conditions of request #2 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); approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Sections 33-311(A)(4)(c) (ANUV) and 33-311(A)(16) (ASDO).

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**2. CARLOS & ROSA ROBLES (08-12-CZ10-2/08-49)**

**19-54-40  
Area 10/District 10**

- (1) Applicants are requesting to permit a porte-cochere addition to a single-family residence setback 12.1' (25' required, 12.5' previously approved) from the front (east) property line.
- (2) Applicants are requesting to permit a gazebo spaced 5.5' (10' required) from the residence.
- (3) Applicants are requesting to permit a utility shed setback 6'10" (10' required) from the side street (north) property line.
- (4) Applicants are requesting to permit a pool setback 7' (7.5' required) from the rear (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. Carlos and Argentina Robles," as prepared by Juan Ordonez, consisting of two sheets and dated stamped received 8/15/08. Plans may be modified at public hearing.

LOCATION: 4300 S.W. 114 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100' x 100'

Department of Planning and  
Zoning Recommendation:

Approval with conditions of requests #1, #2,  
and #4 under Section 33-311(A)(4)(b)  
(NUV); denial without prejudice of requests  
#1 through #4 under Sections 33-311(A)(14)  
(ASDO) and 33-311(A)(4)(c) (ANUV); denial  
without prejudice of request #3 under  
Section 33-311(A)(4)(b).

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**3. NELSON MELENDRES (08-12-CZ10-3/08-99)**

**2-54-40  
Area 10/District 6**

- (1) Applicant is requesting to permit an addition to a duplex residence setback 14.1' (25' required) from the rear (west) property line.
- (2) Applicant is requesting to permit a lot coverage of 37% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Existing Duplex Remodeling for Mr. & Mrs. Melendres," dated stamped received 5/21/08 and consisting of 2 sheets and 1 sheet entitled "Duplex," dated stamped received 9/22/08 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 22 and 24 N.W. 73 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 125'

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

4. DOMINGO J. TRUJILLO (08-12-CZ10-4/08-100)

21-54-40  
Area 10/District 10

Applicant is requesting to permit additions to a single-family residence setback a minimum of 6'4" (25' required) from the rear (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Addition for: Mr. Domingo Trujillo," as prepared by Gustavo J. Carbonell, dated stamped received 7/15/08 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 9501 S.W. 49 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 8,506 sq. ft.

Department of Planning and  
Zoning Recommendation:

Modified approval with conditions of the request to permit the portion of the additions setback a minimum of 15'10", in lieu of the requested 6'4", under Section 33-311(A)(4)(b) (NUV), and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

T H E E N D

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. RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.**  
**(Applicant)**

**08-9-CZ10-2 (07-164)**  
**Area 10/District 11**  
**Hearing Date: 12/11/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1947	Dade County Zoning Department	Zone change to RU-1B.	BCC	Approved
1951	Dade County Zoning Department	Lot frontage and zone change.	BCC	Approved w/conds.

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  
COMMUNITY ZONING APPEALS BOARD - AREA 10  
MOTION SLIP

APPLICANT'S NAME: RENAISSANCE PROFESSIONAL CONSTRUCTION CORP.

A

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ10-2 (07-164)	November 12, 2008	CZAB10	08

**REC:** Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Sections 33-311 (A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: Dec 11, 2008       W/LEAVE TO AMEND  
 DENY:       WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.  
 WITH CONDITIONS  
 OTHER: Per staff to allow applicant time to submit covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ			X
MR.	M	Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES (C.A.)	X		
MR.		Jose GARRIDO	X		
MR.	S	Ruben POL III	X		
CHAIRMAN		Carlos A. MANRIQUE			X

VOTE:      4      0

EXHIBITS:  YES       NO

COUNTY ATTORNEY: CRAIG COLLER

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 10  
MOTION SLIP

APPLICANT'S NAME: RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.

**#2**

REPRESENTATIVE: Latoya Faiclough

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ10-2 (07-164)	September 11, 2008	CZAB10	08

**REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Sections 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).**

WITHDRAW:  APPLICATION  ITEM(S): \_\_\_\_\_

DEFER:  INDEFINITELY  TO: Nov 13, 2008  W/LEAVE TO AMEND

DENY:  WITH PREJUDICE  WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT  ACCEPT REVISED PLANS

APPROVE:  PER REQUEST  PER DEPARTMENT  PER D.I.C.  
 WITH CONDITIONS

OTHER: To allow applicant additional time to submit covenant (joinder).

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	<b>S</b>	George A. ALVAREZ	X		
MR.		Jorge BARBONTIN	X		
VICE-CHAIRMAN		Julio R. CACERES	X		
MR.		Jose GARRIDO (C.A.)	X		
MR.	<b>M</b>	Ruben POL III	X		
CHAIRMAN		Carlos A. MANRIQUE	X		
VOTE:			<b>6</b>	<b>0</b>	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: DAVID HOPE

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

**APPLICANT:** Renaissance Professional Constructions Corp. **PH:** Z07-164 (08-9-CZ10-2)

**SECTION:** 10-54-39

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 11

**ITEM NO.:** A

**A. INTRODUCTION**

o **REQUESTS:**

- (1) AU and EU-1 to BU-1A
- (2) Applicant is requesting to permit a setback of 6' (20' required) from the rear (north) property line and a setback of 15' (25' required) from the side street (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Coral Way Commercial South Parcel" as prepared by Ramos/Martinez Archts. Inc., dated stamped received 9/14/07, consisting of 5 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant seeks to rezone the subject property from AU, Agricultural District, and EU-1, Single-family One-Acre Estate District, to BU-1A, Limited Business District. Additionally, the applicant seeks to permit covered walkways and a commercial building setback closer to the north and east property lines than permitted.
- o **LOCATION:** The north side of SW 26 Street (Coral Way) and approximately 264' east of SW 147 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 2.7 Acres
- o **IMPACT:** Approval of the rezoning of the property to BU-1A will allow the applicant to provide limited business services to the community. However, said zoning would eliminate approximately 0.46 acre of agriculturally (AU) zoned land in Miami-Dade County, bring additional traffic and activity to the surrounding community and would impact public services. Approval of the requested reduction in setbacks to permit the proposed covered walkways and commercial building may visually impact the surrounding area.

**B. ZONING HEARINGS HISTORY:** In 1947, a portion of the subject site was included as part of an application on a larger portion of land filed by the Dade County Zoning Department, that established EU-1B, Estate District (One Acre or More) zoning for a depth of 330' from the center line of Coral Way from SW 97 Avenue to SW 147 Avenue, pursuant to Resolution No. 2704. In 1951, a portion of the subject site was included as part of an application on a

larger portion of land filed by the Dade County Zoning Department, that among other things, abolished the EU-1B zone classification and rezoned all areas zoned EU-1B at that time to EU-1, Single-Family One Acre Estate District, pursuant to Resolution No. 4257.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business & Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
2. **Uses and Zoning Not Specifically Depicted on the LUP Map.**  
Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.
3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **Policy LU-9J.** Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County.

**5. Guidelines for Urban Form**

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors.

- 9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

AU and EU-1; Vacant lot and Single-family residence

Business and Office

**Surrounding Properties:**

NORTH: AU; Row crops

Business and Office

SOUTH: BU-1A; Retail shopping plaza

Business and Office

EAST: AU and EU-1; Vacant

Low Density Residential, 2.5 to 6 du

WEST: BU-1A; Retail shopping plaza

Business and Office

The subject property is comprised of two interior lots, which lie north of SW 26 Street (Coral Way), approximately 264' east of SW 147 Avenue. Commercial uses, vacant parcels, farmland and single-family residences characterize the area where the subject property lies.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable\***

Open Space:

**Acceptable\***

Buffering:

**Acceptable\***

Access:

**Acceptable\***

Parking Layout/Circulation: **Acceptable\***  
Visibility/Visual Screening: **Acceptable\***  
Urban Design: **Acceptable\***

\*Subject to the Board's acceptance of the proffered covenant.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change, Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts.** This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- a. **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:

- i. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
- ii. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
- iii. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
- iv. any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
- v. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
- vi. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- vii. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- viii. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- ix. the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and

- x. any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
  - xi. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
  - xii. the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
    - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
    - a. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
      - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
      - (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
- (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
  - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be

separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and

- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
  - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
  - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
  - (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
  - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
  - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
  - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
  - (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use

variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This application was deferred from the November 13, 2008 meeting per Staff's request to allow the applicant additional time to submit a completed covenant. This application was also deferred from the September 11, 2008 meeting at the applicant's request to allow the applicant additional time to submit a completed covenant. It should be noted that as of the time of this writing, staff has not received a completed covenant. The subject property is comprised of two interior lots, which lie north of SW 26 Street, (Coral Way) approximately 264' east of SW 147 Avenue. Commercial uses, vacant parcels, farmland and single-family residences characterize the area where the subject property lies. The applicant is seeking a zone change on the subject property from AU, Agricultural District, and EU-1, Single-family One-Acre Estate District, to BU-1A, Limited Business District (request #1). Additionally, the applicant seeks to permit a setback of 6' (20' required) from the rear (north) property line and a setback of 15' (25' required) from the side street (east) property line (request #2). Staff notes that the subject property consists of approximately 0.46 of an acre zoned AU and approximately 2.22 acres zoned EU-1, for a total of 2.7 acres. Staff's inspection of the subject site indicates that the west half of the site is improved with an existing single-family residence and three accessory structures. However, the applicant intends to raze said residence and accessory structures and has submitted plans depicting the aforementioned

requests and development of the site with a retail and office building. The applicant has voluntarily proffered a covenant restricting development of the site to the submitted plans.

Plans submitted by the applicant depict the development of the subject site with a 2-story, 41,369 sq. ft. retail and office building with parking, and reflects 20,033 sq. ft. of retail space to be provided on the first floor and 21,335 sq. ft. of office space on the second floor. The elevation plans show that the 2-story structure attains a maximum height of 44'8" when measured to the highest point. The submitted plans illustrate that the L-shaped building is sited along the eastern and southern portions of the site, which effectively conceals the parking area sited on the rear (northwest) portion of the site. Staff's review of the submitted plans indicates that the proposed retail and office building features a Colonnade Canopy walkway along the southern, eastern and northern façade of the building as well as a covered terrace towards the center of the building near the southeast corner of the site. Staff notes that the submitted plans indicate that the applicant has provided a surplus of 5 parking spaces yielding a total of 158 where 153 parking spaces are required for all business and office activities proposed on the site. In staff's opinion, the applicant has provided more than adequate parking for the retail and office uses within the development. Proposed access to the site is provided via 2 two-way driveways, one located on SW 26 Street (Coral Way) and another located on SW 145 Avenue. Staff notes that the submitted plans depict a 5' high CBS wall that runs along the rear (north) property line. Landscape plans illustrate that Buttonwood, Mahogany, and Golden Shower trees are being provided along the rear (north) and interior side (west) property lines. Additionally, staff notes that Golden Shower trees (40' high at time of planting) and Royal palms (12' high at time of planting) are provided along the south and east property lines. Moreover, the submitted plans also depict street trees in the form of Mahogany trees 12' high at time of planting along SW 26 Street (Coral Way) and SW 145 Avenue. Staff notes that the applicant has voluntarily proffered a covenant restricting the development of the site to the submitted plans.

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. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and their memorandum indicates that additional improvements may be required at time of platting and that road dedications and improvements will be accomplished through the recording of a plat. Their memorandum further indicates that the proposed development will generate an additional **139** PM daily peak hour **vehicle trips**. However, the addition of said trips does not exceed the acceptable Level of Service (LOS) of the adjacent roadways, which are operating at LOS "D" and "E." The **Miami-Dade Fire Rescue Department (MDFR)** has **no objections** to this application.

The applicant is seeking a zone change on the subject property from AU, Agricultural District, and EU-1, Single-family One-Acre Estate District, to BU-1A, Limited Business District, as well as a request to permit covered walkways and a commercial building setback closer to the south and east property lines than permitted. The approval of the requested zone change will allow the applicant to provide a variety of business uses for the community. As previously mentioned, staff notes that the applicant has proffered a covenant restricting development of the subject property to the submitted plans. The subject property is comprised of approximately 0.46 of an acre of AU zoned property and approximately 2.22 acres of EU-1 zoned property. The Land Use Plan (LUP) map of the Comprehensive

Development Master Plan (CDMP) designates the entire subject property for **Business and Office** use. As such, the proposed rezoning to BU-1A is **consistent** with the LUP map of the CDMP. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. As such, the proposed commercial shopping plaza use on the subject property is **consistent** with the CDMP. Staff notes that BU-1A zoning exists immediately to the west and south of the subject property while EU-1 and AU zoning exist immediately to the north and east. The BU-1A zoned property immediately to the south and west of the subject property are both developed with commercial shopping plazas. Although the subject property abuts an AU-zoned parcel to the north as well as EU-1 and AU-zoned parcels of land to the east, staff acknowledges that the applicant has provided adequate buffering elements along the north and east property lines. Specifically, as previously mentioned, staff notes that the submitted plans depict a 5' high CBS wall as well as landscaping in the form of Buttonwood, Mahogany, and Golden Shower trees along the rear (north) property line. Moreover, staff notes that abundant landscaping in the form of Golden Shower and Mahogany trees is provided along the side street (east) property line. As such, staff opines that the aforementioned wall and landscape elements will effectively mitigate any negative visual or aural impacts generated by this application. As such, staff notes that the proposed zone change to BU-1A is **consistent** with the LUP map designation of the CDMP and the uses permissible are **compatible** with the surrounding area. Additionally, it should be noted that the subject site lies along a major section line roadway, SW 26 Street (Coral Way), and staff's review of the submitted plan reveals that the applicant has incorporated a colonnade canopy walkway with abundant landscaping along the southern, eastern and northern façade of the building as well as street trees along SW 26 Street and SW 145 Avenue which will create an aesthetically pleasing environment for pedestrians that will promote pedestrian circulation at the street edges. Moreover, the applicant has incorporated horizontal architectural features along the front and side street elevations to eliminate the appearance of a "blank wall effect." Furthermore, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements. Staff notes that the submitted plans depict a two-story commercial building with parking provided to the rear of the proposed two-story building in the northwestern portion of the of the site. As previously mentioned, the BU-1A zoned properties immediately to the south and west of the subject site are both developed with commercial shopping plazas similar in scale to the one proposed in this application. Based on the aforementioned, staff opines that the approval of a zone change to BU1-A, subject to the Board's acceptance of the proffered covenant restricting the development of the site to the submitted plans, would be **compatible** with the surrounding area and **consistent** with the CDMP. Therefore, staff recommends approval of the requested zone change from AU and EU-1 to BU-1A.

In addition to considering if an application, if approved, conforms to the CDMP, the zoning Code requires that, when considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the

proposed development. Additionally, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. As previously mentioned, the proposed district boundary change from AU and EU-1 to BU-1A will allow the applicant to provide a variety of business uses on the subject property such as dry cleaning establishments, hand crafted products shops, junior department stores, and variety stores. Staff notes that BU-1A zoning exists immediately to the west and south of the subject property while EU-1 and AU zoning exists immediately to the east and north. The BU-1A zoned properties immediately to the south and west of the subject property are both developed with commercial shopping centers. Specifically, the property that abuts the subject property to the west was granted, among other requests, a zone change from AU and EU-1 to BU-1A and site plan approval for a proposed commercial development in 1999, pursuant to Resolution #CZAB10-29-99. Additionally, the property located immediately to the south of the subject property, across SW 26 Street, was granted a zone change from AU and EU-1 to BU-1A, pursuant to Resolution #Z-338-87 in 1987, and is currently improved with a grocery store, fast food restaurant and a bank. Further, in 2003, the property located at 14701 SW 26<sup>th</sup> Street, on the southwest corner of SW 26 Street and SW 147 Avenue, approximately 380' to the southwest of the subject property, was granted a zone change from GU, Interim District, to BU-1A, pursuant to Resolution #CZAB10-22-03. As such, staff opines that the request is **compatible** with the commercial development trend to the west, south, and southwest of the subject property as evidenced by similar approvals of rezoning requests to BU-1A. Additionally, it should be noted that the proposed rezoning to BU-1A will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application is acceptable, and the rezoning does not unduly burden or affect public transportation facilities in the area as indicated in the Public Works Department's memorandum which states that although the proposed development will generate an additional **139** daily peak hour **vehicle trips**, the addition of said trips does not exceed the acceptable level of service of the adjacent roadways, which are currently operating at LOS "D" and "E." Additionally, as previously mentioned, the applicant has voluntarily proffered a covenant restricting the development of the site to the submitted plans. As such, staff recommends approval of the district boundary change to BU-1A, subject to the Board's acceptance of the proffered covenant.

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Approval of request #2, to permit covered walkways setback of 6' (20' required) from the rear (north) property line and setback 15' (25' required) from the side street (east) property line, would not be out of character with the area, and in staff's opinion, will serve to enhance the character of the site through the incorporation of sound urban design principles as enumerated in the Guidelines for Urban Form. **Policy LU-9J** of the CDMP indicates that Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County. Staff notes that the Guidelines for Urban Form specify that in commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings,

overhangs or porticos for protection from the sun and weather. Further, staff notes that the Urban Design Manual indicates that **covered walkways**, street trees, relocation of parking areas to the rear of buildings, among other things, result in a better relationship of buildings to the street thereby enhancing pedestrian activity. Staff notes that the submitted plans are in compliance with these provisions of the Urban Design Manual as they illustrate that the L-shaped building is sited along the eastern and southern portions of the site, which effectively conceals the parking area sited on the rear (northwest) portion of the site. Further, as previously mentioned, the proposed retail and office building features a "colonnade canopy" walkway along the southern, eastern and northern façades of the building, which will provide shelter for pedestrians from the elements, thereby creating a sense of human scale and promoting pedestrian activity in accordance with the Guidelines for Urban Form mentioned above. Staff is supportive of the request and opines that the siting of the covered walkways in close proximity to the property lines creates a sense of human scale for the development as it relates to the surrounding area. As previously discussed, the submitted plans illustrate abundant landscaping consisting of Golden Shower trees and Royal palms as well as street trees in the form of Mahogany along the side street (east) property line. Additionally, staff notes that the submitted plans depict a 5' high wall and landscaping in the form of Golden Shower, Buttonwood and Mahogany trees along the rear (north) property line. However, in order to provide additional buffering between the proposed parking area, covered walkway and the AU zoned property located to the north of the subject site, staff recommends as a condition of the approval of request #2 that the applicant provides a hedge along the rear (north) property line. As such, staff opines that the proposal will be well buffered from the vacant AU-zoned property located to the north and east as well as from the vacant EU-1 property located to the east of the site. Therefore, staff opines that the approval of request #2 subject to conditions will enhance the aesthetic appeal of the development and encourage pedestrian activity. Based on the aforementioned, staff opines that the approval of request #2 would not be out of character with the area or detrimental to the community and, as such, recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for buildings and structures in the BU Zoning Districts, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, requests #2 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that request #2 is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, the subject property can be developed in accordance with the zoning regulations. As such, staff is of the opinion that request #2 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the foregoing, staff recommends approval of the requested BU1-A zoning (request #1), subject to the Board's acceptance of the proffered covenant, approval with

conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

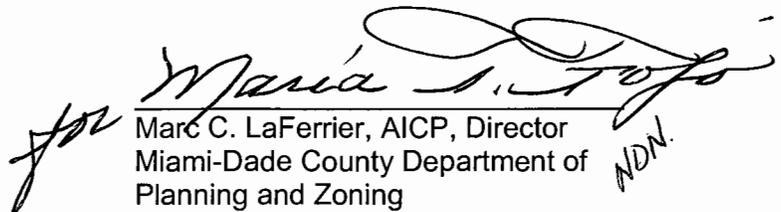
**I. RECOMMENDATION:**

Approval of the requested BU-1A zoning, subject to the Board's acceptance of the proffered covenant (request #1); approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS: For request #2 only.**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Coral Way Commercial South Parcel" as prepared by Ramos/Martinez Architects, Inc., dated stamped received 09-14-07 and consisting of 5 sheets.
3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
4. That the applicant provide a hedge no less than 3' high at time of planting to grow to and be maintained at a maximum height of 6' along the rear (north) property line.
5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within this report.

**DATE INSPECTED:** 09/07/07  
**DATE TYPED:** 06/19/08  
**DATE REVISED:** 06/20/08; 07/08/08; 07/23/08; 08/08/08; 09/26/08; 11/21/08  
**DATE FINALIZED:** 11/21/08  
MCL:MTF:LVT:JV:NC

  
for Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning NDN.

# Memorandum



**Date:** May 2, 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-10 #Z2007000164-Revised  
Renaissance Professional Construction Corp.  
North of S.W. 26<sup>th</sup> Street and East of S.W. 147<sup>th</sup> Avenue  
District Boundary Change from AU and EU-1 to BU-1A  
(AU/EU-1) (2.7 Acres)  
10-54-39

---

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.

#### Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between SW 72<sup>nd</sup> Street and Coral Way along theoretical SW 172<sup>nd</sup> Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

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

#### Potable Water Supply and Wastewater Disposal

Public water abuts the site in the form of a 16-inch main. The closest public sanitary sewer main is a 12-inch force main located approximately 325 feet west of this site. Accordingly, the property is within feasible distance for connection to public sanitary sewers, as defined in the Code. Therefore, DERM will require that, in accordance with the requirements of Section 24-13(6) of the Code, the property be connected to the public water supply and public sanitary sewer systems. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary sewers facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions stipulated by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted, in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

The proposed project has received Cut and Fill approval #434. Full compliance with all conditions set forth in said approval is required prior to platting or seeking building permits.

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Wetlands

The subject properties are located within the Bird Drive Wetland Basin. However, the property with folio 30-4910-003-0241 does not contain jurisdictional wetlands. Therefore, a Class IV Wetland Permit will not be required for this property. However, portions of the property with folio 30-4910-003-0240 contain jurisdictional wetlands and will require a Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance, including plans for mitigation, tree island preservation, and fill encroachment/stormwater management criteria will be required before any work can be done on the subject property. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to compensate for wetland values lost as a result of the proposed project. In addition, the lake slopes in the Bird Drive Everglades Basin are required to be no steeper than 4:1.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. Specifically, Section 24-28.3(4)(b) of the Code requires that all tree islands shall be preserved within the North Trail Basin or within the Bird Drive Everglades Wetland Basin. If a tree island is determined to exist on the property, the site plans must be changed to indicate the preservation of the tree island and a suitable amount of buffer to the development. Please contact the Wetlands Resources Program of DERM at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Permit.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The subject property with folio 30-4910-003-0240 may contain specimen-sized (trunk diameter 18 inches or greater) trees; however, portions of this property contain jurisdictional wetlands. Therefore, any tree resources that lie within these portions will be regulated through a Class IV Wetland Permit.

Please be advised that any tree resources on this site that are not regulated through a Class IV Wetland Permit, as well as any tree resources on the subject property with folio 30-4910-003-0241, will require a Miami-Dade County Tree Removal Permit prior to removal or relocation. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

#### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMF 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.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.

This Department has no objections to this application.

The street designation to SW 146 Avenue must be changed to SW 145 Avenue prior to tentative plat submittal.

Median openings and roadway improvements to SW 26 Street are not part of this application and must be filed separately.

Additional improvements may be required at time of platting.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 139 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-88	SW 8 St. e/o SW 137 Ave.	D	D
9134	Coral Way w/o SW 137 Ave.	E	E
9826	SW 147 Ave. s/o Bird Dr. Ext.	D	D

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

11-JUN-08

# Memorandum



**Date:** 24-JUL-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000164

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated May 23, 2007.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped September 14, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2007000164

located at THE NORTH SIDE OF S.W. 26 STREET, APROXIMATELY 264' EAST OF S.W. 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1473 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
41,136 Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 12.21 alarms-annually.  
 The estimated average travel time is: 6:10 minutes

**Existing services:**

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

Station 37 - West Bird - 4200 SW 142 Avenue  
 Rescue, ALS 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 plans date stamped September 14, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO WEST OFFICE

## ENFORCEMENT HISTORY

NAME:

RENAISSANCE  
PROFESSIONAL CONSTR.  
CORP.

ADDRESS

NORTH SIDE OF SW 26 ST,  
& APPROX. 264' E OF SW  
147 AVE, MIAMI DADE  
COUNTY, FLORIDA

DATE

AUGUST 01, 2008

Fol #3049100030240 & 241

CMS# 200812006814

ZONING Number Z2007000164

### CURRENT ENFORCEMENT HISTORY:

AUGUST 01, 2008

An inspection was conducted August 1, 2008 and no violations were observed.

MARCH 10, 2005

CMS # 200512001184, was opened and CVN # 954887, was issued to the property owner for illegally keeping poultry on property. A compliance inspection was conducted on July 22, 2005 and there was compliance. The CVN was not paid and the case file was sent to Lien. The CVN was eventually paid on May 18, 2006. Case closed.

RECEIVED  
207-164  
MAY 08 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

**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: RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Doris Binimelis 260 N.W. 132nd Avenue, Miami, Florida 33182</u>	<u>50%</u>
<u>Sara Figueredo 14591 Coral Way, Miami, Florida, 33175</u>	<u>50%</u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: N/A

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

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

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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

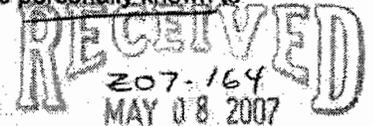
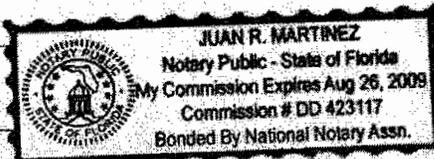
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *[Signature]* (Applicant) *[Signature]* *Gary Figueredo*

Sworn to and subscribed before me this 27 day of April, 27. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*[Signature]*  
(Notary Public)



ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *[Signature]*

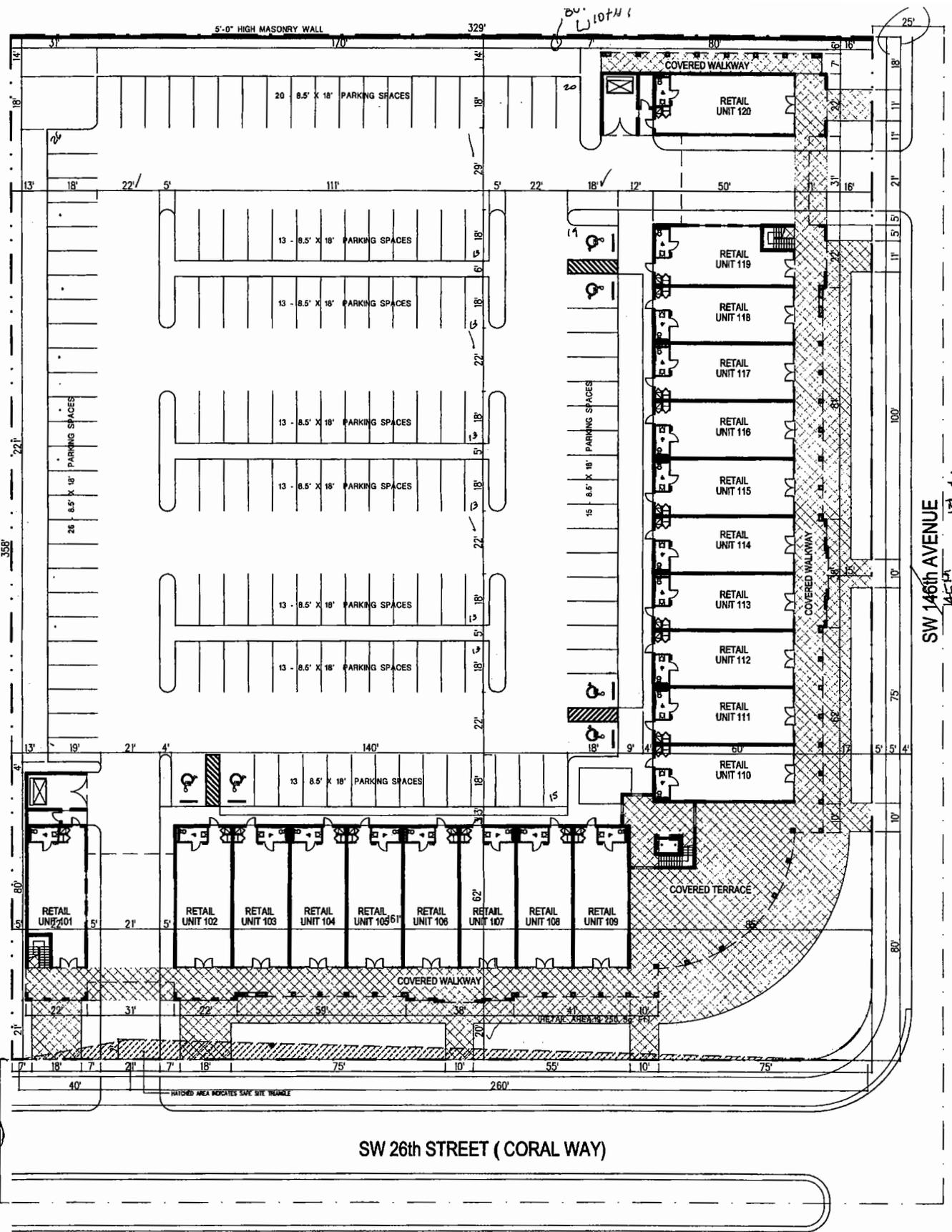
My commission expires \_\_\_\_\_

\*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.

BU-1A

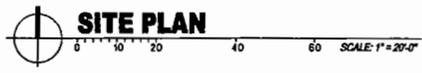
gross	2.70
	0.21
	2.50
	0.00
	2.50
	0.00
	2.50
void	30.00'
	20.00'
	13.00'
	5.00'
	15.00'
	25.04%
	27,214.00
void	0.38
	19,250.00
	21,886.00
	41,136.00
	18.96%
	20,604.00
	77
	73
	6
	2
	153/19
	158
%	25.04%
	0.48%
	6.59%
	46.95%
	1.99%
	18.96%
	100.00%

Per Survey by DL Darras & Associates  
 5/20/14



SW 146th AVENUE  
 145' ±

SW 26th STREET (CORAL WAY)

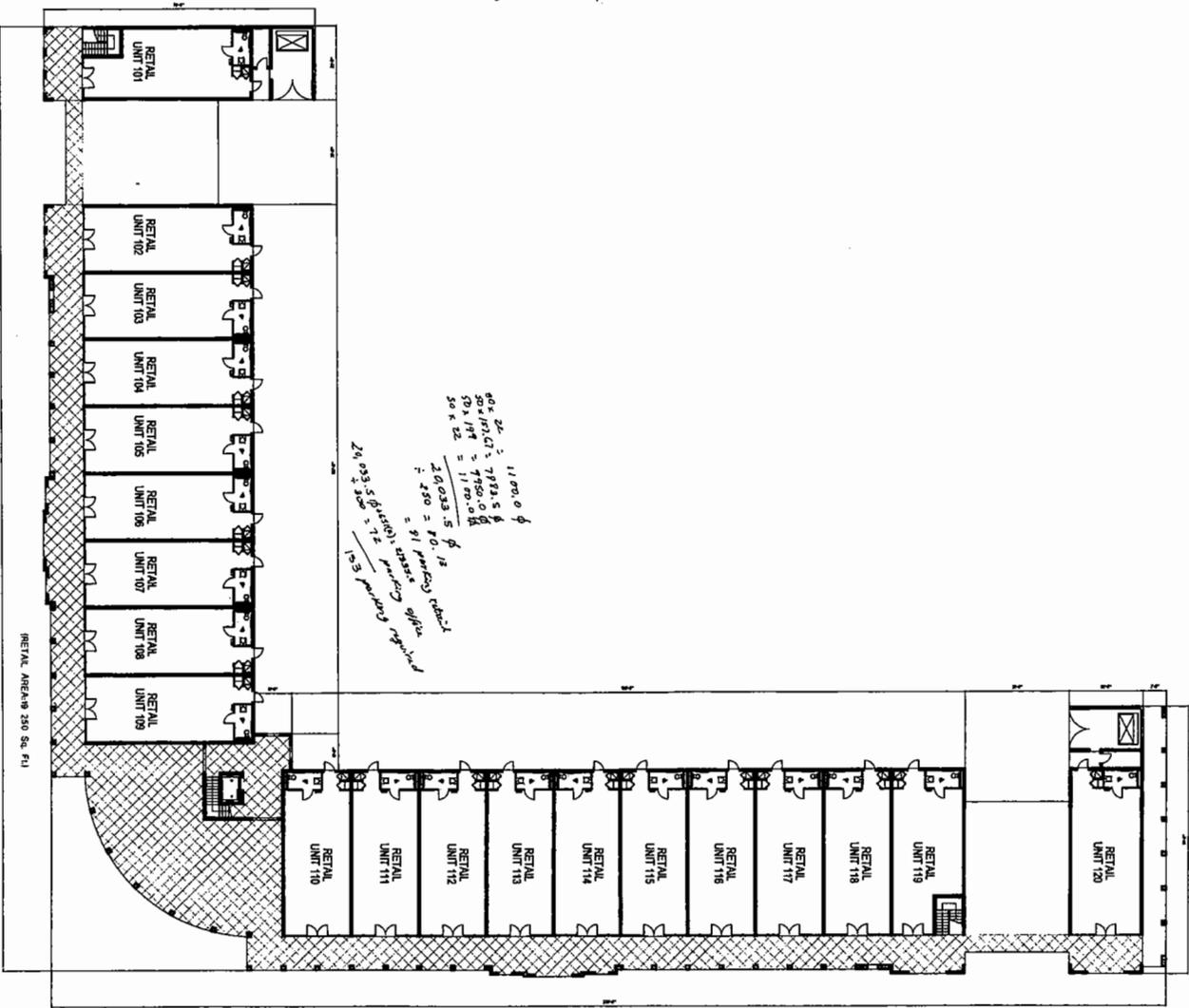


ENLARGED SITE PLAN



**RECEIVED**  
 SEP 14 2007  
 RAMOSMARTINEZ ARCHITECTS, INC.

**FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



**A-1.1**

**FIRST FLOOR**

**CORAL WAY COMMERCIAL**  
 SOUTH PARCEL  
 MIAMI-DADE COUNTY, FLORIDA

9/14/07  
*Ramos*

**RAMOSMARTINEZ**  
 ARCHITECTS, INC. AA 240000322

MIAMI: 200 S.W. AVENUE, SUITE 700, MIAMI, FL 33129  
 TELEPHONE: 305-466-2407  
 FACSIMILE: 305-466-2403  
 INTERNET: www.ramosmartinez.com  
 NEW YORK: 11 FINE STREET, 9TH FLOOR, JERSEY CITY, NJ 07310  
 TELEPHONE: 201-974-1000  
 FACSIMILE: 201-974-1001  
 INTERNET: nyc@ramosmartinez.com

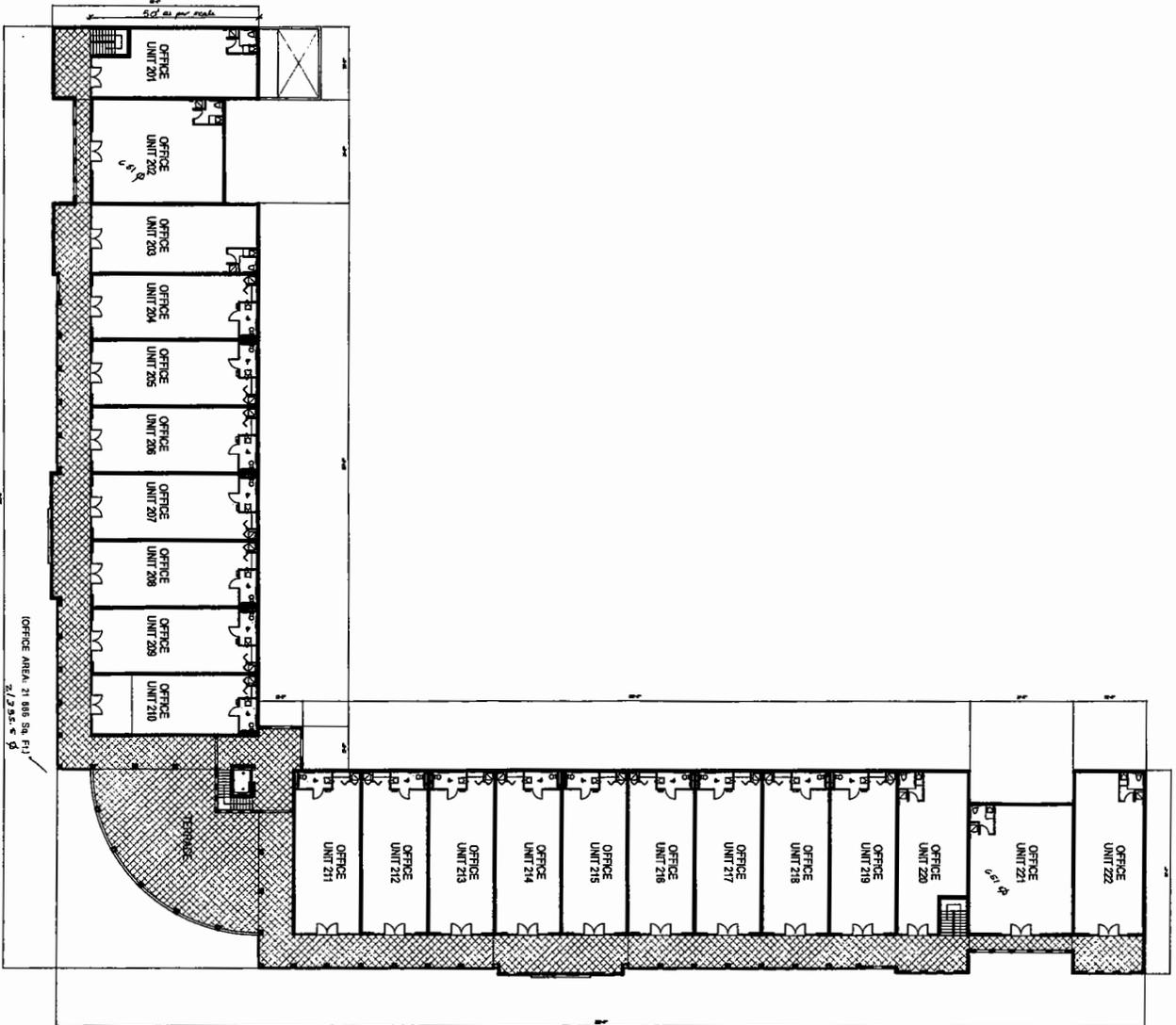
28

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**SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**A-12**

DATE	9/14/07
SCALE	1/8" = 1'-0"
PROJECT	CORAL WAY COMMERCIAL
NO.	02

SECOND FLOOR

**CORAL WAY COMMERCIAL**  
SOUTH PARCEL  
MIAMI-DADE COUNTY, FLORIDA

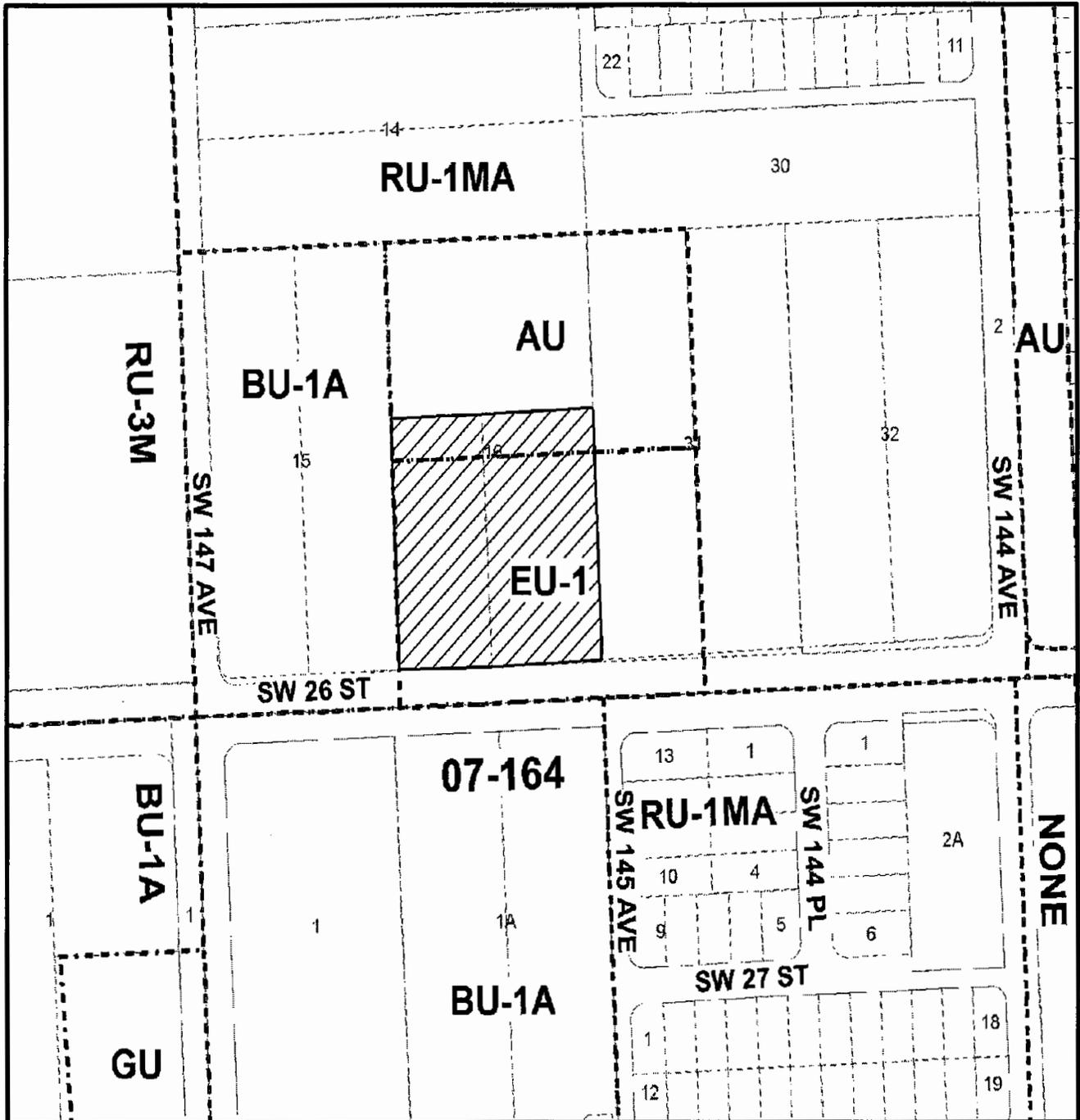
*9/14/07*  
*Ramos*

**RAMOSMARTINEZ**  
ARCHITECTS, INC. AA 28000329

MIAMI 200 S.W. 141 AVENUE SUITE 100 MIAMI, FL 33135	TELEPHONE: 305-464-1961 FACSIMILE: 305-464-1963 INTERNET: www.ramosmartinez.com	NEW YORK 11008 STREET 2ND FLOOR JERSEY CITY, NJ 07310
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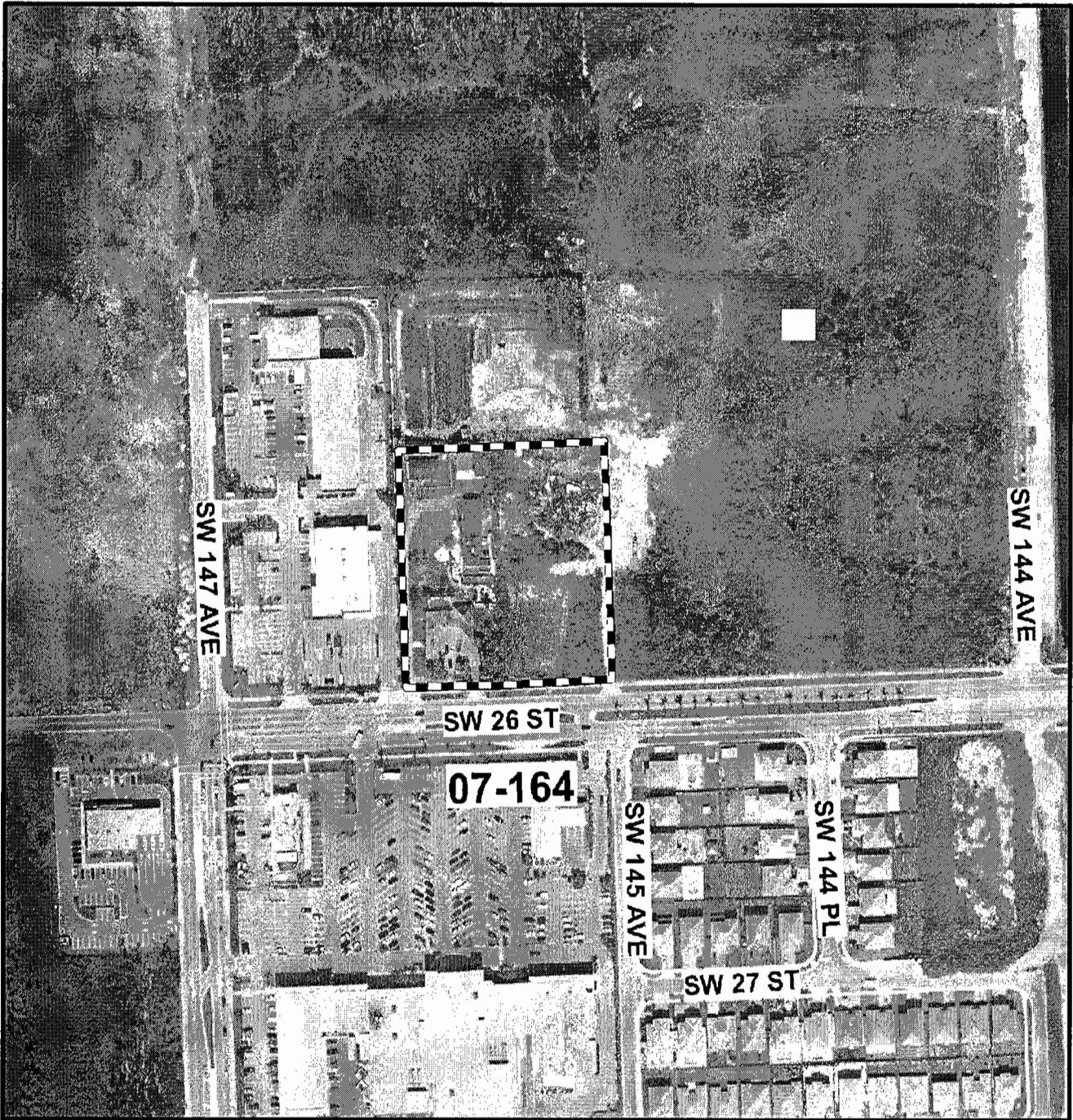
**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 10 Township: 54 Range: 39  
 Process Number: 07-164  
 Applicant: RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.  
 Zoning Board: C10  
 District Number: 11  
 Cadastral: ALFREDO  
 Scale: NTS



 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 10 Township: 54 Range: 39  
Process Number: 07-164

Applicant: RENAISSANCE PROFESSIONAL CONSTRUCTIONS CORP.

Zoning Board: C10

District Number: 11

Cadastral: ALFREDO

Scale: NTS



SUBJECT PROPERTY



**B. BELEN JESUIT PREPARATORY SCHOOL, INC.**  
(Applicant)

08-11-CZ10-2 (08-166)  
Area 10/District 12  
Hearing Date: 12/11/08

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:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1977	Belen School & Antonio Garcia	- Special exception. - Unusual Use. - Use variance. - Variances private school.	ZAB	Denied without prejudice
1977	Belen School & Antonio Garcia	- Special exception. - Unusual Use. - Use variance. - Variances private school.	BCC	Appeal approved, application approved
1985	Belen Jesuit Prep. School	- Unusual Use to permit an underground/above ground telephone facility. - Non-Use variances.	ZAB	Approved in part w/conds.
1992	Belen School, Inc.	Non-Use variance of signs.	ZAB	Approved w/conds.
2001	Belen Jesuit Prep., Inc.	Special exception to permit the expansion of an existing school.	CZAB-10	Approved in part w/conds.

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  
COMMUNITY ZONING APPEALS BOARD - AREA 10  
MOTION SLIP

#2

APPLICANT'S NAME: **BELEN JESUIT PREPARATORY SCHOOL, INC.**

REPRESENTATIVE: Simon Ferro

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-11-CZ10-2 (08-166)	November 13, 2008	CZAB10	08

**REC:**

Denial without prejudice of request #1; approval with conditions of request #2; approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(c) (ANUV); approval with conditions of request #6 only as it pertains to Parcel C, and denial without prejudice of the balance of request #6 as it pertains to Parcel B; approval with conditions of request #7 as it pertains to Conditions #3, #5, #8, #9, and #10 only, and modified approval of the balance of request #7 as it pertains to Condition #6 to permit the hours of operation to be from 6:30 a.m. to 10 p.m. Monday through Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday, except that the hours of operation shall be allowed to extend to no later than 12 midnight during not more than 10 days per year, Monday through Sunday, of which 3 days will include the annual carnival under Section 33-311(A)(7) (generalized modification standards); modified approval of request #8 only as it pertains to Parcels A and C and to show the removal of Parcel B under Section 33-311(A)(7) ; denial with prejudice of requests #7 and #8 under Section 33-311(A)(17) (ASDO for modification or elimination of conditions and covenants after public hearing); denial without prejudice of request #11 under Sections 33-311(A)(4)(b) and 33-311(A)(4)(c); approval with conditions of request #10 under Section 33-311(A)(4)(b) and denial without prejudice of same under Section 33-311(A)(4)(c); denial without prejudice of request #9 unless withdrawn by the applicant, all subject to the acceptance of the proffered covenant.

- WITHDRAW:  APPLICATION  ITEM(S): \_\_\_\_\_
- DEFER:  INDEFINITELY  TO: Dec 11, 2008  W/LEAVE TO AMEND
- DENY:  WITH PREJUDICE  WITHOUT PREJUDICE
- ACCEPT PROFFERED COVENANT  ACCEPT REVISED PLANS
- APPROVE:  PER REQUEST  PER DEPARTMENT  PER D.I.C.  
 WITH CONDITIONS
- OTHER: Due to lack of time. (Carried over automatically)

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		George A. ALVAREZ			X
MR.		Jorge BARBONTIN			
VICE-CHAIRMAN		Julio R. CACERES (C.A.)			
MR.		Jose GARRIDO			
MR.		Ruben POL III			
CHAIRMAN		Carlos A. MANRIQUE			X

VOTE: 

--	--

EXHIBITS:  YES  NO

COUNTY ATTORNEY: **CRAIG COLLER**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

**APPLICANT:** Belen Jesuit Preparatory School, Inc.

**PH:** Z08-166 (08-11-CZ10-2)

**SECTION:** 2-54-39

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 12

**ITEM NO.:** B

=====

**A. INTRODUCTION**

o **REQUESTS:**

- (1) EU-1 to RU-3
- (2) UNUSUAL USE to permit an annual carnival with amusement rides.
- (3) Applicant is requesting to permit a building height of 50'8" (35' maximum permitted).
- (4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (5) Applicant is requesting to permit a shed setback 19.34' and bleachers setback 25' (30' required) from the side street (west) property line.

REQUESTS #1 - #5 ON PARCEL "A"

- (6) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional properties to the west.
- (7) MODIFICATION of Conditions #4, #5, #6, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 1,000 students."

TO: "4. That the use be approved and restricted to a maximum of 1,500 students."

FROM: "5. That the use be conducted on the premises on weekdays only, Monday through Friday, inclusive."

TO: "5. That the use be conducted on the premises seven days a week."

FROM: "6. That the hours of operation shall be from 7 a.m. to 10 p.m."

TO: "6. That the hours of operation shall be from 6:30 a.m. to midnight Monday through Friday and 8:00 a.m. to midnight Saturday and Sunday."

FROM: "8. That the number of grades will be from 7 to 12."

TO: "8. That the number of grades will be from 6 to 12."

FROM: "9. That the number of classrooms will be as follows:  
7-8 7 classes  
9-10 10 classes  
11-12 4 classes plus labs and special classrooms."

TO: "9. To permit 73 classrooms."

FROM: "10. That the number of teachers will be 40."

TO: "10. That the number of teachers will be 120."

- (8) MODIFICATION of Condition #2 of Resolution No. CZAB10-79-01, passed and adopted by the Community Zoning Appeals Board 10, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Belen Jesuit Recreational Facility,' as prepared by Albaisa Architects, dated 12/23/99 and consisting of 1 sheet."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Belen Jesuit Preparatory School Master Plan, dated stamped received 9/2/08 and a plan entitled 'Partial Site Plan Annual Carnival,' dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of 14 sheets."

The purpose of requests #7 and #8 is to allow the applicant to submit new site plans showing additional property for the expansion of the school, an increase in the number of students, grades, teachers and classrooms and to extend the days and hours of operation.

#### REQUESTS #6 - #8 ON PARCELS "A", "B" AND "C"

- (9) Applicant is requesting to permit an administrative building setback 20'8" (75' required) from the interior side (west) property line and spaced less than 75' from a residence under different ownership to the west.
- (10) Applicant is requesting to permit a tiki hut setback 27'8" (30' required) from the side street (east) property line.

#### REQUESTS #9 AND #10 ON PARCEL "C"

- (11) Applicant is requesting to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication of S.W. 128 Avenue between Parcels A and B.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #7 and #8 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 and approval of requests #3-#5 and #9-#11 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- o **SUMMARY OF REQUESTS:** The applicant seeks to change the zoning from EU-1, Single-Family One Acre Estate District, to RU-3, Four Unit Apartment House District and to host an annual carnival with amusement rides on Parcel A (the existing campus). The applicant is also requesting a special exception to expand the existing school onto additional property to the west within an estate density residential community in order to expand school uses such as a sports recreational facility on Parcel B and convert an existing single-family residence into an administrative office building on Parcel C. In addition, the applicant seeks to modify the conditions of prior Resolutions in order to submit a new site plan showing additional property for the expansion of the school, an increase in the number of students, grades, teachers and classrooms, and to extend the days and hours of operation. Additional requests to permit a shed and existing bleachers setback closer to the side street property line than permitted, to permit parking and drives within 25' of the rights-of-way and to permit an existing building with a greater height than that allowed by the Zoning Code are also being sought. Moreover, the applicant seeks to permit the aforementioned administrative office building setback closer to the interior side property line and spaced closer to an existing residence as well as a request to permit an existing tiki hut setback closer to the side street property line than permitted on Parcel C. A request to permit 0' of dedication for SW 128 Avenue is also being sought between Parcels A and B.
  
  - o **LOCATION:** 500 S.W. 127 Avenue and 12800 SW 6 Street, Miami-Dade County, Florida.
  
  - o **SIZE:** 32.54 Acres
  
  - o **IMPACT:** Approval of the application will allow the applicant to change the zoning from EU-1, Single-Family One Acre Estate District, to RU-3, Four Unit Apartment House District and to host an annual carnival with amusement rides on Parcel A. Said carnival use may bring additional traffic and noise into the surrounding area once a year for the duration of the carnival. Approval of the application will allow the applicant to expand the existing school onto additional property to the west in order to develop a sports recreational facility on Parcel B, and utilize an existing single-family residence as an administrative office building on Parcel C. Both of these requests could have a negative aural and visual impact on the surrounding residential area. In addition, approval of the application will allow the applicant to increase the number of students, grades, teachers and classrooms, and to extend the days and hours of operation, which would allow the existing school to serve additional students in the community. However, it could also bring additional noise and traffic into the surrounding area. Further, the approval of the application will allow the applicant to waive the required right-of-way dedication for both sides of a portion of SW 128 Avenue where Parcel A (the existing school campus) abuts the proposed expansion onto Parcel B to the west. However, this request would impede traffic connectivity along SW 128 Avenue between NW 2<sup>nd</sup> Street and SW 2<sup>nd</sup> Street and increase traffic on SW 127 Avenue.
- B. **ZONING HEARINGS HISTORY:** In May 1977, a portion of the subject property was denied without prejudice a special exception to permit a private school from grades 1 through 12, to include kitchen and dining areas, gymnasium, and custodian's quarters, a use variance to permit an RU-4A use in the EU-1 zone to permit a two-story structure with twenty overnight sleeping accommodations for occasional use by students and/or their parents for the purpose

of meditation, an unusual use to permit a recreational facility, to permit a basketball and tennis courts, football, track and field and baseball field, as well as requests to permit an 8' high (6' permitted) fence along the side street (east) and front (north) property line, a request to permit a 12' (6' permitted) basketball backstop on the front (north) property line, a request to permit the proposed baseball and football fields in front (on dual streets) of the principal building, and a request to permit a proposed baseball diamond and backstop to setback 6' (75' required) from the front (north) property line and permit a track field to setback 25' (75' required) from the front (north) property line, pursuant to Resolution #4-ZAB-177-77. The applicants amended the application to reflect a request for a special exception to permit a private school from grades 7 through 12, while retaining the original variance requests sought in the original application and appealed the decision of the Zoning Appeals Board (ZAB) to the Board of County Commissioners (BCC), which in June 1977, reversed the decision of the ZAB and approved the application, pursuant to Resolution #Z-122-77. In 1985, a portion of the subject property was granted an unusual use to permit a controlled environment vault (underground and partially above ground telephone equipment facility) and a request to permit the aforementioned facility on a parcel of land with a frontage of 20' (200' required), a lot depth of 30' (330' required) and an area of 600 sq. ft. (5 acres required) by the ZAB, pursuant to Resolution #4-ZAB-127-85. In 2001, a portion of the subject site was granted a special exception to permit the expansion of an existing school onto additional property to the north and to permit recreational fields to be used in conjunction with the school use as well as withdrawal of a request to permit 40 lot trees (80 trees required) and 400 shrubs (1,160 shrubs required), pursuant to Resolution # CZAB10-79-01. All of the above decisions have occurred on the main school campus (Parcel A).

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.8 miles east of** and **within** the Urban Development Boundary for **Estate Density Residential**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Other Land Uses Not Addressed**  
Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer,

drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

**4. Residential Communities**

Also permitted in Residential Communities are neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.

**5. Policy LU-4A**

When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

**6. Policy LU-4C**

Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

**7. Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors:

4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.
5. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.
6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these

areas are more suitable for office uses than such properties not served by adequate transit.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1, Vacant, single-family residence,  
and school

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-1; Single-family residences

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; Miami-Dade County Fire Station  
and vacant parcel

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; Single-family residences

Estate Density Residential, 1 to 2.5 dua

WEST: EU-1; Single-family residences

Estate Density Residential, 1 to 2.5 dua

The 32.54-acre subject property is located within an established residential estate area zoned EU-1 and characterized by single-family residences on one-acre parcels. There are numerous private schools and religious facilities in the immediate area.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable\***

Open Space:

**Acceptable\***

Buffering:

**Acceptable\***

Access:

**Acceptable\***

Parking Layout/Circulation:

**Acceptable\***

Visibility/Visual Screening:

**Acceptable\***

Signage:

**N/A**

Urban Design:

**N/A**

\*Only as applied to Parcels A and C and subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**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.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda

#### H. ANALYSIS:

This application was deferred from the November 13, 2008 meeting due to a lack of time. The 32.54-acre subject property is located within an established estate area zoned EU-1, Single-Family One Acre Estate District, and characterized by single-family residences on one-acre parcels. There are numerous private schools and religious facilities in the immediate area. It should be noted that Parcel A is improved with the main campus of the existing school and the applicant proposes to expand the school onto 2 additional parcels of land (Parcel B and Parcel C) to the west of Parcel A. Parcel B is currently vacant, and Parcel C is improved with an existing single-family residence. The applicant seeks to change the zoning from EU-1 to RU-3, Four Unit Apartment House District, (request #1) and to permit an annual carnival with amusement rides (request #2) on Parcel A. In addition, the applicant is requesting to permit a building height of 50'8" (35' permitted. However if the zone change to RU-3 is approved, a maximum height of 40' is permitted in that zone) (request #3), to permit parking and drives within 25' of the right-of-way (not permitted) (request #4), and to permit a shed setback 19.34' and bleachers setback 25' (30' required) from the side street (west) property line (request #5) on Parcel A. The applicant is also requesting a special exception to permit the expansion of the existing school onto 2 additional properties (Parcels B and C) to the west (request #6). Additionally, the applicant seeks to modify Conditions #4, #5, #6, #8, #9 and #10 of Resolution #Z-122-77 as follows: Condition #4, to increase the number of students permitted from 1,000 to a maximum of 1,500 students; Condition #5, to extend the days of operation from Monday through Friday to permit the use to be conducted on the subject site seven (7) days a week; Condition #6, to extend the hours of operation from a starting time of 7:00 a.m. to 6:30 a.m. and from a closing time of 10:00 p.m. to midnight Monday through Friday and to operate during the hours of 8:00 a.m. to midnight on Saturdays and Sundays; Condition #8, to expand the number of grades (7 to 12) to allow grades 6 to 12; Condition #9, to increase the number of classrooms from seven classes for grades 7 and 8, ten classes for grades 9 and 10, and four classes plus labs and special classrooms for grades 11 and 12, to permit a total of 73 classrooms; and Condition #10, to increase the number of teachers from 40 to 120 teachers (request #7).

Further, the applicant seeks to modify Condition #2 of Resolution #CZAB10-79-01 to allow the applicant to submit new plans showing 2 additional properties to the west for the expansion of the school use (request #8). The applicant also seeks to permit the conversion of an existing single-family residence into an administration building setback 20'8" (75' required) from the interior side (west) property line and spaced less than 75' from a residence under different ownership to the west (request #9) as well as to permit the maintenance and continued use of an existing tiki hut setback 27'8" (30' required) from the side street (east) property line (request #10) on Parcel C. In addition, the applicant seeks to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication for a portion of both sides of SW 128 Avenue between Parcels A and B (request #11). The applicant has submitted plans that depict the aforementioned requests. It should be noted that the applicant has voluntarily proffered a covenant that restricts the development of the subject site to the submitted plans; limits the use of Parcel C to an administrative office for the school to serve the Belen Alumni Association. The proffered covenant also indicates that the applicant will implement a Maintenance of Traffic Operation Plan (MOT) that will prevent the vehicles that are dropping off or picking up the students from interfering with through traffic on either SW 127 Avenue or SW 6 Street; implement dual dismissal times with grades 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> dismissed at 3:00 p.m. and grades 9<sup>th</sup>, 10<sup>th</sup>,

11<sup>th</sup> and 12<sup>th</sup> dismissed at 3:30 p.m.; construct a right turn lane on SW 6 Street; construct a T-Turnaround on the northwest corner of the property between Parcels A and B; and re-designate on-site parking areas as reflected in the MOT.

The applicant indicates in the Child Care Checklist submitted in conjunction with this application that the existing school will have an operating staff of 186 people, which consists of 120 teachers and 66 administrative and clerical personnel in order to provide service for 1,500 students to be enrolled in proposed grade levels 6 to 12, and will be operational seven days a week from the hours of 6:30 a.m. to midnight Monday through Friday and from the hours of 8:00 a.m. to midnight Saturday and Sunday. The submitted plans and Child Care Checklist indicate that the existing school will contain 73 classrooms that feature a total of 54,961 sq. ft. of classroom area to accommodate the proposed enrollment and 418,630 sq. ft. (9.61 acres) of recreation areas that include tennis courts, basketball courts, a football/track field, baseball fields, and a pool. Access to the facility for ingress and egress to one of the parking areas will be located on the east side of the site through 5 two-way ingress/egress drives sited along SW 127 Avenue (Belen Jesuit Boulevard). It should be noted that 3 of the 5 two-way ingress/egress drives sited along SW 127 Avenue are noted on the plans to remain closed during dismissal times in order to achieve a continuous traffic flow through the remaining 2 ingress/egress drives which provide one-way ingress/egress access to the student drop-off and pick-up area with 47 auto stacking spaces provided. The submitted plan also indicates that access to the rear parking area sited on the southwest corner of Parcel A is provided via a two-way ingress/egress drive along SW 6 Street. Staff notes that the submitted plans depict a total of 414 parking spaces provided on Parcel A. As previously mentioned, Parcel B is currently vacant and staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage structure, and a sports practice field on Parcel B. Additionally, as previously mentioned, Parcel C is currently improved with an existing single-family residence and the submitted plans depict the conversion of said residence into a proposed administration building for the school. Moreover, the submitted plans illustrate both abundant existing landscaping as well as proposed landscaping such as Geiger trees, Oak trees, Silver Buttonwood and Black Ironwood, which have been provided throughout the site.

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. However, the applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department (PWD)** has **no objections** to this application except as noted herein. Specifically, their memorandum indicates that the PWD has **no objections** to the request to permit parking and drives within 25 feet of the right-of-way (request #4). However, the PWD **objects** to the request to permit no dedication for SW 128 Avenue (request #11) and their memorandum indicates that full dedication and improvements are required as a condition of the approval of this application. Their memorandum further indicates that this application generates an additional **100 PM** daily peak hour **vehicle trips**. However, the traffic distribution of these additional trips to the adjacent roadways does not exceed the acceptable level of service (LOS) of the surrounding roadways which are operating at LOS "D". Therefore, their memorandum indicates that this application meets traffic concurrency. Moreover, it should be noted that their memorandum indicates that the applicant has proffered a declaration of restrictions incorporating a proposed schedule of arrival and dismissal times including grade level and number of students as well as a maintenance of traffic operation (MOT) plan that includes provision of all traffic control devices such as cones and delineators for the arrival and dismissal periods. Submittal of

said declaration of restrictions is required by PWD prior to the public hearing for this application. The **Miami-Dade Fire Rescue Department (MDFR)** has **no objections** to this application and indicates in their memorandum that the estimated average travel response time is **2:10** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as being 1.8 miles east of and within the Urban Development Boundary for **Estate Density Residential**. The residential densities allowed in this category range from a minimum of 1.0 to a maximum of 2.5 units per gross acre. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. As previously mentioned, the applicant is requesting a zone change from EU-1 to RU-3 on Parcel A. The requested RU-3 zoning permits a maximum of 23 dwelling units per net acre, which staff notes, exceeds the density threshold allowed in the Estate Density Residential category. Further, staff notes that in addition to allowing a school, the requested RU-3 zoning allows uses such as rooming houses, day nurseries, churches, colleges, universities with dormitories, as well as multi-family housing developments which are not allowed under the current EU-1 zoning district regulations as a matter of right. The school was previously approved on Parcel A as a special exception request, and the EU-1 zoning was retained. It should be noted that the applicant's letter of intent indicates, "The RU-3 designation will permit use of the Applicant's property as a private school." However, as previously mentioned, staff notes that the school use on Parcel A was approved as a special exception. Therefore, the zone change request is not necessary as the school use is already permitted on Parcel A where the zone change is requested. Moreover, it should be noted that staff's review of the surrounding area reveals that the area located to the north of the Tamiami Canal within Section 2 Township 54 Range 39 where the subject property lies, is predominantly zoned RU-1, Single-Family Residential District, and EU-1. Further, staff notes that the subject site abuts EU-1 zoned properties developed with single-family estate residences to the east. Although staff acknowledges that the applicant has submitted a covenant restricting any residential use on the property if rezoned to RU-3, staff opines that the approval of the requested RU-3 zoning on Parcel A (request #1) would be out of character with the existing zoning in the area which consists primarily of RU-1 and EU-1 zoned properties and would be inconsistent with the CDMP since it allows a density of 23 dwelling units per net acre where the maximum density permitted on this site by the CDMP is 2.5 units per gross acre. As such, staff is of the opinion that the proposed zone change to RU-3 on Parcel A is **incompatible** with the area and is **inconsistent** with the density limitations under the interpretative text of the **Estate Density Residential** use LUP map designation. Accordingly, staff recommends denial without prejudice of the zone change request to RU-3 on Parcel A (request #1).

The CDMP provides that certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area by any of the following: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise,

odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

Staff acknowledges that the approval of request #2 would allow the applicant to host an annual carnival, which will provide a recreational amenity for its students, faculty, staff and the community. Staff also notes that a carnival in conjunction with a school is a permitted use in the Zoning Code provided that the school obtains written waivers of objection from property owners within the area and subject to other conditions specified in the Zoning Code. Therefore, the carnival use is consistent with the provisions of the Master Plan that allow uses that are substantially similar to permitted uses. Staff notes that the school has obtained approval every year for many years for the carnival use in the manner outlined in the Zoning Code. The approval of this use at public hearing would not require the school to obtain the written waivers from the neighbors on yearly basis. The applicant has submitted a carnival site plan illustrating the proposed set-up sites for the amusement rides, concessions, booths, generators, and parking for the annual carnival on Parcel A. In staff's opinion allowing the requested carnival with amusement rides for 3 days annually subject to conditions, will not cause an undue burden on roadways, transportation facilities and public utilities. Staff recognizes the impacts associated with carnival activities such as noise emanating from amusement rides, and the potential crowds of people that congregate for the festivities, the glare that can be produced by amusement ride lighting, and the odors emanating from food kiosks. However, it should be noted that the submitted carnival plan illustrates that the set-up sites for the amusement rides and food kiosks are located on the southern portion of Parcel A only, near the approximate center of the site, and reflect a minimum setback of 119'10" from the side street (west) property line and a minimum setback of 235'5" from the side street (east) property line. Therefore, staff opines that the ample setback distances provided from the side street (east and west) property lines will effectively mitigate any potentially negative impacts emanating from the carnival use on the adjacent single-family residences located to the east and west of Parcel A. Staff further notes that the submitted carnival plan indicates a total of 400 parking spaces allocated for the carnival use which staff opines is sufficient to accommodate the anticipated 1,600 carnival attendees based on the Zoning Code requirement of 1 parking space per every 4 persons for open lot recreational uses. As such, staff recommends conditions for the approval of request #2 that will help to further reduce any potentially negative impacts generated by the carnival. Furthermore, staff recommends as conditions for the approval of same that the carnival be permitted to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. Additionally, staff recommends that the carnival use be limited to only occur for a maximum of 3 days annually, so the aural and visual impacts generated by this type of activity will be temporary, and will not burden the surrounding community during the rest of the year. Additionally, staff recommends as a condition for the approval of request #2 that no generators be placed adjacent or close to the site's property lines abutting residences. Approval of the request will allow the applicant to provide a recreational amenity to its students, faculty, staff and the community just as a multitude of schools and churches are allowed to have them on a yearly basis. Therefore, staff opines that the annual 3-day carnival activity is **consistent** with the Master Plan's interpretative text as quoted above. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(3).

The Master Plan indicates that neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. Policy LU-4A indicates that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable. Policy LU-4C indicates that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic. Staff is of the opinion that the proposed school expansion (Parcel B), midblock onto additional property, is intrusive to the residential estate neighborhood located immediately to the north, south and west of said Parcel and would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive noise, light, glare and traffic. However, staff is of the opinion that the other requested expansion onto additional property, onto Parcel C, for the proposed administrative building, would not detrimentally impact the abutting residential area, since staff's review of the submitted plan reveals that the applicant intends to retain the exterior residential character of the existing structure, and it will only be utilized by 6 administrative personnel who manage the Alumni Association. Staff acknowledges that Parcel C is not situated within an activity node nor is it transitional to the higher density or higher intensity land uses as stipulated by the Master Plan's Guidelines for Urban Form. However, it should be noted that the submitted plans indicate that the conversion of the existing single-family residence into the proposed administrative building will not increase the height, bulk, and scale of said building and will retain the residential character of the existing structure. Moreover, it should be noted that the submitted floor plan for Parcel C depicts approximately 1,549 sq. ft. of office space allocated within 6 offices. Notwithstanding the foregoing, staff will condition the approval of the expansion of the school onto Parcel C prohibiting any future expansions and that the structure remains residential in character. Moreover, staff notes that the applicant has voluntarily proffered a covenant that, among other things, prohibits classrooms and additional parking on Parcel C and restricts its use to administrative and alumni office uses only. As such, staff opines that the approval with conditions of the proposed administrative building on Parcel C as illustrated in the submitted plans for this application, subject to the proffered covenant, will not negatively impact the adjacent properties, is **compatible** with the surrounding area, and is therefore, **consistent** with the interpretative text of the CDMP.

As previously mentioned, Parcel B is currently vacant and staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage building, and sports practice field on Parcel B. Staff is not supportive of the proposed expansion onto Parcel B and opines that said expansion would generate excessive noise emanating from sporting events on the proposed recreational facilities. Moreover, it should be noted that the submitted plans illustrate 4 existing tennis courts on Parcel A as well as additional recreational facilities, which staff opines are more than adequate to serve the recreational needs of the students. In addition, in 2001, a portion of the subject site was granted a special exception to permit the expansion of the school onto additional property to the north (on Parcel A) and to permit recreational fields to be used in conjunction with the school use, pursuant to Resolution # CZAB10-79-01. Staff is of the opinion that Parcel B is internal to the residential neighborhood as it is surrounded on 3 sides by residential properties and therefore, the proposed expansion onto Parcel B is more intrusive to the residential

neighborhood located to the west of Parcel A. Furthermore, staff notes that Parcel B is not situated within an activity node nor is it transitional to higher density or higher intensity land uses as stipulated by the Master Plan's Guidelines for Urban Form. Single-family residences abut the subject Parcel B to the west, north, and south and, in staff's opinion, the additional intensity planned for Parcel B in the form of tennis courts and a practice field could have a negative aural and visual impact on the surrounding residential community and would interrupt the layout of the block where Parcel B is sited. Staff notes that Parcel B of the subject property does not front on a major roadway but rather is located on an internal road (SW 128 Avenue) that serves the abutting residential neighborhood. As such, staff opines that the expansion of the existing school onto Parcel B is **incompatible** with the surrounding area and as such, is **inconsistent** with the Master Plan.

When requests #3 through #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval with conditions of these requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Request #3, to permit a building height of 50'-8" would not have an adverse effect on the stability and appearance of the community. The current EU-1 zoning on the subject property allows a maximum building height of two-stories; however, the zone also provides that the height shall not exceed 35 feet above finished grade. It should be noted that the requested RU-3 zoning allows a maximum building height of three-stories; however, the RU-3 zone also provides that the height shall not exceed 40 feet above finished grade. It should be noted that Permit No. 2002043512 was issued for the existing Art Center Building and that the approved permit plans depict a maximum building height of 50'-8" when measured to the roofline, which exceeds the maximum 35' building height allowed under the current EU-1 zoning district regulations. As such, staff acknowledges that Permit No. 2002043512 was issued in error. Notwithstanding the foregoing, the existing one-story Art Center building with a maximum height of 50'-8" is, in staff's opinion, compatible with the area. Staff acknowledges that two stories and a 35' maximum height is allowed in the EU-1 zone that abuts the subject property to the west, north, and east, and is also allowed in the GU zone that abuts the subject site to the south. However, staff's review of the submitted site plan reveals that the existing one-story Art Center building is sited towards the center of Parcel A and meets the required setbacks. Further, staff notes that the submitted plans depict abundant existing landscaping around the perimeter of the existing Art Center building in the form of Royal Palms and Oak trees (25' in height), Dogwood trees (13' in height) and Sabel Palms (11' in height). Moreover, it should be noted that the existing Art Center building is further buffered from the existing single-family residences located to the east of Parcel A by SW 127 Avenue, which consists of a total right-of-way width of 100' and is also buffered from the existing single-family residences located to the west of Parcel A by SW 128 Avenue, which consists of a total right-of-way width of 50'. In addition staff notes that the existing Art Center building is setback 170' from the west property line and 98'7" from the east property line. Accordingly, staff opines that the setbacks provided for the existing Art Center building in conjunction with the landscaping and rights-of-way will effectively mitigate any negative visual impact the Art Center building may have on the single-family residences located to the east and west of Parcel A. As such, staff supports request #3 and opines that the existing one-story Art Center building with a maximum height of 50'-8" will not have a negative visual impact on the surrounding area. Request #4, to permit parking and drives within 25' of an official right-of-way (not permitted), would not have an adverse effect on the stability and appearance of the community. The submitted plans depict the majority of the existing parking areas to be located along the eastern perimeter of the site, accessed by 5

two-way ingress/egress drives sited along SW 127 Avenue. The applicant has provided a surplus of 12 parking spaces, which exceeds the requirement of 402 parking spaces. As such, staff opines that more than adequate on-site parking has been provided and that the parking to be located within 25' of the rights-of-way will not cause auto spillage into the streets and will not, therefore, have a negative visual or aural effect on the area since the majority of the parking areas and drives comply with the required 25' setback from the rights-of-way with only a portion of the parking area setback a minimum of 23'8" from the SW 127 Avenue right-of-way and another portion of the parking area setback a minimum of 8'8" from the SW 128 Avenue right-of-way. Staff further notes that the applicant has provided a landscape buffer with a minimum width of 23'8", which includes abundant existing landscaping in the form of Black Olive, Mahogany, and Jacaranda trees that vary in height from 14' to 19' along the SW 127 Avenue right-of-way and a landscape buffer with a minimum width of 8'8", which includes existing landscaping in the form of hedge and Dogwood trees along the SW 128 Avenue right-of-way. Moreover, the submitted plans illustrate proposed street trees in the form of Silver Buttonwood along SW 127 Avenue and Black Ironwood along SW 128 Avenue, which staff opines will mitigate any negative visual impact the parking and drives might have. It should also be noted that the Public Works Department has indicated in their memorandum that they have no objections to request #4. Request #5, to permit a shed setback 19.34' and the bleachers setback 25' from the side street (west) property line where 30' is required would not have a negative visual impact on the properties to the west since the submitted plans depict street trees along a portion of the side street (west) property line in the form of Geiger and Black Ironwood trees as well as Coconut Palms which partially surround the existing shed. Further, staff notes that the submitted plans illustrate proposed street trees along a portion of the side street (west) property line in the form of Silver Buttonwood and a 25' landscape buffer that consists of existing Mahogany trees along that portion of the west property line which coincides with and buffers the existing bleachers. Moreover staff's inspection of the property revealed the presence of an existing 8' high hedge along the entire side street (west) and rear (north) property lines. Therefore, based on the aforementioned, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV).

When analyzing request #6 under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the proposed expansion of the school facility onto Parcel B, the northerly expansion to the west, would result in excessive noise, provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed expansion of the school facility onto Parcel B is, in staff's opinion, an intrusion into a residential neighborhood that will generate excessive noise and will provoke excessive overcrowding. Staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage building and a sports practice field, all sited on Parcel B. As previously mentioned, in 2001, a portion of the subject site (Parcel A) was granted a special exception to permit the expansion of the school onto additional property to the north and to permit recreational fields to be used in conjunction with the school use, pursuant to Resolution # CZAB10-79-01. As such, staff opines that the existing school already has more than adequate recreational facilities to serve the needs of its students. Staff, therefore, opines that the approval of said expansion of the school use onto Parcel B would disrupt the character and overall welfare and privacy of the neighborhood by increasing noise in this predominately residential neighborhood and interrupting the layout of the block where Parcel B is located. Staff opines that the proposed expansion on Parcel C would not result in excessive noise and traffic, cause undue and

excessive burden on public facilities, including streets, roads or highways, and provoke excessive overcrowding and concentration of people. As previously mentioned, the submitted plans indicate that the conversion of the existing single-family residence into the proposed administrative building will not increase the height, bulk, and scale of said building and will retain the residential character of the existing structure. Accordingly, staff recommends as conditions for the approval of the expansion of the school onto Parcel C that the floor area of the existing structure not be expanded and that the structure remain residential in character. Moreover, staff notes that the applicant has voluntarily proffered a covenant that, among other things, prohibits classrooms and additional parking on Parcel C and restricts Parcel C to administrative office use only. In staff's opinion, the expansion onto Parcel B would be **incompatible** with the area and, therefore, **inconsistent** with the interpretative text of the Master Plan. However, staff opines that the expansion onto Parcel C would be **compatible** with the area and, therefore, **consistent** with the interpretative text of the Master Plan. As such, staff recommends partial approval with conditions of request #6 only as it pertains to the expansion of the school onto Parcel C, and denial without prejudice of the balance of request #6 as it pertains to Parcel B under Section 33-311(A)(3).

When analyzing request #7 under Section 33-311(A)(7) (Generalized Modification Standards), staff opines that the approval of said request except for the requested modification of Conditions #5 and #6, would not adversely impact the surrounding area and would not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. As previously mentioned, the applicant seeks to modify Conditions #4, #5, #6, #8, #9 and #10 of Resolution #Z-122-77 as follows: Condition #4, to increase the maximum number of students from 1,000 to a maximum of 1,500 students; Condition #5, to extend the days of operation of the school from Monday through Friday to permit the use to be conducted on the subject site seven (7) days a week; Condition #6 to extend the hours of operation from 7:00 a.m. to 10:00 p.m., to 6:30 a.m. to midnight; Condition #8, to increase the number of grades from 7 to 12 to grades 6 to 12; Condition #9, to increase the number of classrooms from seven classes for grades 7 through 8, ten classes for grades 9 through 10, four classes plus labs and special classrooms for grades 11 through 12, to permit 73 classrooms; and Condition #10, to increase the number of teachers from 40 to 120 teachers. Staff acknowledges that the portion of request #7 that pertains to the modification of Condition #4 to increase the number of students from 1,000 to 1,500, will bring additional traffic into the surrounding roadways. However, it should be noted that the Public Works Department **does not object** to this request and their memorandum indicates that this application meets traffic concurrency. Moreover, staff notes that the applicant has worked closely with the Public Works Department on a traffic study that includes all the proposed students and has voluntarily proffered a covenant that incorporates a schedule of arrival and dismissal times by grade levels and number of students as well as a Maintenance of Traffic Operation (MOT) plan that includes provision of all traffic control devices such as cones and delineators for student arrival and dismissal periods, which the Public Works Department opines will effectively mitigate any negative impacts. As such, staff opines that the approval of the requested modification of Condition #4 would not adversely impact the surrounding area. Staff opines that the approval of request #7 as it pertains to the modification of Conditions #8, #9 and #10 only to extend the grade levels to include the 6<sup>th</sup> grade, to permit 73 classrooms, and to permit a maximum of 120 teachers would not adversely impact the surrounding area since said components of the school use are internal to the operations of the existing school on Parcel A and do not generate excessive traffic or an over concentration of people. Moreover, staff notes that the requested modification of Conditions #4, #8, #9 and #10 will allow the applicant to provide additional educational services to the

community. However, staff opines that approval of request #7 as it pertains to the modification of Conditions #5 and #6 to permit the school use to be conducted on the subject site seven (7) days a week and to extend the hours of operation to be from 6:30 a.m. to midnight Monday through Friday and 8:00 a.m. to midnight Saturday and Sunday is, in staff's opinion, unnecessary. Staff acknowledges that the Letter of Intent submitted by the applicant indicates that said request is sought by the applicant in order to ensure that the school is able to conduct student activities ancillary to the school use, such as intercollegiate school sports, test administration and student theatre, to name a few. However, staff notes that historically, the Department has defined hours of operation for schools as those hours during which classes are in session and the school administrative offices are open for business. Staff's research revealed that Child Care Check Lists submitted in conjunction with other private schools such as Our Lady of Lourdes Academy and Christopher Columbus High School cite hours of operation ranging between the hours of 7:00 a.m. and 3:00 p.m. Monday through Friday. Moreover, staff opines that the applicant has already had the benefit of extended hours of operation pursuant to Resolution #Z-122-77, which granted the school hours of operation from 7:00 a.m. to 10:00 p.m. Monday through Friday. Staff maintains that extra-curricular student activities such as intercollegiate school sports and student theater are ancillary to a school use and will typically occur outside a school's approved hours of operation when classes are not in session. Staff acknowledges that said extra-curricular activities such as sporting events could generate noise which may have a negative aural impact on the surrounding residential area. However, staff opines that noises emanating from extra-curricular activities ancillary to the school use are subject to compliance with Sec. 21-28 of the Miami-Dade County Code which prohibits any unreasonably loud, boisterous or raucous shouting in any residential area. It should be noted that the approval of the requested modification of Conditions #5 and #6, to permit the extension of days and hours of school operation for the purpose of allowing the school to conduct extra-curricular activities would set a negative precedent whereby other private schools that conduct extra-curricular activities outside their approved hours of operation would be in violation. Accordingly, staff recommends denial without prejudice of that portion of request #7 that pertains to the modification of Conditions #5 and #6 to permit the use to be conducted on the premises seven days a week and to permit the hours of operation to be from 6:30 a.m. to midnight Monday through Friday and 8:00 a.m. to midnight Saturday and Sunday. Therefore, staff recommends approval with conditions of request #7 only as it pertains to Conditions #4, #8, #9 and #10 of Resolution #Z-122-77 and denial without prejudice of the balance of request #7 (the modification of conditions #5 and #6 as noted herein) as stipulated above under Section 33-311(A)(7) (Generalized Modification Standards), unless withdrawn by the applicant.

The applicant is requesting a modification of Condition #2 of Resolution #CZAB10-79-01 (request #8) to allow the applicant to submit revised plans showing the proposed expansion of the school use onto additional properties to the west. Staff is of the opinion that the partial approval of request #8 only as applied to Parcels A and C would not have an unfavorable effect on the area and therefore, would not be contrary to the public interest. However, staff is of the opinion that the approval of the portions of the submitted plan that includes the proposed expansion onto Parcel B, depicting 5 proposed tennis courts, a proposed shelter and storage building and a sports practice field on Parcel B, would have an unfavorable effect on the area by generating excessive traffic and noise in the EU-1 zoned residential neighborhood located to the west of the Parcel A. It should be noted that staff's review of the submitted plans for the expansion onto Parcel C the southerly expansion, revealed that the conversion of the existing single-family residence will not increase the height, bulk, or scale of the existing structure and will retain a residential character that is

compatible with the existing single-family residences located to the north and west of Parcel C. As such, staff recommends partial approval of request #8 only as applied to Parcels A and C and denial without prejudice of the balance of request #8 as it pertains to Parcel B under Section 33-311(A)(7) (Generalized Modification Standards).

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 modification or elimination standards are applicable to this application under said section. Due to the lack of information, staff is unable to analyze requests #7 and #8 under said standards, and as such, staff recommends that these requests be denied without prejudice under same.

When requests #9 through #11 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of request #11 would be **incompatible** with the surrounding area and would negatively affect the appearance of the community but that the approval with conditions of request #10 would be **compatible** with the surrounding area. Request #11, to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication for that portion of both sides of SW 128 Avenue between Parcels A and B would allow the applicant to unite Parcels A and B. However, staff notes that the approval of request #11 would impede traffic connectivity along SW 128 Avenue between NW 2<sup>nd</sup> Street and SW 2<sup>nd</sup> Street. Moreover, staff opines that request #11 is an integral part of and germane to that portion of request #2 to permit the expansion of the existing school onto additional property to the west (onto Parcel B), which staff does not support since said expansion of the school is intense and intrusive to the residential area located to the west of the subject site. Staff notes that request #9 is not necessary since it applies to buildings of public assemblage and Parcel C will never be used to serve fifty people or more. Request #10, to permit a tiki hut setback 27'8" from the side street (east) property line, results in an encroachment of 2.34', which staff notes is minor and is likely due to an inadvertent construction error. The EU-1 zoning district requires accessory buildings to setback a minimum of 30' from the side street property line. Staff opines that the approval of request #10 would not have a negative visual impact on the existing school site located to the west of Parcel C, which staff notes is owned by the applicant and is included in this application (Parcel A). It should be noted that the submitted plans depict substantial landscaping consisting of Fish Tail Palms, Date Palms and Canary Palms that partially surround the existing tiki hut along the side street (east) portion of the site. In addition, the submitted plans also illustrate street trees in the form of Canary Palms along SW 128 Avenue. Additionally, said roadway consists of a total right-of-way width of 50', which staff opines will further mitigate any negative visual impacts the tiki hut encroachment may have on Parcel A. However, staff recommends as a condition for the approval of this request, that the applicant obtain any required permit for said tiki hut. As such, staff opines that request #11 for the waiver of the right-of-way is **incompatible** with the surrounding area and detrimental to same but that the approval with conditions of request #10 would not have a detrimental impact on the surrounding area. Therefore, staff recommends that request #11 be denied without prejudice and that request #10 be approved with conditions under Section 33-311(A)(4)(b), and that request #9 be denied without prejudice unless withdrawn by the applicant.

When analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 through #5 and requests #10 through #11 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed and utilized in accordance with the Zoning Code and with previous zoning approvals granted on Parcel A. Therefore, the requests cannot be approved under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, and should be denied without prejudice under same.

Based on all of the aforementioned, staff opines that the requested zone change on Parcel A from EU-1 to RU-3 is unnecessary due to the previous approvals for school uses on Parcel A, is **inconsistent** with the LUP map designation, and is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change on Parcel A (request #1). However, staff opines that the approval with conditions of the requested unusual use to permit the carnival with amusement rides located on Parcel A, would be **compatible** with the surrounding area and as such, staff recommends approval with conditions of request #2. Staff is further of the opinion that the approval with conditions of requests #3 through #5 maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Therefore, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV). Moreover, the proposed expansion of the existing school use onto additional property to the west (Parcel B, the proposed northerly expansion) is, in staff's opinion, **inconsistent** with the interpretative text of the CDMP and an intrusion into a residential neighborhood, but that the proposed expansion of the existing school use onto Parcel C, the proposed southerly expansion to the west, is **compatible** with the surrounding area and therefore **consistent** with the interpretative text of the CDMP. As such, staff recommends approval with conditions of request #6 only as it pertains to the proposed school expansion onto Parcel C and denial without prejudice of the balance of request #6 for the proposed school expansion onto Parcel B, approval with conditions of companion request #10 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV). Staff recommends that request #9 be denied without prejudice unless withdrawn by the applicant. However, staff recommends denial without prejudice of request #11 to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication for SW 128 Avenue between Parcels A and B, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV). Staff recommends approval of request #7 as it pertains to the modification of Conditions #4, #8, #9 and #10 of Resolution #Z-122-77 to increase the number of students from 1,000 to 1,500, to extend the grade levels to include grades 6 to 12, to permit 73 classrooms, and to permit 120 teachers, and denial without prejudice of the balance of request #7 that pertains to the modification of Conditions #5 and #6 to allow the school use to be conducted on the premises seven days a week and to extend the hours of operation, to permit the hours of operation to be from 6:30 a.m. to midnight, Monday through Friday, and 8:00 a.m. to midnight, Saturday and Sunday, all under Section 33-311(A)(7) (Generalized Modification Standards), unless that portion of request #7 that pertains to the modification of Conditions #5 and #6 is withdrawn by the applicant; and denial without prejudice of request #7 under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing. Staff opines that the partial approval of the site plan modification (request #8) only as applied to Parcels A and C is compatible with the area. Therefore, staff recommends modified approval of request #8 only as applied to Parcels A and C and to show the removal of Parcel B under Section 33-311(A)(7) (Generalized Modification Standards), and denial

without prejudice same under Section 33-311(A)(17), all subject to the acceptance of the proffered covenant.

**I. RECOMMENDATION:**

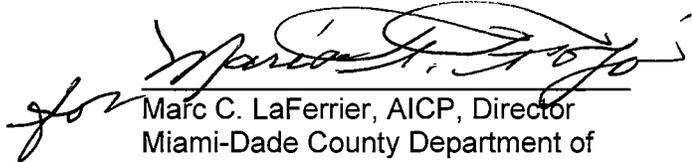
Denial without prejudice of the requested zone change from EU-1 to RU-3 (request #1); approval with conditions of request #2; approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) and denial without prejudice of same under Section 33-311(A)(4)(c); approval with conditions of request #6 only as it pertains to Parcel C and denial without prejudice of the balance of request #6 as it pertains to Parcel B; approval with conditions of request #7 as it pertains to Conditions #4, #8, #9 and #10 only and denial without prejudice of request #7 as it pertains to Conditions #5 and #6 to permit the use to be conducted on the premises seven days a week and to permit the hours of operation to be from 6:30 a.m. to midnight Monday through Friday and 8:00 a.m. to midnight Saturday and Sunday, all under Section 33-311(A)(7), unless that portion of request #7 that pertains to the modification of Conditions #5 and #6 is withdrawn by the applicant; modified approval of request #8 only as it pertains to Parcels A and C and to show the removal of Parcel B under Section 33-311(A)(7); denial without prejudice of requests #7 and #8 under Section 33-311(A)(17); denial without prejudice of request #11 under Section 33-311(A)(4)(b) (NUV) and Section 33-311(A)(4)(c) (ANUV); approval with conditions of request #10 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV), denial without prejudice of request #9 unless withdrawn by the applicant, all subject to the acceptance of the proffered covenant.

**J. CONDITIONS: for requests #2 through #5, and request #7, and requests #6 and #8 (on Parcels A and C only) and request #10.**

1. That all conditions of Resolutions #Z-122-77 and #CZAB10-79-01 remain in full force and effect, except as herein modified.
2. That in the approval of the plan the same be substantially in accordance with the site plan submitted for the hearing entitled, "Belen Jesuit Preparatory School Master Plan," Sheets A-4 and A-5, LS-2A and LS-2B dated stamped received 9/2/08, Sheets A-3, LS-1, LS-1A, LS-1B, LS-1C and LS-2C dated stamped received 10/21/08, with Sheets A-1 and A-2 last revised 10/27/08 and Sheet A-1.1 last revised 10/28/08 and a plan entitled "Partial Site Plan Annual Carnival," dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of 14 sheets, only as it pertains to Parcels A and C and as modified herein to show the removal of Parcel B.
3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a revised Certificate of Use.
4. That a Unity of Title be submitted to the Department of Planning and Zoning prior to the issuance of a revised Certificate of Use for the school use on Parcels A and C only.
5. That commercial parking be prohibited on the subject site.

6. That the applicant apply for and secure a permit for the proposed administrative building and existing tiki hut on Parcel C and all non-permitted structures on Parcel A from the Building Department within 120 days of the expiration of the appeal period for this Zoning Hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.
7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within the Departmental memoranda submitted for this application.
8. That the applicant obtain a Certificate of Use for Parcel A for the expansion of the grade levels, the classrooms, teachers and students, for Parcel C, and for the carnival use and renew same annually with the Department of Planning and Zoning.
9. That the carnival use be permitted to operate once a year for a maximum of three (3) consecutive days only (Friday, Saturday and Sunday), and be permitted to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 Noon until 9:00 p.m. on Sunday.
10. That no generators used in connection with the carnival be placed adjacent or in close proximity to the site's property lines abutting residences.
11. That security personnel be provided to direct traffic on and off the site during carnival operations.
12. That the carnival use be permitted only in connection with the existing school use on the property.
13. That no night lighting be permitted in connection with any use except for the annual carnival use.
14. That the building foot print (floor area) of the administrative building on Parcel C not be expanded.
15. That no classrooms be permitted within the administrative building on Parcel C.
16. That no additional parking be permitted on Parcel C.
17. That the administrative building on Parcel C remain residential in appearance.
18. That the applicant implement the Maintenance of Traffic Operation Plan (MOT) approved by the Public Works Department (Exhibit B of the covenant) submitted with this application. Implementation of the MOT will commence upon approval of this application and expiration of all appeal periods.
19. That the applicant dedicate and improve the east side of SW 128 Avenue.
20. That the applicant remove the existing fence located within the right-of-way of SW 128 Avenue.

**DATE INSPECTED:** 04/07/08  
**DATE TYPED:** 09/25/08  
**DATE REVISED:** 09/26/08; 10/09/08; 10/16/08; 10/17/08; 11/03/08; 11/04/08; 11/07/08;  
11/21/08; 12/01/08  
**DATE FINALIZED:** 12/01/08  
MCL:MTF:LVT:TA:NC

  
for Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** October 14, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

**Subject:** C-10 #Z2008000166-Revised  
Belen School, Inc.  
300-500 S.W. 127<sup>th</sup> Avenue  
District Boundary Change from EU-1 to RU-3, Modification of Resolutions  
Z-122-77 and CZAB10-79-01, Special Exception to Permit the Expansion  
of an Existing School onto Additional Property, Request to Permit Less  
Setback than Required, Request to Permit Parking and Drives within the  
Right-of-Way, Unusual Use to Permit an Annual Carnival with  
Amusement Rides, Request to Permit a Greater Building Height than  
Allowed, Request to Waive Dedication for Right-of-Way  
(EU-1) (26.55 Acres)  
02-54-39

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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.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

### Stormwater Management

Based on the information provided, the proposed addition to the existing development will comply with the requirements of the North Trail Basin Cut and Fill criteria. Therefore, DERM may approve the proposed request subject to the following conditions:

1. A re-recording of the existing covenant running with the land reflecting a new modified site plan that includes the new areas that are added as part of this application and reserving a minimum of 11.31 Acres of pervious area. As presented, the site is composed of 29.68 Acres (11.31 Acres of pervious and 18.37 Acres impervious).
2. A berm shall be provided with a minimum elevation of the 100-Year/ 3-Day Storm of 8.19 NGVD along the property lines of the newly added areas. Provide equivalent grading to match the required berm elevation at all roadway entrances.
3. Please note that a special condition is hereby included requiring the engineering company preparing the site grading and drainage plan to submit a final design to this office for approval prior to seeking any construction permit. All open areas of the site shall be graded in compliance with the grades approved as per the temporary cut and fill estimation.
4. Any deviation of the final site plan from the above conditions shall be cause for automatic revocation of this approval for compliance with the North Trail Basin Cut and Fill criteria.

The applicant is advised to contact the Water Control Section of DERM at (305) 372-6681 for further information concerning these requirements.

### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The applicant is further advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning operating requirements.

### Wetlands

Although the subject properties with folios 30-4901-001-0550 and 0551 are not located within a designated wetland basin, the subject properties contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on these properties. The other properties under this application do not contain jurisdictional wetlands and will not require a Class IV Wetland Permit.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

### Tree Preservation

Tree Removal Permit 2008-TREE-PER-00529 was issued for the subject properties with folios 30-4902-000-0100 and 30-4902-031-0090 to Belen School, Inc. c/o Carolina Calderin, on October 24, 2008 and is scheduled to expire on October 24, 2009. All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

The applicant is advised that the landscape plans submitted with this zoning application depict Ficus tree #101 to be removed. This tree does not lie within any of the properties included in this application;

therefore, please be advised that it is not included in the approval of this application. A new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00529 is required prior to the removal or relocation of any other tree on the subject properties. Please contact the DERM Tree Program at (305) 372-6574 for further information.

#### Enforcement History

DERM has found no current enforcement record for the subject properties:

Belen School, Inc. PSO 498.

On March 22, 1999, Uniform Civil Violation Notice (UCVN) # 733163 was issued to the referenced facility for failure to renew the required operating permit. An affidavit of compliance was received and filed with the Clerk of Courts on May 5, 1999, as the permit was renewed and the case was subsequently closed. However, there is an outstanding balance of \$410.00 that is owed and associated with this citation.

On February 18, 2000, UCVN # 708074 was issued to the referenced facility for a repeat violation, whereby this facility, failed to renew the required operating permit. An affidavit of compliance was received and filed with the Clerk of Courts on March 15, 2000, as the permit was renewed and the case was subsequently closed. However, there is an outstanding balance of \$1,200.00 that is owed and associated with this citation.

On January 5, 2001, UCVN # 761546 was issued to the referenced facility for an additional repeat violation, whereby this facility, failed to renew the required operating permit. On February 23, 2001 an affidavit of non-compliance was filed with the Clerk of Courts and a Notice of Intent to Lien (NOITL) was issued to the facility on February 27, 2001. Said notice allowed the facility an additional (15) fifteen days to comply. Due to non-compliance a Demand Letter was issued on March 15th 2001. On March 22, 2001 the affidavit of compliance was received and filed with the Clerk of Courts, and the case was subsequently closed due to compliance.

On January 23, 2003, UCVN # 875518 was issued to the referenced facility for failure to renew the required operating permit. On February 12, 2003, the affidavit of compliance was received and filed with the Clerk of Courts and the enforcement case associated with this UCVN was subsequently closed.

On February 21, 2006 UCVN # 969683 was issued to facility for failure to secure/renew the required annual operating permit. On March 27, 2006, the affidavit of compliance was received and the enforcement case associated with this citation was subsequently closed due to compliance.

#### Concurrency Review Summary

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:BELEN JESUIT PREPARATORY SCHOOL, INC.

This Department has no objections to this application except where noted below:

This Department objects to the request to permit no dedication for SW 128 Avenue. The full dedication and improvements are required as a condition of this application. Applicant must contact the Public Works Department for construction scheduling.

This Department has no objections to the request to permit parking and drives within 25 feet of the right-of-way.

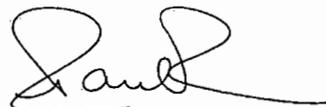
It is strongly recommended that the radius return on the north end of the pick-up/drop-off area along the front of the building be increased to a minimum 15 foot radius to facilitate the movement of the queue of vehicles through this loading area.

Traffic Impact Review and Project Requirements:

Counsel for the applicant has agreed to provide a declaration of restrictions incorporating a proposed schedule of arrival and dismissal times including grade level and number of students. This document is required to be provided prior to public hearing for this facility.

Counsel for the applicant has agreed to provide a declaration of restrictions incorporating an operating plan (maintenance of traffic [MOT] operation plan) and it shall include provision of all traffic control devices (e.g. - cones, delineators) for arrival and dismissal periods. This document is required to be provided prior to public hearing for this facility.

The School is an existing use; therefore this application does not generate any new additional daily peak hour trips, where 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.

27-OCT-08

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ZONING HEARINGS SECTION  
MUNICIPAL PLANNING AND ZONING DEPT.

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

School Name: Belen Jesuit Preparatory School

School Address: 500 SW 127<sup>th</sup> Av. Miami, FL Tax Folio # 30-4902-000-0050  
#30-4902-000-0100 & #30-4902-000-0120

1. Is this an expansion to an existing School?  Yes  No If yes, indicate the number of students: ~~1400~~ 1000 and age and grade ranges originally approved: 7 to 12 original - current 6 to 12
2. Total size of site: varies x varies = 1,354,189.30 ÷ 43,560 sq. ft. = 31.08 acres
3. Number of children or students requested: 1,500 Ages: 11 to 18
4. Number of teachers: ~~98~~ 120 / number of administrative & clerical personnel 66
5. Number of classrooms: 73 Total square footage of classroom area: 54,961 SF
6. Total square footage of non-classroom are (offices, bathrooms, kitchen, closets):  
99,987 SF
7. Amount of exterior recreation / play area in square footage: 418,630 SF
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:  
2 Yellow Busses 67 Passengers (P), 3 Mini Buses 15 P, 2 Mini Bus 20 P, 2 Trucks, 1 Van
9. Number of parking spaces provided for staff, visitors, and transportation vehicles:  
414 parking spaces provided 390 parking spaces required by Section 33-124(L).
10. Indicate the number of auto stacking spaces: 47 provided 5 required
11. Proposed height for the structure(s) 50'-8". See Section 33-151.18 (g).  
Signage will require a separate permit. Contact the Permit Section at 786-315-2100.
12. Size of identification sign: 3 x 20 = 60 sq. ft. See Section 33-151.18 (c).  
Signage will require a separate permit. Contact the Permit Section at 786-315-2100.
13. Days and hours of operation: 6:30 a.m. to 12:00 a.m. - 7 days
14. Does the subject facility share the site with other facilities: Yes  No (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to Section 33-151.16.
15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17?  Yes  No (If yes, describe the residential uses and indicate same on the plans). Religious Order Residence.

Jun 2, 2008

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

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

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery / kindergarten, preschool and after school care  
35 sq. ft. x N/A (number of children) = N/A sq. ft of classroom area required.
  - b. Elementary Grades 1 - 6 – 10 Classrooms  
30 sq. ft. x 214 (number of children) = 6,420 sq. ft of classroom area required.
  - c. Junior High and Senior High School (Grades 7-12) – 63 Classrooms  
25 sq. ft. x 1,278 (number of children) = 31,950 sq. ft of classroom area required.
- TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 38,370 SF  
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 54,961 SF

OUTDOOR RECREATION SPACE:

- a. Day nursery/ kindergarten, preschool and after school care  
45 sq. ft. x N/A (1/2 of children) = N/A
  - b. Grades 1 – 6  
500 sq. ft. x 30 (first 30 children) = 15,000 SF  
300 sq. ft. x 184 (remaining children) = 55,200 SF
  - c. Grades 7 – 12  
800 sq. ft. x 30 (first 30 children) = 24,000 SF  
300 sq. ft. x 300 (remaining children) = 90,000 SF  
150 sq. ft. x 948 (remaining children) = 142,200 SF
- TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 326,400 SF  
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 418,630 SF

TREES: See Section 33-151.18(h), and the Planning Division for additional requirements (12<sup>th</sup> floor).

- a. 28 trees are required per net acre. Trees required: 672 Trees provided: 716
- b. Ten shrubs are required for each tree required. Shrubs required: 6,720 Shrubs provided: 4,494
- c. Grass area for organized sports/ play area in square feet: 309,021 SF
- d. Lawn area in square feet (exclusive of organized sports/ play area): 515,494 SF

Jun 2, 2008

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

School Address 500 SW 127<sup>th</sup> Avenue, Miami, FL Zip Code 33184

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 27<sup>th</sup> day of August at Miami-Dade County, Florida.

WITNESSES:

[Signature]  
[Signature]

[Signature]  
Fr. Marcelino Garcia, S.J.

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this 27<sup>th</sup> day of August, 2008, before me personally appeared Marcelino Garcia SJ, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

[Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES



Jun 2, 2008



# Memorandum

**Date:** 28-OCT-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000166

**Fire Prevention Unit:**

This Memo supersedes MDFR Memorandum dated September 24, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped October 21, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand:**

Development for the above Z2008000166 located at 500 S.W. 127 AVENUE & 12800 SW 6 ST, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1343 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>3,825</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.56 alarms-annually.  
 The estimated average travel time is: 2:10 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 58 - Tamiami - 12700 SW 6 Street  
 Rescue, ALS 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 plans date stamped October 21, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO WEST OFFICE

## ENFORCEMENT HISTORY

BELEN SCHOOL INC

500 SW 127 AVE  
MIAMI, FLORIDA 33184

APPLICANT

ADDRESS

9/17/08

Z2008000166

DATE

HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

09/11/2008            Inspection conducted; no violations observed.

12/15/2007            Case # 200712014787 - Outdoor lighting installed without a permit. The case is pending a public hearing.

04/19/2007            Case # 200712005061 – A Warning Notice was issued for illegally displaying banners. On 4/24/2007, CVN # 982951 was issued due to partial compliance. An inspection on 5/23/2007 confirmed compliance. The CVN was paid and the case was closed on 6/4/2007.

12/28/2006            Case # 200612012776 – CVN # 982814 was issued for violation of Resolution Z-122.77 (8 & 13). Case is open pending public hearing.

11/08/2006            Case # 200612010231 – Case opened due to a citizen complaint regarding “light spillage”. An inspection of the property did not confirm the violation and case was closed.

05/10/2005            Case # 200512002431 - Case opened due to a citizen complaint regarding safety issues with the ball field. An inspection of the property confirmed there was no violation and the case was closed.

04/13/2005            Case # 200512002180 – A Warning Notice was issued for overgrowth on the swale area. An inspection on 5/18/2005 confirmed compliance 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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Belen Jesuit Preparatory School, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Guillermo Garcia Tunon</u>	<u>not for profit</u>
<u>Marcelino Garcia</u>	<u></u>
<u>Victor M. Hernandez</u>	<u></u>
<u>Francisco Perez-Lerena</u>	<u></u>
<u>Pedro Cartaya</u>	<u></u>
<u>12725 SW 6 St., Miami, Fl 33184</u>	<u></u>

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

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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 AND ADDRESS (if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if an 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: Carolina Calderon  
(Applicant)

Sworn to and subscribed before me this 7th day of March 2007 \_\_\_\_\_ is personally known to me or has produced \_\_\_\_\_

Carola Calderon  
(Notary Public)



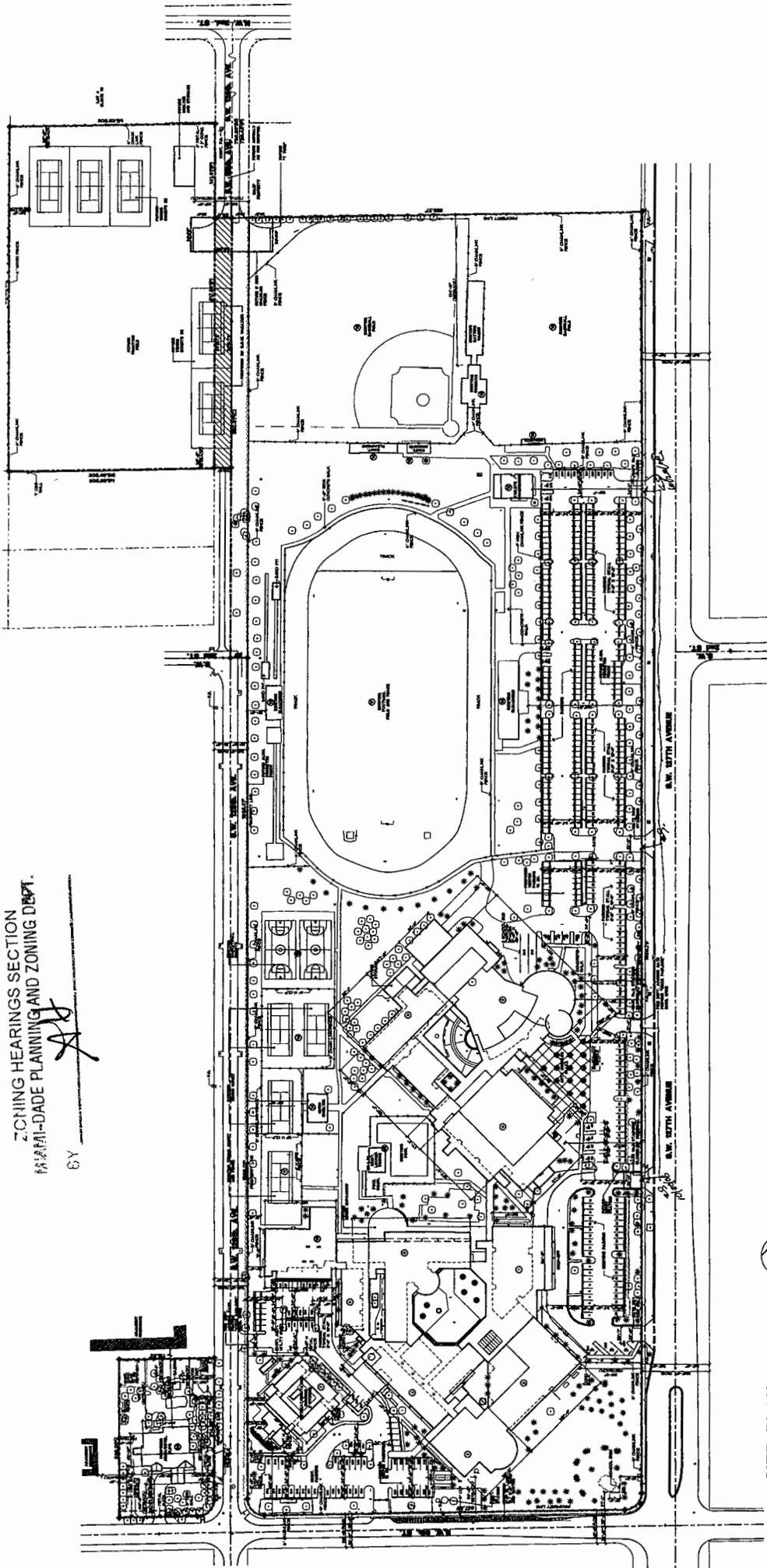
My Commission expires: 8/21/07

\*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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200-1066  
OCT 21 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY  
AH



SITE PLAN  
SCALE: 1" = 80'-0"

ENLARGED SITE PLAN

**SANTOS / RAIMUNDEZ**  
**Architects P.A.**  
 2124 COSA WAY MIAMI FLORIDA 33145  
 (305) 444-8324 FAX (305) 444-7000  
 © 2008 - ALL RIGHTS RESERVED

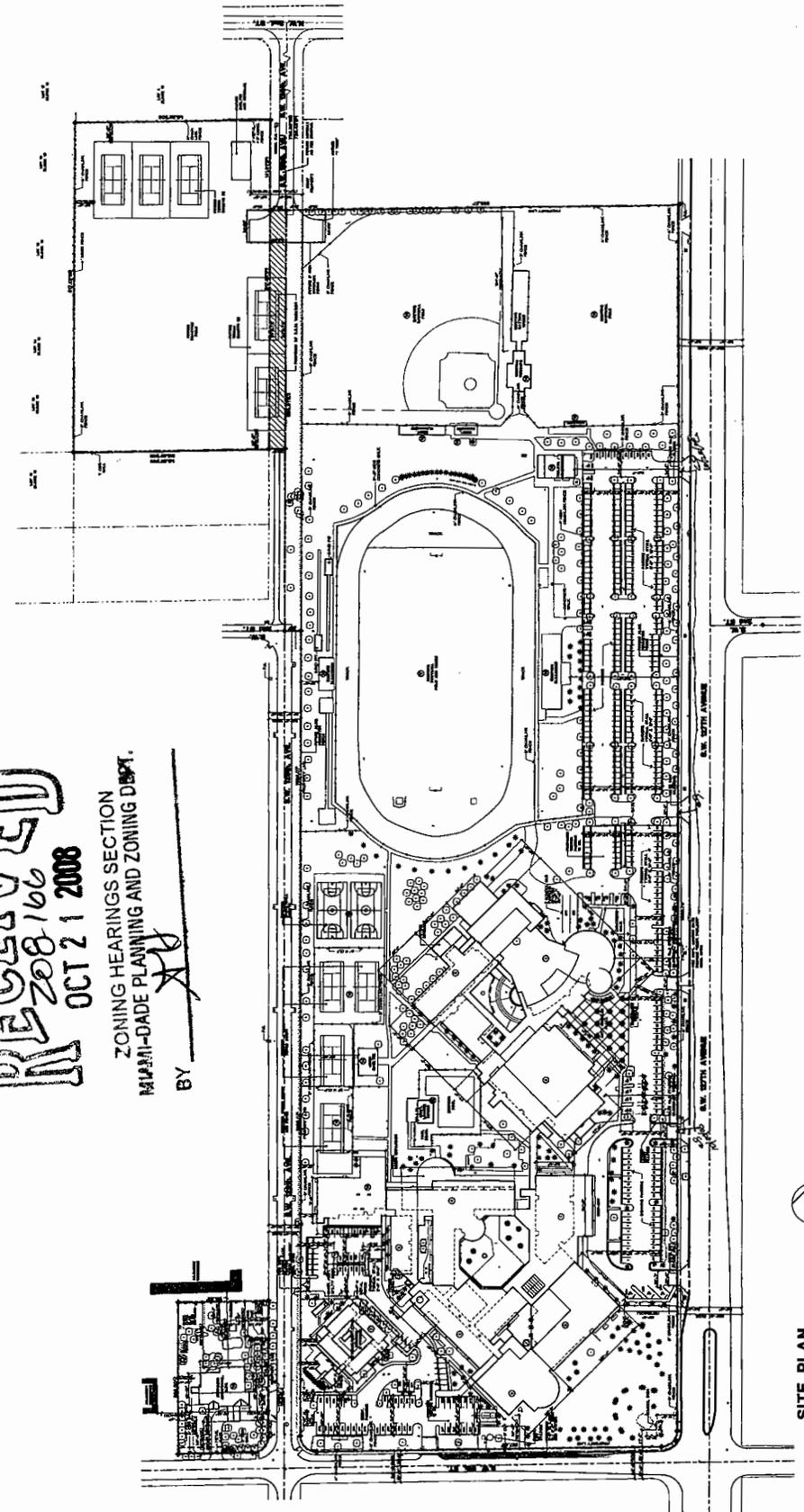
**SITE PLAN**

**BELEN JESUIT PREPARATORY SCHOOL**  
 MASTER PLAN  
 800 S.W. 737<sup>th</sup> AVE.  
 MIAMI, FLORIDA

DATE: 11/14/08  
 SHEET: 1.5  
 DATE: 08-05-08  
 PROJ. NO.: 0737  
 REVISIONS:  
 A 08/05/08  
 A 10/08/08  
 A 10/21/08

SHEET  
**A-1.1**  
 OF  
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 2008-10-21  
 OCT 21 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*



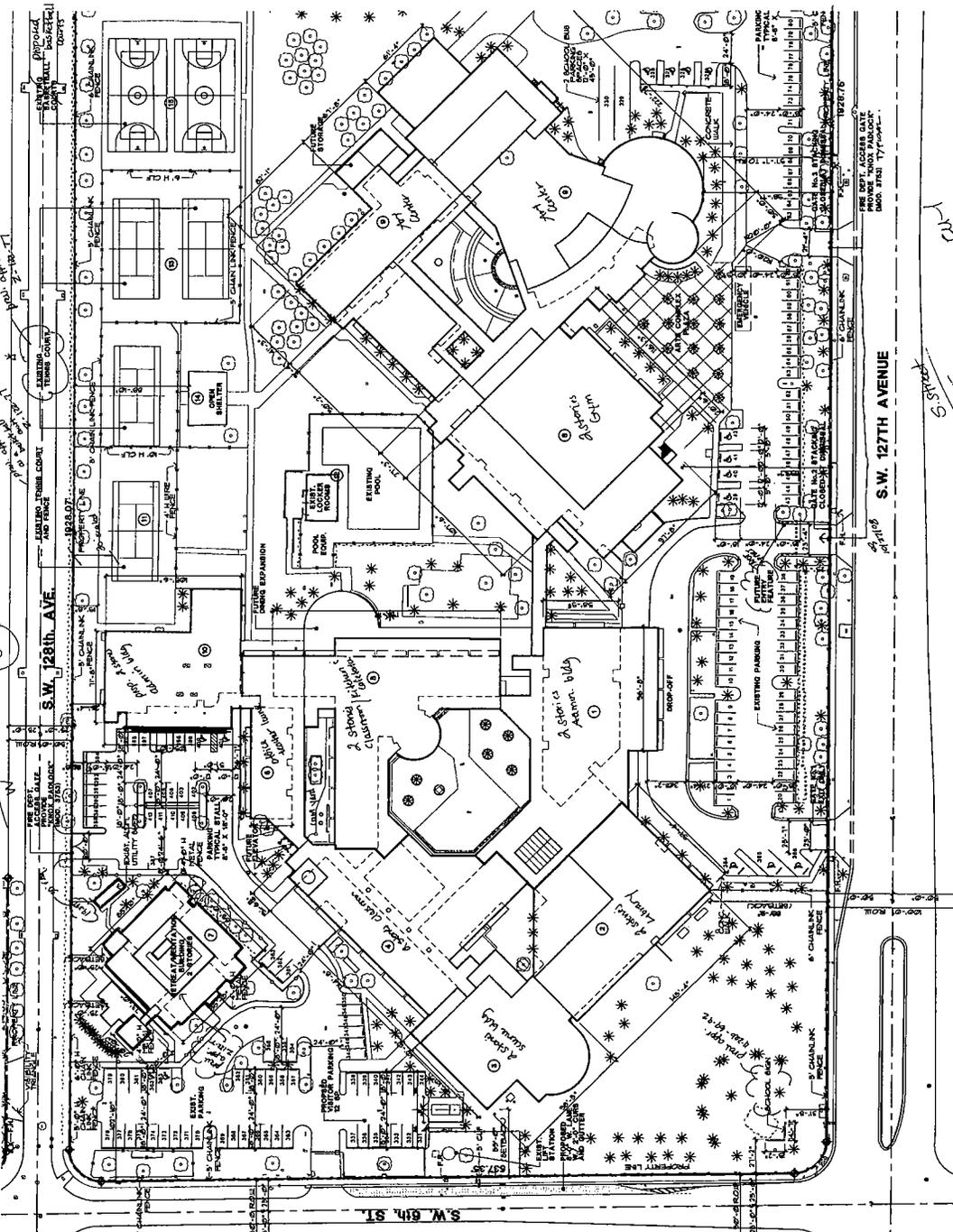
**SITE PLAN**  
 SCALE: 1" = 80'-0"

- BUILDINGS**
- 1 EXISTING ADMINISTRATION BUILDING IS STORES / FUTURE STUDENT SERVICES OFFICES / LIBRARY / LABS / BUILDING HEIGHT: 24'-0"
  - 2 1ST FLOOR DINING / KITCHEN / CHAPEL / 2ND FLOOR OFFICES / BUILDING HEIGHT: 24'-0"
  - 3 2ND FLOOR OFFICES / TEACHERS LOUNGE / BUILDING HEIGHT: 24'-0"
  - 4 RETREAT / MEDITATION BUILDING IS STORES / BUILDING HEIGHT: 8'-0"
  - 5 1ST FLOOR LOBBY / BASKETBALL COURT / LOCKERS / BUILDING HEIGHT: 24'-0"
  - 6 1ST AND 2ND FLOOR CLASSROOMS / BUILDING HEIGHT: 24'-0"
  - 7 ART CENTER IS STORY / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LABS / BUILDING HEIGHT: 24'-0"
  - 8 ADMINISTRATION BUILDING IS STORES / BUILDING HEIGHT: 24'-0"
  - 9 EXISTING TENNIS COURT AND FENCE
  - 10 EXISTING LOCKER ROOMS
  - 11 EXISTING TENNIS COURTS
  - 12 EXISTING HELLER
  - 13 EXISTING BASKETBALL COURTS
  - 14 JAMMING MALLCHERS
  - 15 EXISTING FOOTBALL FIELD AND TRACK
  - 16 TOILETS / CONCESSION STAND / BUILDING HEIGHT: 10'-0"
  - 17 EXISTING MARSHALL FIELD / DIAPHRYS / BUILDING HEIGHT: 8'-0"
  - 18 EXISTING ADMINISTRATION / EXERCISE BUILDING / BUILDING HEIGHT: 12'-0"

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 OCT 21 2008  
 MIAMI-DADE PLANNING AND ZONING DEPT.

*[Handwritten signature]*  
 10/17/08

DEFINITION	REQUIRED / ALLOWED	EXISTING / PROVIDED	REMARKS
ZONING DISTRICT	MS-1	MS-1	
NET LAND AREA	1,000,000 S.F.	1,000,000 S.F.	
LOT COVERAGE	100% LOT AREA	100% LOT AREA	
HEIGHT (TO TOP OF ROOF)	35'-0"	35'-0"	
TYPE OF SCHOOL	PRIVATE JR. & SR. HIGH SCHOOL	PRIVATE JR. & SR. HIGH SCHOOL	
MANUAL NO.	1000 (2012/13)	1000 (2012/13)	
NO. OF TEACHERS / STAFF	10 (2012/13)	10 (2012/13)	
CLASSROOM AREA	GRADE 6: 6,410 S.F. GRADES 7-12: 31,800 S.F. TOTAL: 38,210 S.F.	GRADE 6: 6,410 S.F. GRADES 7-12: 31,800 S.F. TOTAL: 38,210 S.F.	
OUTDOOR RECREATION AREA	GRADE 6: 70,200 S.F. GRADES 7-12: 286,100 S.F. TOTAL: 356,300 S.F.	GRADE 6: 70,200 S.F. GRADES 7-12: 286,100 S.F. TOTAL: 356,300 S.F.	
GRASS AREA FOR ORGANIZED SPORTS / PLAY AREA IN S.F.	48,830 S.F.	48,830 S.F.	
PARKING REQUIRED	309,211 S.F.	309,211 S.F.	
LANDSCAPING (GRADES 6-12)	73 (1/2) * 182	73 (1/2) * 182	
TRANSPORTATION VEHICLES (TRUCKS, TRUCKS)	32,840 S.F.	32,840 S.F.	
LABORATORIES	4,332,000 S.F.	4,332,000 S.F.	
ADMINISTRATIVE AREAS	2,100 S.F.	2,100 S.F.	
SLEEPING ROOMS	20 / 3 * 188	20 / 3 * 188	
STORAGE	4,332,000 S.F.	4,332,000 S.F.	
EMPLOYEES (NON-TEACHERS)	33 / 4 * 8 SPACES	33 / 4 * 8 SPACES	
TOTAL SPACES REQUIRED	444 SPACES	444 SPACES	
PARKING PROVIDED	630 S.A. TO 1200 S.A. - 1 DAY	630 S.A. TO 1200 S.A. - 1 DAY	



- BUILDINGS**
- 1 1ST FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 2 2ND FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 3 3RD FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 4 4TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 5 5TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 6 6TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 7 7TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 8 8TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 9 9TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 10 10TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 11 11TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"
  - 12 12TH FLOOR OFFICE / ATTORNEY / CHAPEL  
BUILDING HEIGHT: 24'-0"

- 13 EXISTING TENNIS COURT
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- 100 EXISTING TENNIS COURT

**RECEIVED**  
OCT 21 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

SCALE: N.T.S.

10/21/08





SANTOS / RAIMUNDEZ  
Architects P.A.  
2124 CENTRAL AVE. MIAMI, FLORIDA 33145  
(305) 448-8224 Lic. No. AA-0002289

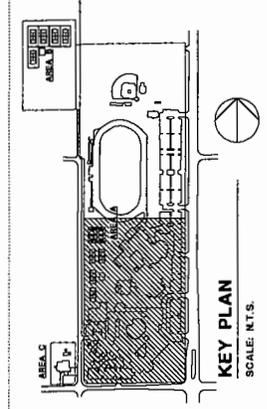
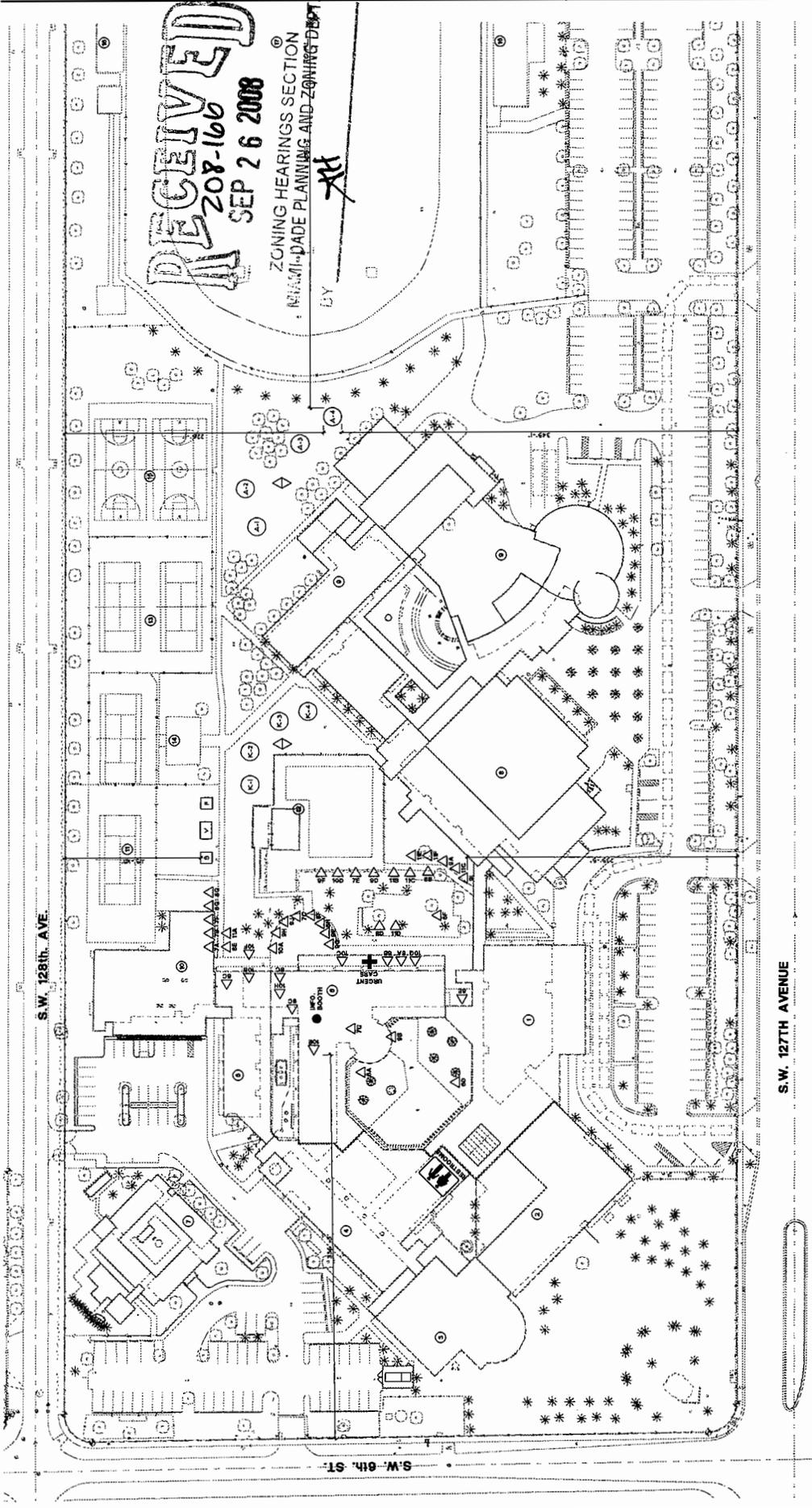
PARTIAL SITE PLAN  
ANNUAL CARNIVAL

BELEN JESUIT PREPARATORY SCHOOL  
MASTER PLAN  
800 B.W. 12TH. AVE.  
MIAMI, FLORIDA

SHEET A-1 OF 1  
DATE: 08-28-08  
SCALE: AS SHOWN  
PROJECT: BELEN JESUIT PREPARATORY SCHOOL

SHEET A-1 OF 1

35



- CARNIVAL LEGEND:**
- (A) ADULT RIDES
  - (B) KID RIDES
  - (C) KID RIDES
  - (D) KID RIDES
  - (E) GENERATORS
  - (F) CENTER CONCOURSE
  - (G) FOOD BOOTHS
  - (H) SOUL BOOTHS

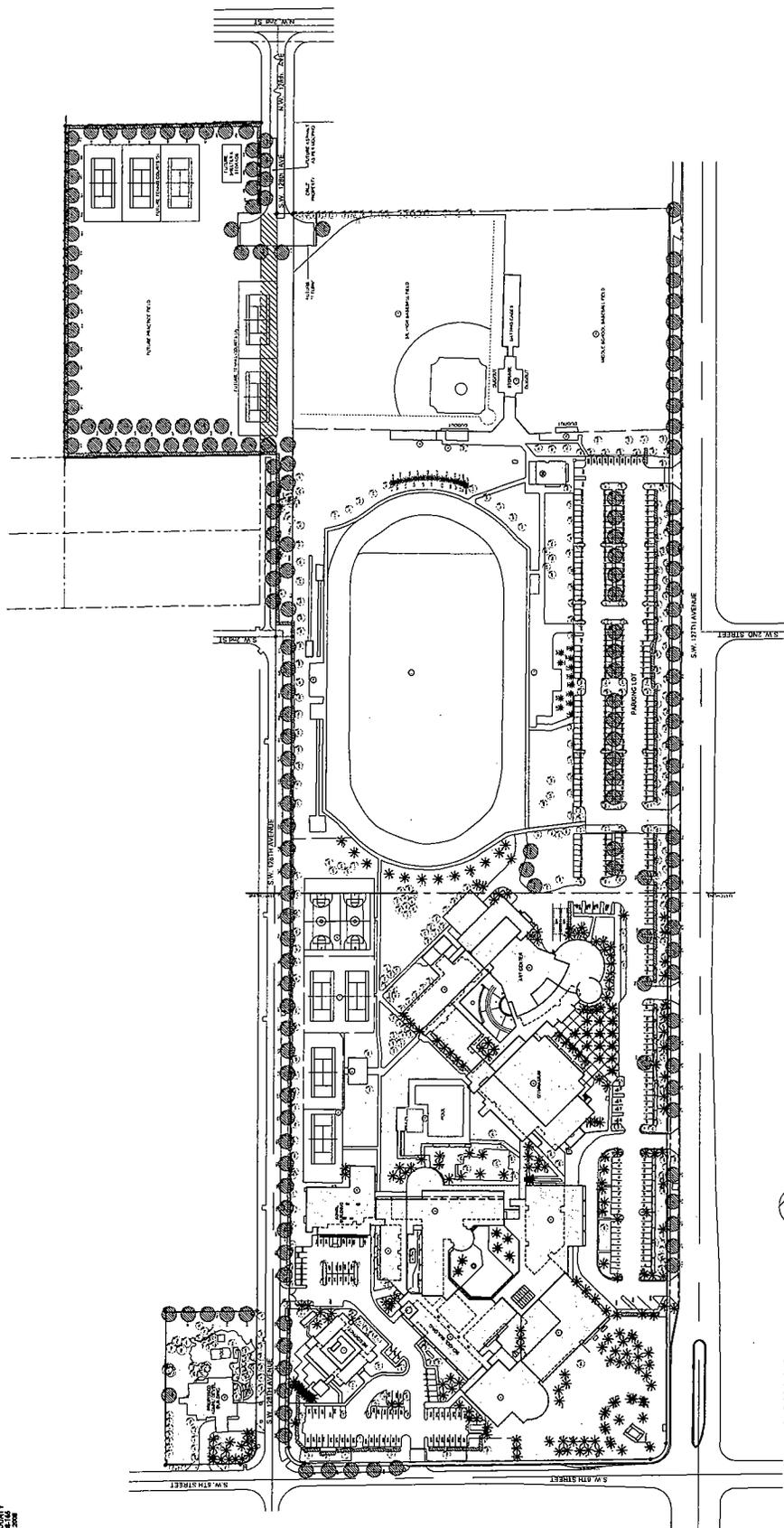
**CARNIVAL NOTE:**  
CARNIVAL SHALL TAKE PLACE AT EXISTING SCHOOL PARKING LOT. ALL RIDE OPERATORS SHALL BE AT LEAST 18 YEARS OLD. ALL RIDE OPERATORS SHALL BE LICENSED. ALL RIDE OPERATORS SHALL BE LICENSED. ALL RIDE OPERATORS SHALL BE LICENSED.

**CARNIVAL PARKING / ATTENDEE CAPACITY:**  
DEDICATED SPACES: 400 EXISTING SPACES  
NON-DEDICATED SPACES: 11 SPACES  
ATTENDEES: 400 SPACES  
400 SPACES X 400' X 400' = 160,000 ATTENDEES

- BUILDINGS**
- (1) EXISTING ADMINISTRATION BUILDING IS STORES
  - (2) 1ST FLOOR EXISTING ADMINISTRATIVE OFFICES
  - (3) 2ND FLOOR CLASSROOMS / LABS
  - (4) LIBRARY IS STORES
  - (5) 1ST FLOOR LIBRARY
  - (6) 2ND FLOOR LIBRARY
  - (7) 3RD FLOOR LIBRARY
  - (8) 4TH FLOOR LIBRARY
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  - (103) 99TH FLOOR LIBRARY
  - (104) 100TH FLOOR LIBRARY

41

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 MANHATTAN COUNTY  
 DIVISION OF PLANNING  
 877.806



LANDSCAPE PLAN  
 SCALE: 1" = 80'-0"

LEGEND	
[Symbol]	EXISTING
[Symbol]	PROPOSED PLANTING
[Symbol]	PROPOSED PAVEMENT
[Symbol]	PROPOSED DRIVE
[Symbol]	PROPOSED WALKWAY
[Symbol]	PROPOSED FENCE
[Symbol]	PROPOSED LIGHT FIXTURE
[Symbol]	PROPOSED SIGNAGE
[Symbol]	PROPOSED UTILITY
[Symbol]	PROPOSED WATER
[Symbol]	PROPOSED SEWER
[Symbol]	PROPOSED EROSION CONTROL
[Symbol]	PROPOSED LANDSCAPE ARCHITECTURE

**RECEIVED**  
 OCT 21 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: *ATF*

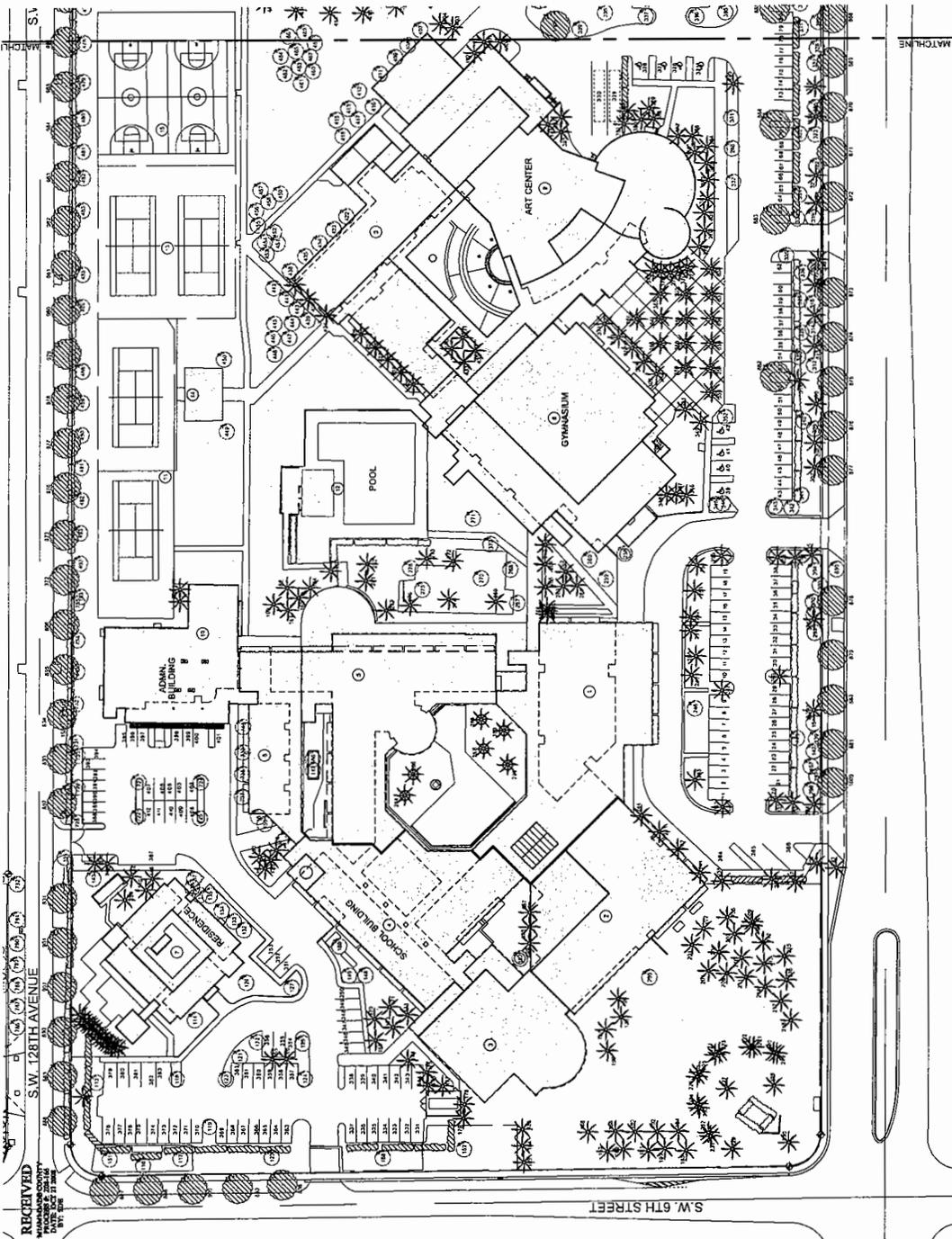
SANTOS / RAIMUNDEZ  
 Architects P.A.  
 5104 59th AVE. MIAMI, FLORIDA 33149  
 (305) 446 8224 FAX (305) 446 8224  
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OVERALL LANDSCAPE  
 PLAN

BELÉN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 500 SW 78th AVE.  
 MIAMI, FLORIDA

DESIGNED BY: J.A.V./A.L.K.  
 DATE: 4-24-08  
 DRAWN BY: J.E.Z.  
 CHECKED BY: J.E.Z.  
 SCALE: AS SHOWN  
 PROJECT NO.: 0722

SHEET  
 LS-1  
 OF  
 7



RECEIVED  
 HONOLULU COUNTY  
 DEPARTMENT OF PUBLIC  
 WORKS  
 1515 KALANOAUA AVENUE  
 HONOLULU, HI 96813

S.W. 128TH AVENUE  
 S.W. 6TH STREET

LEGEND	
(Circle with dot)	EXISTING
(Circle with star)	EXISTING PALM TREES
(Circle with horizontal lines)	EXISTING SHRUB
(Circle with vertical lines)	NEW TREE / PALM
(Circle with diagonal lines)	NEW SHRUB
(Circle with wavy lines)	SCOOBED AREA

LANDSCAPE PLAN NOTES	
-	LOT TREES MUST BE 12'-0" N.H.T. AT TIME OF PLANTING
-	STREET TREES MUST BE 17'-0" N.H.T. AT TIME OF PLANTING
-	SHRUBS MUST BE 30" N.H.T. AT TIME OF PLANTING
-	SHRUBS MUST BE 30" N.H.T. MAX. WHEN PLANTED WITHIN 10' ON EITHER SIDE OF DRIVEWAYS.

**RECEIVED**  
 2008-10-21  
 OCT 21 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *AA*

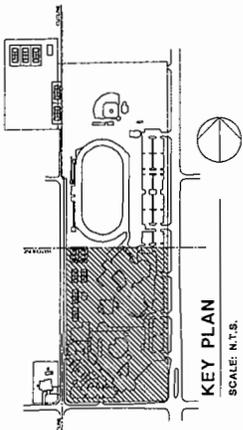
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 (305) 448 8224 Lic. No. RA-19002899  
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OVERALL LANDSCAPE  
 MASTER PLAN

BELEN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 500 S.W. 128TH AVE.  
 MIAMI, FLORIDA

BOOK A.V./A.L.K.  
 DRAWN: E.S.  
 CHECKED: E.S.  
 DATE: 1-24-08  
 SCALE: 1/8" = 1'-0"  
 PROJECT NO. 0727

SHEET  
**LS-1A**  
 OF  
**7**



- BUILDINGS**
- 1 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 2 1ST FLOOR: MEN'S / WRESTLER / CHAMP
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  - 94 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 95 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 96 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 97 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 98 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 99 1ST FLOOR: MEN'S / WRESTLER / CHAMP
  - 100 1ST FLOOR: MEN'S / WRESTLER / CHAMP

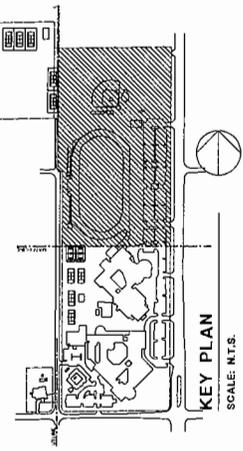
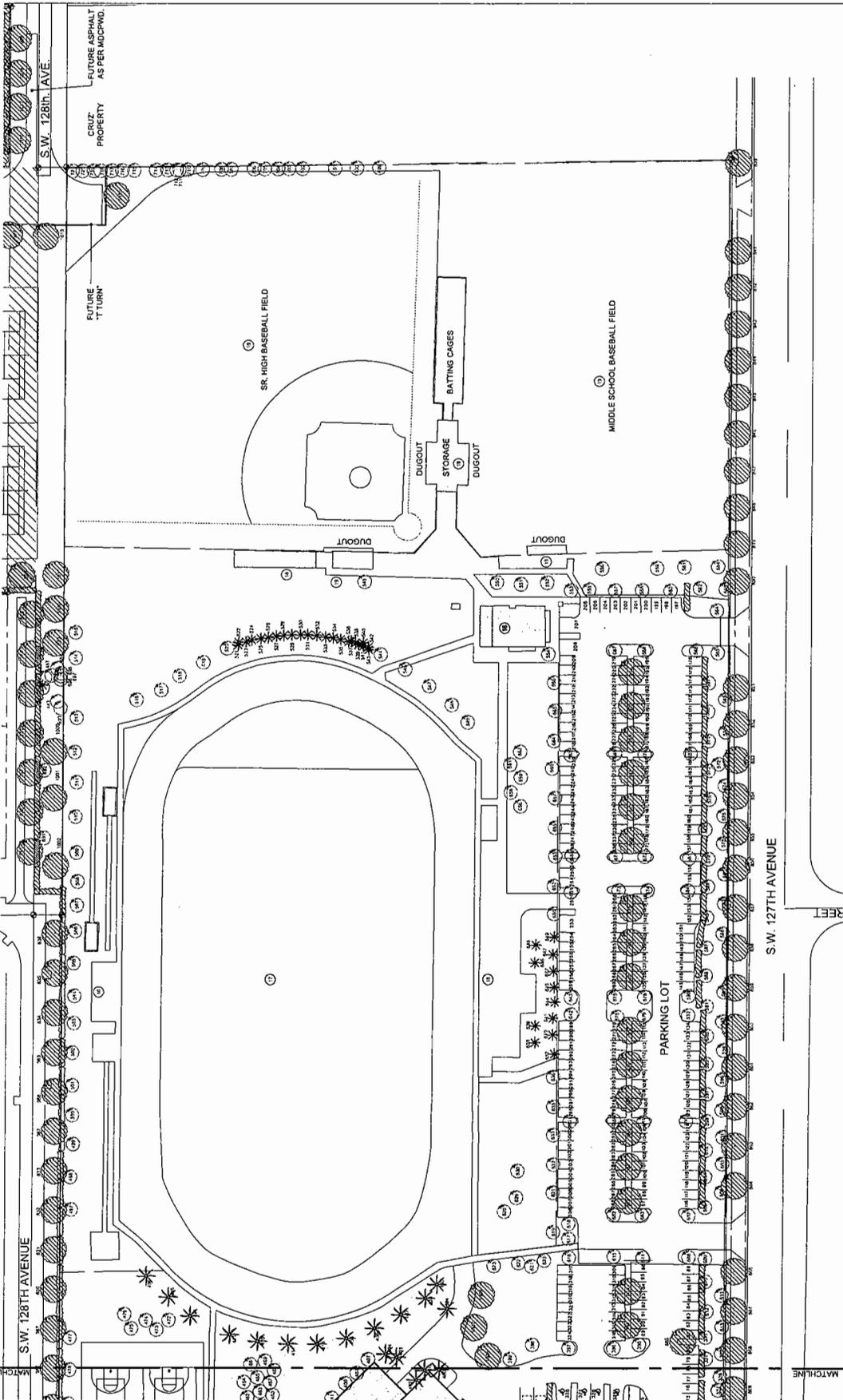
SANTOS / RAIMUNDEZ  
 ARCHITECTS P.A.  
 3124 CORAL WAY MIAMI FLORIDA 33145  
 (305) 448-0222 FAX (305) 448-0228

OVERALL LANDSCAPE  
 PLAN

BELEN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 500 S.W. 12TH AVE.  
 MIAMI, FLORIDA

LEAD: A.V./M.K.
DESIGN: E.S.
DATE: 4-24-08
DATE: 05-07-07
REVISION:
1. 05-07-07
2. 05-07-07
3. 05-07-07
4. 05-07-07
5. 05-07-07

SHEET  
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 OF  
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**RECEIVED**  
 2008/10/21  
 OCT 21 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *AK*

RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.  
 10/21/08

RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.  
 DATE: 08/27/06  
 BY: SSB

**RECEIVED**  
 2006-10-26  
 OCT 21 2006

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

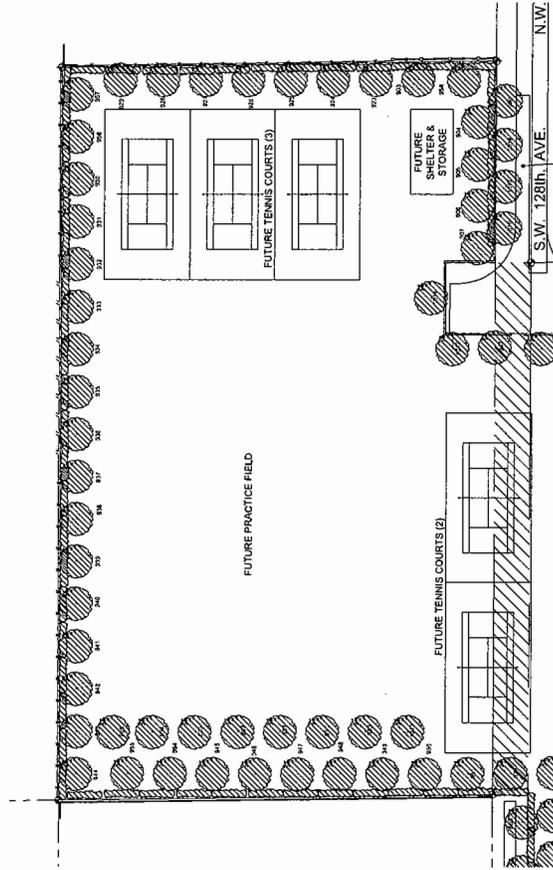
SANTOS / RAIMUNDEZ  
 Architects P.A.  
 1154 CORAL WAY MIAMI FLORIDA 33145  
 (305) 448 8224 LIC. NO. SA-PS002883  
 © COPYRIGHT © 2006 BY SANTOS / RAIMUNDEZ ARCHITECTS P.A. ALL RIGHTS RESERVED.

OVERALL LANDSCAPE

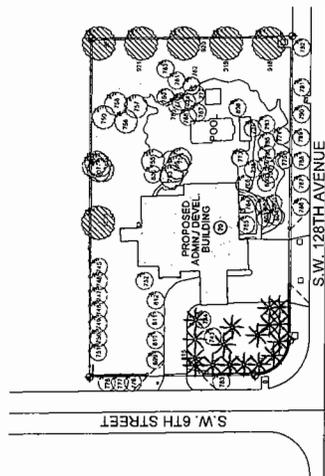
BELEN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 506 S.W. 128TH AVE.  
 MIAMI, FLORIDA

PROJECT: A.V./A.S.
DESIGNER: E.S.
DATE: 02-24-06
PROJECT: SITE PLAN
REVISIONS:
1. 01-24-06
2. 01-24-06
3. 01-24-06
4. 01-24-06
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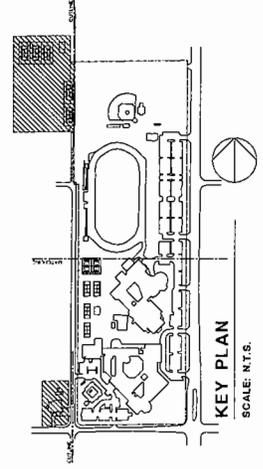
SHEET  
 LS-1C  
 OF  
 7



PARTIAL SITE PLAN  
 (North West Side)  
 SCALE: 1" = 40'-0"



PARTIAL SITE PLAN  
 (South West Side)  
 SCALE: 1" = 40'-0"



KEY PLAN  
 SCALE: N.T.S.





46

SANTOS / RAINUNDEZ  
Architects P.A.  
2154 CORAL WAY  
MIAMI, FLORIDA 33145  
(305) 448-6224  
Fax: (305) 448-6224

LANDSCAPE TABLE

LANDSCAPE TABLE

BELEN JESUIT PREPARATORY SCHOOL  
MASTER PLAN  
500 S.W. 127th Ave.  
MIAMI, FLORIDA

BLUM, AV/AL/A  
GIBBER, LS  
DATE: 04-23-08  
DRAWN BY: 0722

SHEET  
LS-2C  
OF  
7

**LANDSCAPE LEGEND**

ZONING DISTRICT: RESOLUTION  
NET LOT AREA: 310.8 ACRES  
REQUIRED: 1334,9230 SF  
PROVIDED:

1. DEFINITION OF OPEN SPACE  
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
B. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
C. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
D. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
E. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
F. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
G. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
H. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
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W. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
X. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
Y. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.  
Z. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33.

**RECEIVED**  
2008-10-06  
SEP 02 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *ACT*

**LANDSCAPE TABLE CONT**

SYMBOL	NEW EXIST.	COMMON PLANT NAME	NATIVE YEB NO.	CALIPER (IN)	CANOPY DIAMETER (IN)	HEIGHT
811	X	SILVER BUTTWOOD	X			
812	X	BLACK IRONWOOD	X			
813	X	BLACK IRONWOOD	X			
814	X	BLACK IRONWOOD	X			
815	X	BLACK IRONWOOD	X			
816	X	BLACK IRONWOOD	X			
817	X	BLACK IRONWOOD	X			
818	X	BLACK IRONWOOD	X			
819	X	SILVER BUTTWOOD	X			
820	X	SILVER BUTTWOOD	X			
821	X	SILVER BUTTWOOD	X			
822	X	SILVER BUTTWOOD	X			
823	X	SILVER BUTTWOOD	X			
824	X	OAK	X			
825	X	OAK	X			
826	X	OAK	X			
827	X	GEGER TREE	X			
828	X	GEGER TREE	X			
829	X	GEGER TREE	X			
830	X	GEGER TREE	X			
831	X	GEGER TREE	X			
832	X	GEGER TREE	X			
833	X	GEGER TREE	X			
834	X	GEGER TREE	X			
835	X	GEGER TREE	X			
836	X	GEGER TREE	X			
837	X	GEGER TREE	X			
838	X	GEGER TREE	X			
839	X	GEGER TREE	X			
840	X	GEGER TREE	X			
841	X	GEGER TREE	X			
842	X	GEGER TREE	X			
843	X	GEGER TREE	X			
844	X	GEGER TREE	X			
845	X	GEGER TREE	X			
846	X	GEGER TREE	X			
847	X	GEGER TREE	X			
848	X	GEGER TREE	X			
849	X	GEGER TREE	X			
850	X	GEGER TREE	X			
851	X	GEGER TREE	X			
852	X	GEGER TREE	X			
853	X	GEGER TREE	X			
854	X	GEGER TREE	X			
855	X	GEGER TREE	X			
856	X	GEGER TREE	X			
857	X	GEGER TREE	X			
858	X	GEGER TREE	X			
859	X	GEGER TREE	X			
860	X	GEGER TREE	X			
861	X	GEGER TREE	X			
862	X	GEGER TREE	X			
863	X	GEGER TREE	X			
864	X	GEGER TREE	X			
865	X	GEGER TREE	X			
866	X	GEGER TREE	X			
867	X	GEGER TREE	X			
868	X	GEGER TREE	X			
869	X	GEGER TREE	X			
870	X	GEGER TREE	X			

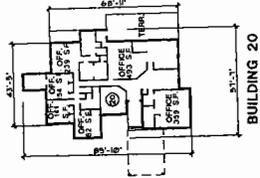
**LANDSCAPE TABLE CONT**

SYMBOL	NEW EXIST.	COMMON PLANT NAME	NATIVE YEB NO.	CALIPER (IN)	CANOPY DIAMETER (IN)	HEIGHT
871	X	GEGER TREE	X			
872	X	GEGER TREE	X			
873	X	GEGER TREE	X			
874	X	GEGER TREE	X			
875	X	GEGER TREE	X			
876	X	GEGER TREE	X			
877	X	GEGER TREE	X			
878	X	GEGER TREE	X			
879	X	GEGER TREE	X			
880	X	GEGER TREE	X			
881	X	GEGER TREE	X			
882	X	GEGER TREE	X			
883	X	GEGER TREE	X			
884	X	GEGER TREE	X			
885	X	GEGER TREE	X			
886	X	GEGER TREE	X			
887	X	GEGER TREE	X			
888	X	GEGER TREE	X			
889	X	GEGER TREE	X			
890	X	GEGER TREE	X			
891	X	GEGER TREE	X			
892	X	GEGER TREE	X			
893	X	GEGER TREE	X			
894	X	GEGER TREE	X			
895	X	GEGER TREE	X			
896	X	GEGER TREE	X			
897	X	GEGER TREE	X			
898	X	GEGER TREE	X			
899	X	GEGER TREE	X			
900	X	GEGER TREE	X			
901	X	GEGER TREE	X			
902	X	GEGER TREE	X			
903	X	GEGER TREE	X			
904	X	GEGER TREE	X			
905	X	GEGER TREE	X			
906	X	GEGER TREE	X			
907	X	GEGER TREE	X			
908	X	GEGER TREE	X			
909	X	GEGER TREE	X			
910	X	GEGER TREE	X			
911	X	GEGER TREE	X			
912	X	GEGER TREE	X			
913	X	GEGER TREE	X			
914	X	GEGER TREE	X			
915	X	GEGER TREE	X			
916	X	GEGER TREE	X			
917	X	GEGER TREE	X			
918	X	GEGER TREE	X			
919	X	GEGER TREE	X			
920	X	GEGER TREE	X			
921	X	GEGER TREE	X			
922	X	GEGER TREE	X			
923	X	GEGER TREE	X			
924	X	GEGER TREE	X			
925	X	GEGER TREE	X			
926	X	GEGER TREE	X			
927	X	GEGER TREE	X			
928	X	GEGER TREE	X			
929	X	GEGER TREE	X			
930	X	GEGER TREE	X			
931	X	GEGER TREE	X			
932	X	GEGER TREE	X			
933	X	GEGER TREE	X			
934	X	GEGER TREE	X			
935	X	GEGER TREE	X			
936	X	GEGER TREE	X			
937	X	GEGER TREE	X			
938	X	GEGER TREE	X			
939	X	GEGER TREE	X			
940	X	GEGER TREE	X			
941	X	GEGER TREE	X			
942	X	GEGER TREE	X			
943	X	GEGER TREE	X			
944	X	GEGER TREE	X			
945	X	GEGER TREE	X			
946	X	GEGER TREE	X			
947	X	GEGER TREE	X			
948	X	GEGER TREE	X			
949	X	GEGER TREE	X			
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965	X	GEGER TREE	X			
966	X	GEGER TREE	X			
967	X	GEGER TREE	X			
968	X	GEGER TREE	X			
969	X	GEGER TREE	X			
970	X	GEGER TREE	X			

**LANDSCAPE TABLE CONT**

SYMBOL	NEW EXIST.	COMMON PLANT NAME	NATIVE YEB NO.	CALIPER (IN)	CANOPY DIAMETER (IN)	HEIGHT
971	X	GEGER TREE	X			
972	X	GEGER TREE	X			
973	X	GEGER TREE	X			
974	X	GEGER TREE	X			
975	X	GEGER TREE	X			
976	X	GEGER TREE	X			
977	X	GEGER TREE	X			
978	X	GEGER TREE	X			
979	X	GEGER TREE	X			
980	X	GEGER TREE	X			
981	X	GEGER TREE	X			
982	X	GEGER TREE	X			
983	X	GEGER TREE	X			
984	X	GEGER TREE	X			
985	X	GEGER TREE	X			
986	X	GEGER TREE	X			
987	X	GEGER TREE	X			
988	X	GEGER TREE	X			
989	X	GEGER TREE	X			
990	X	GEGER TREE	X			
991	X	GEGER TREE	X			
992	X	GEGER TREE	X			
993	X	GEGER TREE	X			
994	X	GEGER TREE	X			
995	X	GEGER TREE	X			
996	X	GEGER TREE	X			
997	X	GEGER TREE	X			
998	X	GEGER TREE	X			
999	X	GEGER TREE	X			
1000	X	GEGER TREE	X			

48



KEY PLAN  
SCALE: N.T.S.

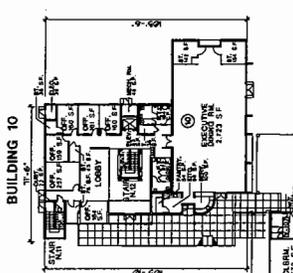
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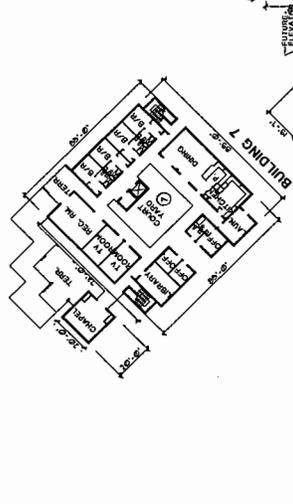
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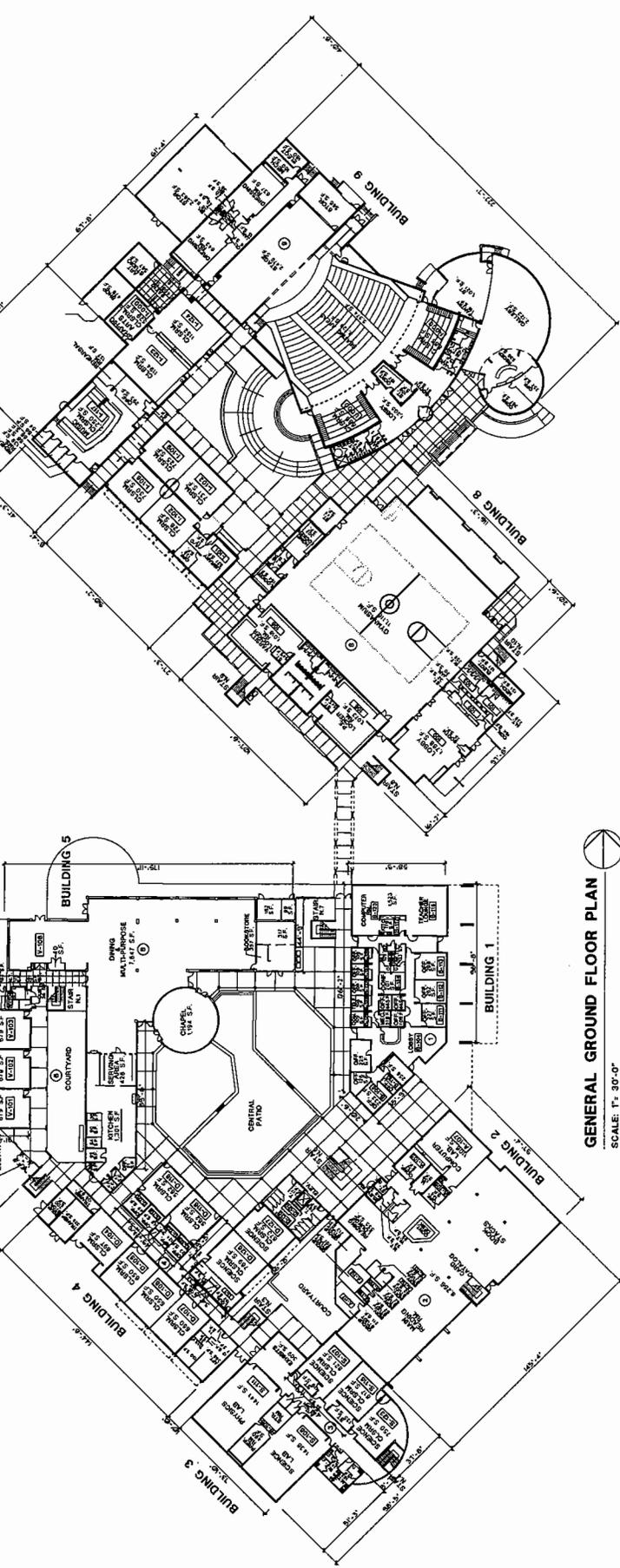
**RECEIVED**  
20X-06-06  
SEP 02 2008  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY: *[Signature]*



BUILDING 10  
SCALE: 1/8" = 1'-0"



BUILDING 20  
SCALE: 1/8" = 1'-0"



GENERAL GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

48

**RECEIVED**  
 207-166  
 SEP 02 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: *AR*

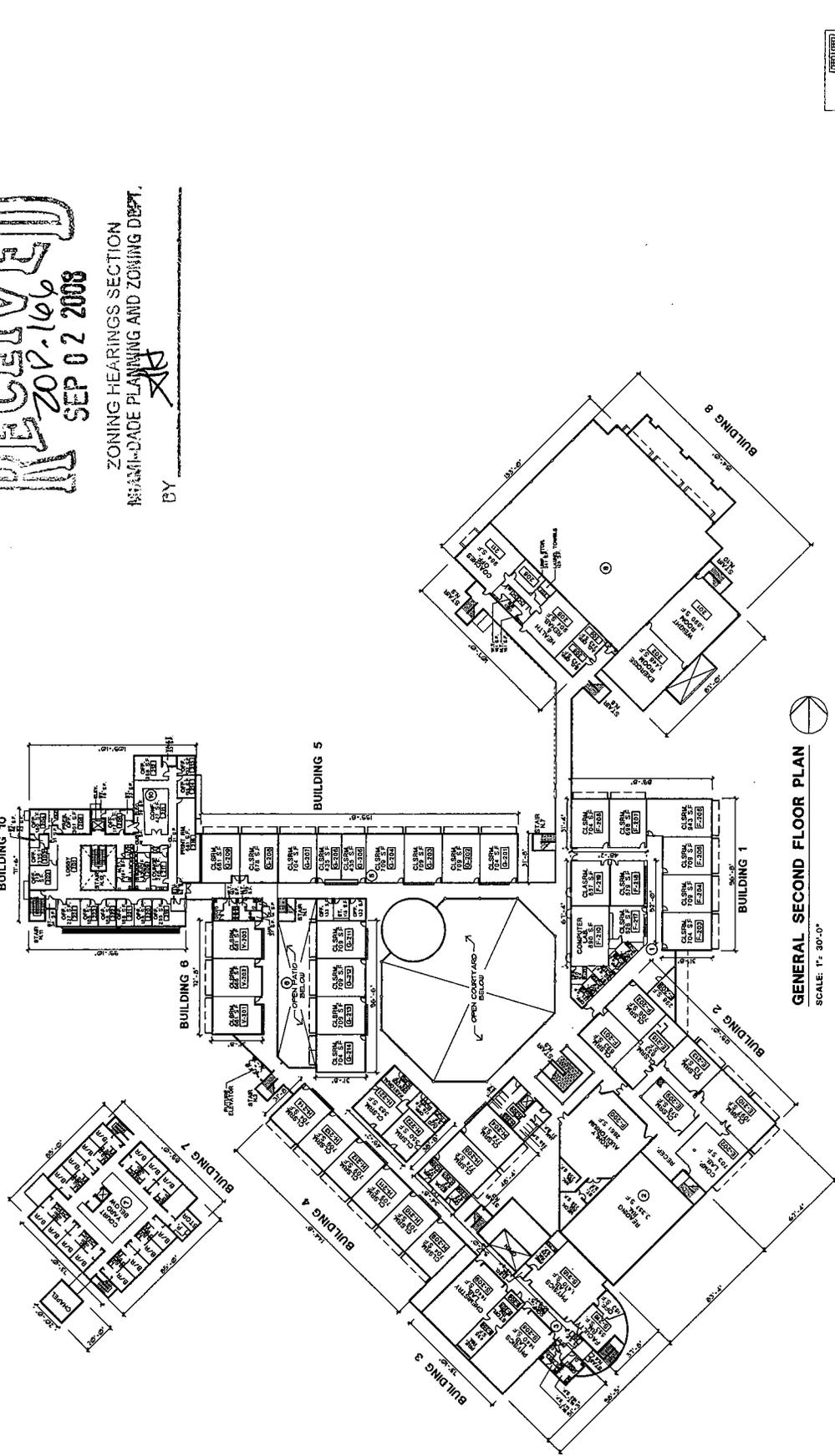
SANTOS / RAIMUNDEZ  
 Architects P.A.  
 214 448 6824  
 314 448 6824  
 500 S.W. 12TH AVE. SUITE 200  
 MIAMI, FLORIDA 33135  
 (305) 448-6824  
 2008.09.02

GENERAL FLOOR PLAN

BELEN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 500 S.W. 12TH AVE.  
 MIAMI, FLORIDA

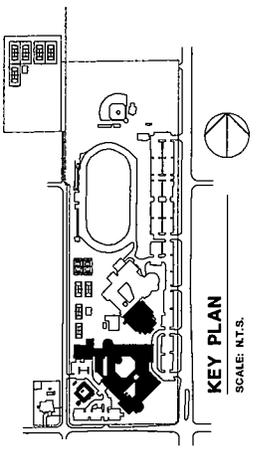
DATE: 04-24-08
DESIGNED: E.S.
DRAWN: J.P.
CHECKED: J.P.
SCALE: AS SHOWN

SHEET  
**A-5**  
 OF  
**6**



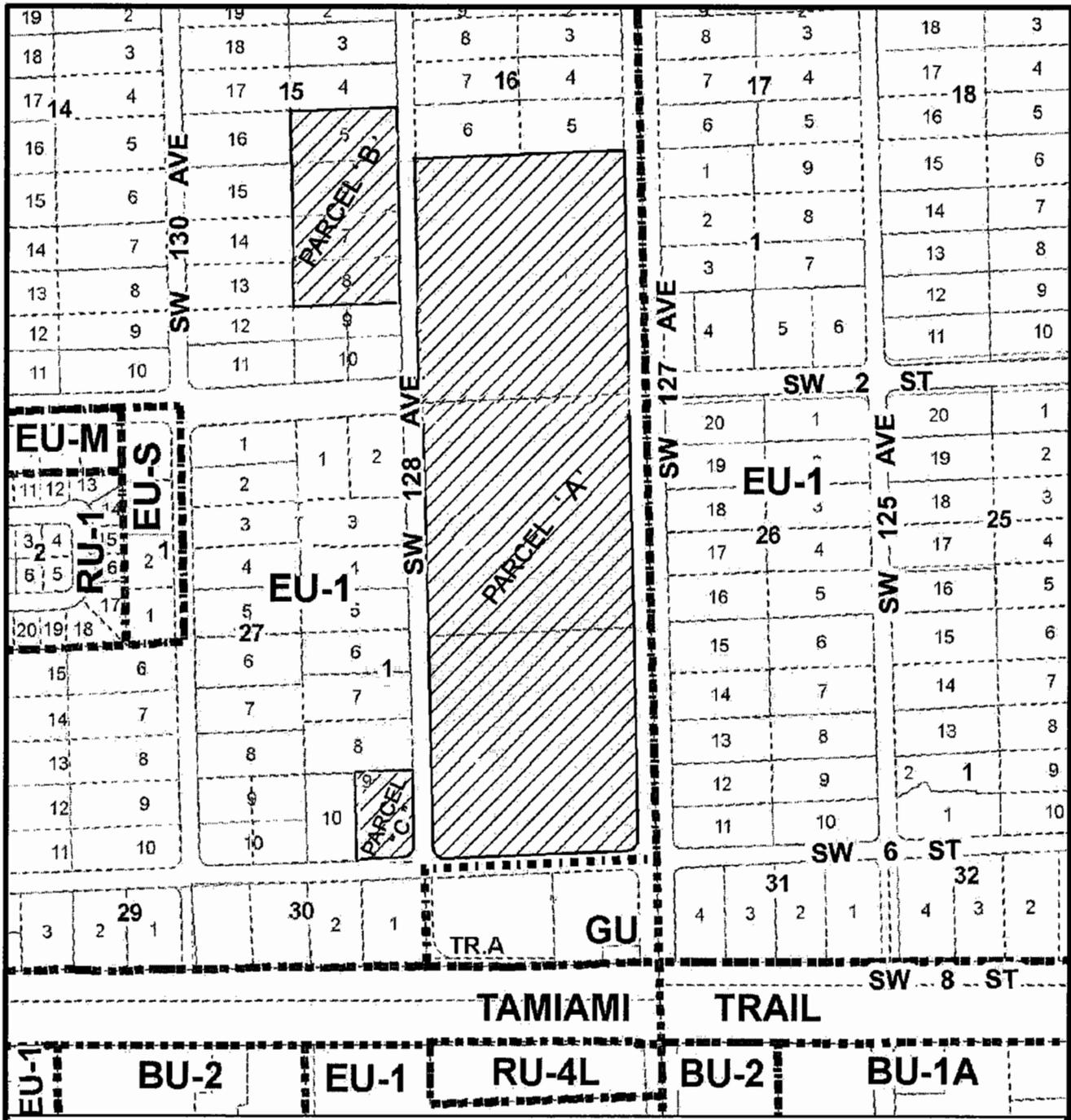
GENERAL SECOND FLOOR PLAN  
 SCALE: 1" = 30'-0"

- BUILDINGS**
- 1 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 2 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 3 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 4 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 5 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 6 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 7 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 8 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 9 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
  - 10 EXISTING ADMINISTRATION BUILDING (2 STORES)  
 1ST FLOOR: ADMINISTRATION, OFFICE, WAITING AREA, RECEPTION, STUDENT SERVICES  
 2ND FLOOR: STUDENT SERVICES, OFFICES  
 BUILDING HEIGHT: 24'-0"
- LEGEND**
- 1 EXISTING SHED
  - 2 EXISTING BASKETBALL COURTS
  - 3 EXISTING BLEACHERS
  - 4 EXISTING FOOTBALL FIELD AND TRACK
  - 5 TOILETS / CONCESSION STAND  
 BUILDING HEIGHT: 8'-0"
  - 6 EXISTING MARSHALL FIELDS / DECORTE  
 BUILDING HEIGHT: 8'-0"
  - 7 EXISTING ADMINISTRATION /  
 BUILDING HEIGHT: 19'-0"
  - 8 ART CENTER (1 STORY)  
 1ST FLOOR: ART ROOM, ART GALLERY /  
 BUILDING HEIGHT: 10'-0"
  - 9 1ST FLOOR: OFFICES / TEACHERS LOUNGE  
 BUILDING HEIGHT: 10'-0"
  - 10 2ND FLOOR: CLASSROOMS  
 BUILDING HEIGHT: 10'-0"
  - 11 EXISTING TENNIS COURTS
  - 12 EXISTING LOCKER ROOMS
  - 13 EXISTING TENNIS COURTS



KEY PLAN  
 SCALE: N.T.S.

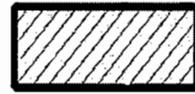
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**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**08-166**



Section: 02 Township: 54 Range: 39  
 Applicant: BELEN JESUIT PREPARATORY SCHOOL, INC. SUBJECT PROPERTY

Zoning Board: C10  
 Commission District: 12  
 Drafter ID: JEFFER  
 Scale: NTS

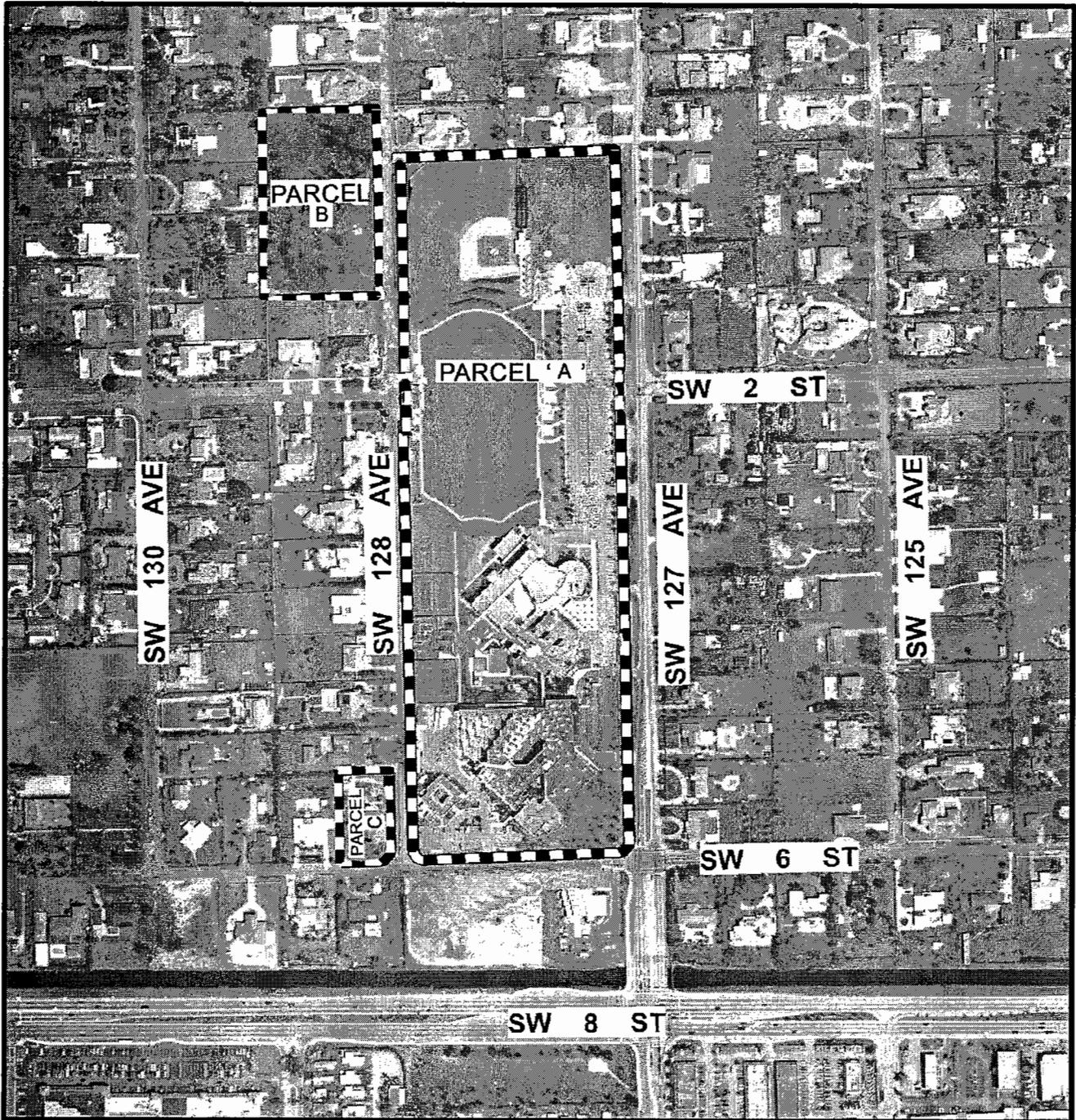
RADIUS: 2640'



----- Zoning

SKECTH CREATED ON 09/05/08

REVISION	DATE	BY
Applicant Name Change	10/01/08	Jgurd



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2008**

Section: 02 Township: 54 Range: 39

Applicant: BELEN JESUIT PREPARATORY SCHOOL, INC. **SUBJECT PROPERTY**

Zoning Board: C10

Commission District: 12

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**08-166**



REVISION	DATE	BY
Applicant Name Change	09/11/08	Jourd



Received by  
Zoning Agenda Coordinator

DEC 03 2008

This instrument was prepared by:

Name: Simon Ferro  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
(305)579-0500

CZAB 10 — December 11, 2008  
Item #B — 06-166  
Belen Jesuit Preparatory School

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS FOR MIAMI-DADE COUNTY**

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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z08-166 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Subdivision Plan.** That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Belen Jesuit Preparatory School Master Plan," Sheets A-4 and A-5, LS-2A and LS-2B dated stamped received 9/2/08, Sheets A-3, LS-1, LS-1A, LS-1B, LS-1C and LS-2C dated stamped received 10/21/08, with Sheets A-1 and A-2 last revised 10/27/08 and Sheet A-1.1 last revised 10/28/08 and a plan entitled "Partial Site Plan Annual Carnival," dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of a total of 14 sheets.
- (2) **District Boundary Change.** In the event any portion of the Property is re-zoned to RU-3 there shall be no residential development permitted on said rezoned portion of the Property.
- (3) **Hours of Operation.** School hours of operation shall be 6:30 AM to 10 PM Monday through Friday and 8 AM to 10 PM Saturday and Sunday. School activities extending beyond 8:00 p.m. on Saturdays and Sundays will be limited to indoor activities only. The hours of operation shall be allowed to extend to no later than 12 midnight during not more than 10 days per year, Monday through Sunday, of which 3 days will include the annual carnival.

(Public Hearing)

## Declaration of Restrictions

### Page 2

- (4) **Maintenance of Traffic Operation Plan.**
- (a) Belen has developed a Maintenance of Traffic Operation Plan (MOT) with the Miami-Dade County Public Works Department (MDCPWD). Implementation of the MOT will commence upon approval of the Application. A copy of the MOT is attached hereto as Exhibit B. The MOT may be amended by mutual written consent of Belen and MDCPWD without the need for a public hearing. Except where a variance of code requirements is necessary, any modifications to the Site Plan in compliance with the MOT or mutually agreed to revisions to the MOT shall not require a public hearing.
- (b) If approved by MDCPWD, Belen will construct, at its sole cost and expense, a T-Turnaround on that portion of the Property described as Parcel B in Exhibit A attached hereto, as reflected on the Site Plan. Belen will diligently pursue permitting and construction of the T-Turnaround after approval of the Application and expiration of all appeal periods.
- (5) **Maximum Number of Students and Grade Levels Permitted.** The maximum number of students permitted shall be 1,500 and maximum number of grade levels shall be 6<sup>th</sup> grade to 12<sup>th</sup> grade, inclusive.
- (6) **Maximum Number of Classrooms and Teaching Staff Permitted.** The maximum number of classrooms permitted shall be 73 and the maximum number of teaching staff shall be 120.
- (7) **Night Lighting and Illumination.** There shall be no night lighting or illumination on the sports fields or during sports events. Portable night lighting shall be permitted only for the annual carnival event.
- (8) **12805 S.W. 6<sup>th</sup> Street.** In the event that portion of the Property described as Parcel C on Exhibit A attached hereto and more specifically located at 12805 S.W. 6<sup>th</sup> Street, Miami-Dade County, Florida is approved for school use under the requested Special Exception, said property shall be limited to administrative office use for the school and the Belen Alumni Association. In addition, the existing parking layout on Parcel C shall not be expanded and the structure located on said Parcel shall retain a residential appearance, shall not be expanded beyond its current footprint and shall not be used as classroom space.
- (9) **Vacant Lots on S.W 128<sup>th</sup> Avenue.** In the event that portion of the Property described as Parcel B on Exhibit A attached hereto and consisting of 4 vacant lots fronting on S.W. 128<sup>th</sup> Avenue is approved for school use under the requested Special Exception, said property shall be used exclusively as a sports practice field and for tennis courts, as reflected on the Site Plan. Other than the

## Declaration of Restrictions

### Page 3

improvements reflected on the Site Plan, there shall be no other structures or buildings constructed or placed upon said Parcel B.

- (10) **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.
- (11) **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.
- (12) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- (13) **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, whichever by law has jurisdiction over such matters, after public hearing.
- (14) 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.

## Declaration of Restrictions

Page 4

- (15) **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.
- (16) **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.
- (17) **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.
- (18) **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.
- (19) **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
- (20) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

## Declaration of Restrictions

Page 5

- (21) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
- (22) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

**ACKNOWLEDGMENT BY NON PROFIT CORPORATION**

Signed, witnessed, executed and acknowledged on this 5 day of November, 2008.

IN WITNESS WHEREOF, Belen Jesuit Preparatory School, Inc. a Florida limited liability corporation has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

[Signature]  
Signature

Ann C. MANICATA  
Print Name

[Signature]  
Signature

GEORGE BUSSE  
Print Name

Belen Jesuit Preparatory School, Inc.  
500 SW 127 Avenue  
Miami, Florida, FL 33184

[Signature]  
By: Fr. Marcelino Garcia, S. J.  
Title: President

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Fr. Marcelino Garcia, S. J., the President of Belen Jesuit Preparatory School, Inc., a Florida Non Profit Corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 5 day of November, 2008, in the County and State aforesaid.



[Signature]  
Notary Public-State of Florida  
CAROLINA CALDERIN  
Print Name

My Commission Expires

[L:\norms\180277375\_1

(Public Hearing)

**JOINDER BY MORTGAGEE CORPORATION**

The undersigned SunTrust Bank, a Georgia Banking Corporation, Mortgagee under the following mortgages and financing instruments from Belen Jesuit Preparatory School, Inc., a Florida not-for-profit corporation:

1. Mortgage to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation, mortgagee(s), dated August 1, 1999, and recorded under O.R. Book 18781, Page 1845, collateral assigned in O.R. Book 18781, Page 1871., O.R. Book 18781, Page 1879 and Modified in O.R. Book 25824, Page 1702., O.R. Book 26473, Page 2031 Public Records of Miami-Dade County, Florida.
2. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and SunTrust Bank, as recorded in O.R. Book 18781, Page 1887, Public Records of Miami-Dade County, Florida.
3. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and Sun Trust Bank as recorded in O.R. Book 18789, Page 3493, Public Records of Miami-Dade County, Florida.

And

4. Mortgage to SunTrust Bank, a Georgia Banking Corporation, mortgagee(s), dated July 1, 2007 and recorded August 1, 2007, under O.R. Book 25824, Page 1667, Public Records of Miami-Dade County, Florida.
5. UCC Financing Statement between Belen Jesuit Preparatory School, Inc. and Sun Trust Bank, as recorded August 1, 2007 in O.R. Book 25824, Page 1706, Public Records of Miami-Dade County, Florida.
6. Assignment of Leases, Rents and Profits dated July 7, 2008, filed and recorded July 10, 2008, in O.R. Book 26473, Page 2026, Public Records of Miami-Dade County, Florida.

Covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 7<sup>th</sup> day of September, 2008

**Witnesses:**

Marta E. Peiro  
Signature

Marta E. Peiro  
Print Name

[Signature]  
Signature

ELEDA REESE  
Print Name

**SUNTRUST BANK**

A Georgia Banking Corporation  
303 Peachtree St., N.E. 23<sup>rd</sup> Floor, Center Code 3913  
Atlanta, Georgia 30308

By [Signature]  
**Kimrey Newlin**, Senior Vice President  
Commercial Banking

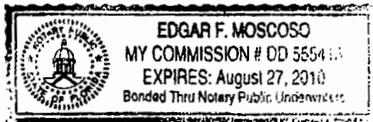
**STATE OF FLORIDA**

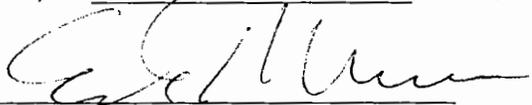
(Space reserved for Clerk)

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by **Kimrey Newlin**, the Senior Vice-President Commercial Banking of **SUNTRUST BANK**, a Georgia Banking Corporation on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 7 day of November, 2008, in the County and State aforesaid.



  
Notary Public-State of Florida

EDGAR MOSCOSO  
Print Name

My Commission Expires: Aug 27, 2010

**JOINDER BY MORTGAGEE CORPORATION**

The undersigned SunTrust Bank, a Georgia banking corporation, successor by merger to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation, Mortgagee under the following mortgages and financing instruments from Belen Jesuit Preparatory School, Inc., a Florida not-for-profit corporation:

1. Mortgage to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation, mortgagee(s), dated August 1, 1999, and recorded under O.R. Book 18781, Page 1845, collateral assigned in O.R. Book 18781, Page 1871., O.R. Book 18781, Page 1879 and Modified in O.R. Book 25824, Page 1702., O.R. Book 26473, Page 2031 Public Records of Miami-Dade County, Florida.
2. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and SunTrust Bank, as recorded in O.R. Book 18781, Page 1887, Public Records of Miami-Dade County, Florida.
3. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and Sun Trust Bank as recorded in O.R. Book 18789, Page 3493, Public Records of Miami-Dade County, Florida.

Covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 7 day of November, 2008

**Witnesses:**

Mirta E. Peiro  
Signature

Mirta E. Peiro  
Print Name

Elida Reese  
Signature

ELEIDA REESE  
Print Name

**SUNTRUST BANK**

a Georgia banking corporation, successor by merger to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation  
8699 NW 36 Street  
Miami, FL 33166

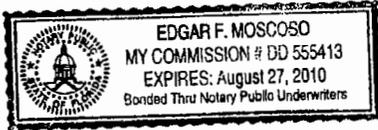
By   
**Kimrey Newlin**, Senior Vice President  
Commercial Banking

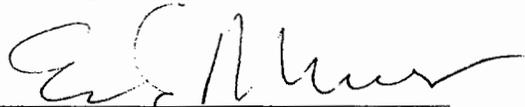
(Space reserved for Clerk)

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by **Kimrey Newlin**, the Senior Vice-President Commercial Banking of SunTrust Bank, a Georgia banking corporation, successor by merger to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 7<sup>th</sup> day of November, 2008, in the County and State aforesaid.



  
\_\_\_\_\_  
Notary Public-State of Florida

Edgar Moscoso  
\_\_\_\_\_  
Print Name

My Commission Expires: Aug 27, 2010

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Parcel "A"**

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 2, Township 54 South, Range 39 East, less the East 50 feet, less the South 25 feet and less the West 25 feet.

**Less**

The area bounded by the West line of the East 50 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by the North line of the South 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by a 25 feet radius arc concave to the Northwest, said arc being tangent to both of the last described lines.

**And**

The area bounded by the North line of the South 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by the East line of the West 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2 and bounded by a 25 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

**And**

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter, less the East 50 feet and less the West 25 feet of Section 2, Township 54 South, Range 39 East.

**And**

The Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 2, Township 54 South, Range 39 East, less the East 50 feet and less the West 25 feet.

**Parcel "B"**

Lots 5, 6, 7 and 8, Block 15, SWEETWATER ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, Page 36 of the Public Records of Miami-Dade County, Florida.

**Parcel "C"**

Lot 9, Block 1, ROSADO SUBDIVISION, according to the Plat thereof, recorded in Plat Book 133, Page 42 of the Public Records of Miami-Dade County, Florida.

## **EXHIBIT "B"**

### **Maintenance of Traffic Operating Plan for Belen Jesuit Preparatory School, Inc.**

This Maintenance of Traffic Operating Plan (MOT) has been developed to address traffic issues relating to that certain application for public hearing filed by Belen Jesuit Preparatory School, Inc. (Belen), Process Hearing No. 08-166 (Application).

This MOT incorporates various internal and external modifications to the campus of Belen, as well as new procedures for morning drop-off and afternoon pick-up activities. This MOT may be modified by mutual consent of Belen and the Miami-Dade County Public Works Department (MDCPWD) as long as any such modification is designed to improve traffic circulation within the Belen campus or in the vicinity of Belen.

The following is a list of recommendations and comments on the Site Plan, Dated Revision 2, August 8, 2008, submitted to the Planning and Zoning department on September 2, 2008, and the submitted "Traffic Impact Analysis" dated September, 2008, and including a traffic analysis addendum titled "Response to MDCPWD Comments about Traffic Impacts", dated October 23, 2008, and follow-up e-mail with additional comments and commitments from counsel for the Belen, dated October 24, 2008 at 11:12 A.M., for the proposed facility located at S.W. 6<sup>th</sup> Street and S.W. 127<sup>th</sup> Avenue:

#### **Arrival (Drop-Off) and Dismissal (Pick-Up) Procedures**

##### **Dual Shifts for Dismissal Time**

Belen will develop and implement a dual shift dismissal plan acceptable to MDCPWD. As an alternative to the dual shift dismissal plan Belen may propose other plans acceptable to MDCPWD that accomplish the same goals. Belen may delay implementation of the dual shift dismissal plan until the end of the current 2008-2009 school year. In that event, if MDCPWD determines that additional measures are needed to address specific traffic issues Belen will, after consultation with MDCPWD, take appropriate action to create and implement additional traffic mitigation procedures to meet Department criteria.

##### **Student Pick-up and Drop-off**

Belen will drop-off and pick-up the 6<sup>th</sup> grades exclusively through the south entrance on S.W. 6<sup>th</sup> Street. All other grades will be dropped off and picked up through the east entrances of the campus on S.W. 127<sup>th</sup> Avenue. Along S.W. 127<sup>th</sup> Avenue the first driveway north of S.W. 6<sup>th</sup> Street will operate as an egress only, the second and third driveways will be closed, and the fourth driveway will operate as ingress only.

### Student Pick-up and Drop-off on S.W. 127<sup>th</sup> Avenue

In order to prevent stacking along S.W. 127<sup>th</sup> Avenue during the afternoon dismissal pick-up activities Belen will designate and provide 16 parking spaces which will be reserved for cars and/or private vans for the dismissal period. These additional spaces will be signed saying "Visitor Only" during the dismissal period. The location of this parking area is shown in Figure 2 attached hereto. Belen staff will maintain access to this parking area throughout the dismissal period.

Belen will provide trained staff to manage traffic on campus during the dismissal period. This staff will be instructed to bring any vehicles observed waiting on SW 127<sup>th</sup> Avenue into the campus. Staff will then direct these vehicles to the additional parking described above. Staff will also ensure that these vehicles can exit this parking area.

If, for any reason, the number of vehicles arriving exceeds the capacity of the available stacking and additional parking, Belen staff will direct the additional vehicles onto campus so that the vehicles do not wait for students on S.W. 127<sup>th</sup> Avenue. This may mean double stacking in the aisle on a temporary basis or some other measure to accommodate occasional excess demand.

Belen will increase the radius return on the north end of the drop-off/pick-up area along the front of the main building to a minimum 15 foot radius to facilitate the movement of the queue of vehicles through this loading area.

### Student Pick-up on S.W. 6<sup>th</sup> Street

Belen will continue to have the pick-up for 6<sup>th</sup> grade students at the southwest corner of the campus, on S.W. 6<sup>th</sup> Street, as reflected in Figure 5 attached hereto.

In order to prevent stacking along S.W. 6<sup>th</sup> Street Belen will provide 14 parking spaces which will be reserved for cars and/or private vans for the dismissal periods. These additional spaces will be signed saying "Visitor Only" during the dismissal periods. The location of this parking area is shown in Figure 5 attached hereto. Belen staff will maintain access to this parking area throughout the dismissal periods.

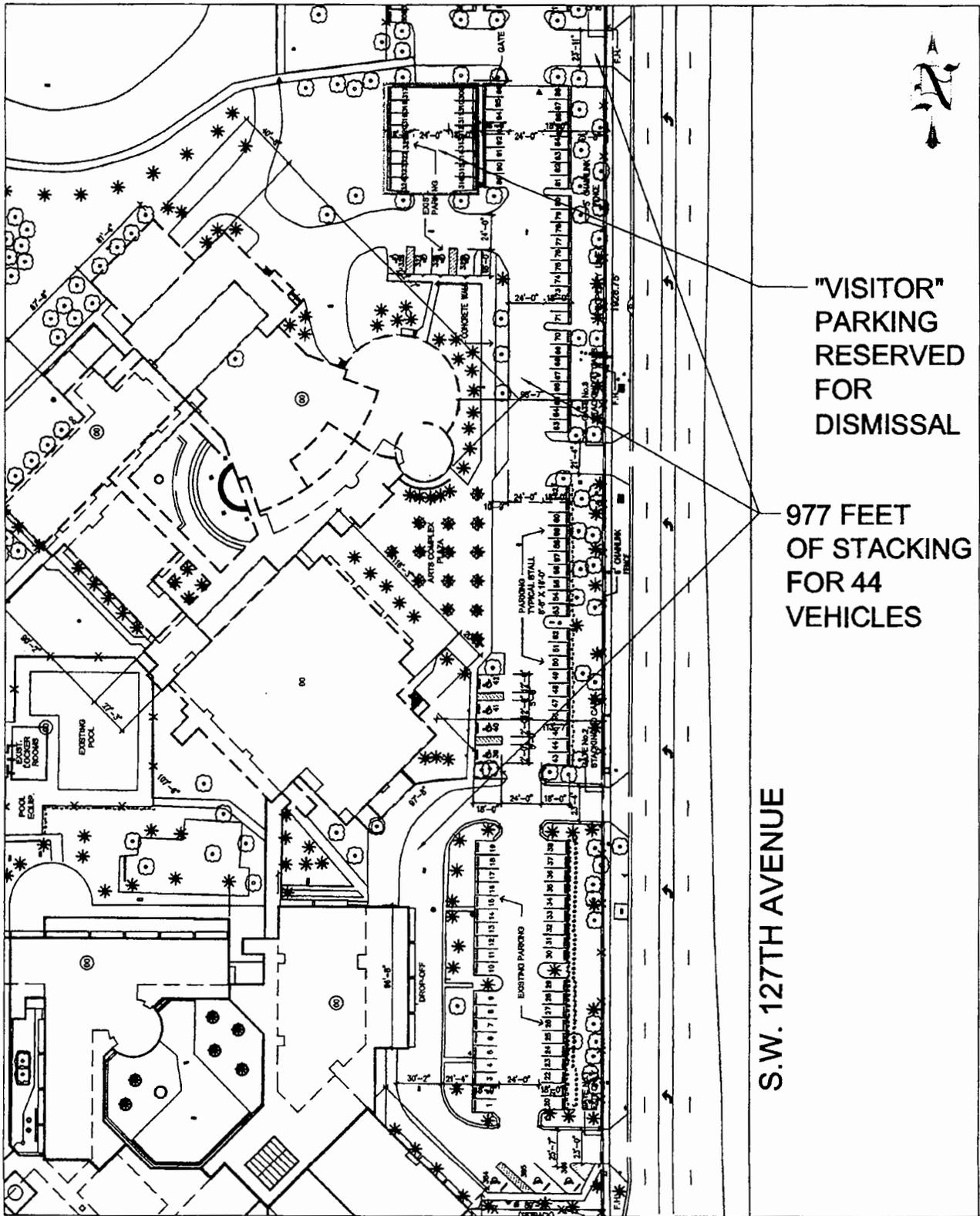
If, for any reason, the number of vehicles arriving exceeds the capacity of the available stacking and additional parking, Belen staff will direct the additional vehicles onto campus so that the vehicles do not wait for students on SW 6<sup>th</sup> Street. This may mean double stacking in the aisle on a temporary basis or some other measure to accommodate occasional excess demand.

An off-duty police officer will be provided during dismissal time at the ingress/egress driveway on S.W. 6<sup>th</sup> Street to assist vehicles entering and exiting the driveway. Loading and unloading of 6<sup>th</sup> grade students will occur in the loading area of the S.W. corner of the site.

Additional Right-turn Lane SW 6<sup>th</sup> Street

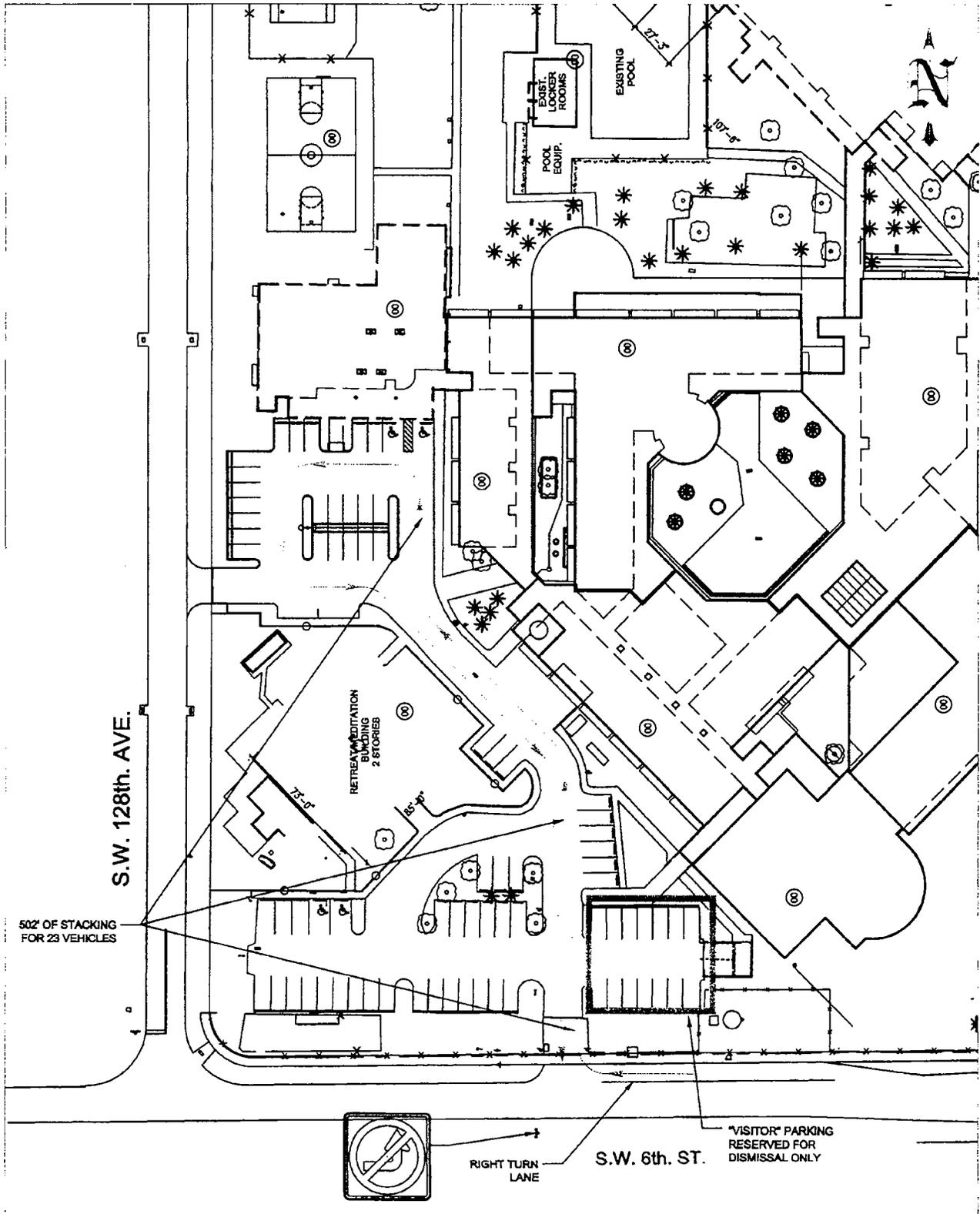
If approved by MDCPWD Belen will construct, at its sole cost and expense, a 135 foot right turn lane plus transition on S.W. 6<sup>th</sup> Street as reflected on the Site Plan. Belen will diligently pursue permitting and construction of the right turn lane after approval of the Application and expiration of all applicable appeal periods. In addition, Belen will provide left turn restriction signs for east bound S.W. 6<sup>th</sup> Street at the driveway entrance.

November 4, 2008



Belen Jesuit Preparatory School

Figure 2



Belen Jesuit Preparatory School

Figure 5



FANDREI CONSULTING INC  
Traffic Engineering Services

Dismissal Options - Southwest

OCT/08

**OPINION OF TITLE FOR MIAMI-DADE COUNTY**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as an inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement affecting the real property hereinafter described it is hereby certified that I have examined (Abstract or Title policy or Title Commitment No.) **G5-0203871** issued by **Lawyers Title Insurance Corporation (a member of the LandAmerica family of title insurance underwriters)** ("Title Commitment") and an updated title search certified by **Attorneys' Title Insurance Fund, Inc.** last dated **October 29<sup>th</sup>, 2008** ("Title Search"), covering the period from **July 31, 2007** (or from beginning) to **October 14, 2008** at 11:00 p.m. and a second updated title search certified by **Attorneys' Title Insurance Fund, Inc.** last dated **December 1<sup>st</sup>, 2008** ("Title Search"), covering the period from **October 14, 2008** at 8:00 a.m. to **November 16, 2008**, at 11:00 p.m. inclusive of the following described property:

**LEGAL**

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

**OWNER/APPLICANT:**

**BELEN JESUIT PREPARATORY SCHOOL, INC., A FLORIDA NON PROFIT CORPORATION (THE PRESIDENT OF BELEN JESUIT PREPARATORY SCHOOL, INC., IS FR. MARCELINO GARCIA, S. J. , WHO IS AUTHORIZED TO EXECUTE DOCUMENTS ON BEHALF OF BELEN JESUIT PREPARATORY SCHOOL, INC., a Florida non profit corporation)**

**[Note: For Limited Partnership, Limited Liability Company or Joint Venture indicate parties comprising the Limited Partnership, Limited Liability Company or Joint Venture and identify who is authorized to execute.]**

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

**I. RECORDED MORTGAGES:**

1. Mortgage to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation, mortgagee(s), dated August 1, 1999, and recorded under O.R. Book 18781, Page 1845, collateral assigned in O.R. Book 18781, Page 1871., O.R. Book 18781, Page 1879 and Modified in O.R. Book 25824, Page 1702., O.R. Book 26473, Page 2031 Public Records of Miami-Dade County, Florida.
2. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and SunTrust Bank, as recorded in O.R. Book 18781, Page 1887, Public Records of Miami-Dade County, Florida.
3. UCC Financing Statement between Belen Jesuit Preparatory School, Inc., a Florida not for profit corporation and Sun Trust Bank as recorded in O.R. Book 18789, Page 3493, Public Records of Miami-Dade County, Florida.

4. Mortgage to SunTrust Bank, a Georgia Banking Corporation, mortgagee(s), dated July 1, 2007 and recorded August 1, 2007, under O.R. Book 25824, Page 1667, Public Records of Miami-Dade County, Florida.

5. UCC Financing Statement between Belen Jesuit Preparatory School, Inc. and Sun Trust Bank, as recorded August 1, 2007 in O.R. Book 25824, Page 1706, Public Records of Miami-Dade County, Florida.

6. Assignment of Leases, Rents and Profits dated July 7, 2008, filed and recorded July 10, 2008, in O.R. Book 26473, Page 2026, Public Records of Miami-Dade County, Florida.

**II. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

1. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded October 29, 2007, under O.R. Book 26011, Page 16, of the Public Records of Miami-Dade County, Florida.

2. Taxes for the year 2008, which are not yet due and payable.

3. Note: Taxes for the year 2007 have been paid.

**III. GENERAL EXCEPTIONS:**

1. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.

2. Rights or claims of parties in possession not shown by the public records.

3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.

4. Easements or claims of easements not shown by the public records.

5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:

(a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests

in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and

- (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.).

8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

**IV. SPECIAL EXCEPTIONS:**

1. Mortgage to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia Banking Corporation, mortgagee(s), dated August 1, 1999, and recorded under O.R. Book 18781, Page 1845, collateral assigned in O.R. Book 18781, Page 1871., O.R. Book 18781, Page 1879 and Modified in O.R. Book 25824, Page 1702., O.R. Book 26473, Page 2031 Public Records of Miami-Dade County, Florida.
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6. Assignment of Leases, Rents and Profits dated July 7, 2008, filed and recorded July 10, 2008, in O.R. Book 26473, Page 2026, Public Records of Miami-Dade County, Florida.

*I HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

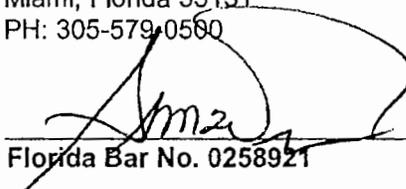
<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
SunTrust Bank, a Georgia banking corporation, successor by merger to SunTrust Bank, Miami, a National Association and SunTrust Bank, Atlanta, a Georgia banking corporation	Mortgagee	1, 4
Belen Jesuit Preparatory School, Inc. A Florida not for profit corporation	Owner	

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

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

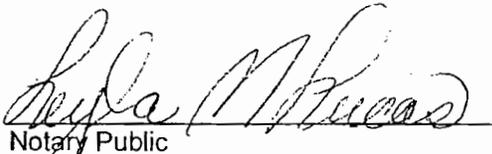
Respectfully submitted this 3<sup>rd</sup> day of December, 2008.

SIMON FERRO, ESQ.  
GREENBERG TRAURIG, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
PH: 305-579-0500

  
Florida Bar No. 0258921

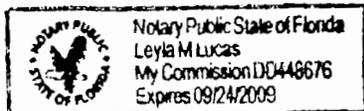
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of December, 2008 by Simon Ferro who is personally known to me.

  
Notary Public

LEYLA M. LUCAS  
Print Name

My Commission Expires:



**EXHIBIT A**

**LEGAL DESCRIPTION**

**Parcel "A"**

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 2, Township 54 South, Range 39 East, less the East 50 feet, less the South 25 feet and less the West 25 feet.

**Less**

The area bounded by the West line of the East 50 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by the North line of the South 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by a 25 feet radius arc concave to the Northwest, said arc being tangent to both of the last described lines.

**And**

The area bounded by the North line of the South 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2, and bounded by the East line of the West 25 feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 2 and bounded by a 25 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

**And**

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter, less the East 50 feet and less the West 25 feet of Section 2, Township 54 South, Range 39 East.

**And**

The Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 2, Township 54 South, Range 39 East, less the East 50 feet and less the West 25 feet.

**Parcel "B"**

Lots 5, 6, 7 and 8, Block 15, SWEETWATER ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, Page 36 of the Public Records of Miami-Dade County, Florida.

**Parcel "C"**

Lot 9, Block 1, ROSADO SUBDIVISION, according to the Plat thereof, recorded in Plat Book 133, Page 42 of the Public Records of Miami-Dade County, Florida.

**1. FOUNTAIN INTERNATIONAL INVESTMENTS, INC.**  
**(Applicant)**

**08-12-CZ10-1 (08-29)**  
**Area 10/District 6**  
**Hearing Date: 12/11/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1955	Dade County Planning & Zoning	Zone change from GU to BU-1A.	BCC	Approved in part w/conds.
1982	Urgentag Investm.	Special exception building height/lounge.	ZAB	Approved
1990	County National Bank of South Florida	- Modification of condition of previous resolution. - Non-Use variance parking.	ZAB	Approved in part w/conds.
2007	Fountain International Investments, Inc.	- Zone change from BU-1A to BU-2. - Non-Use variance lot coverage and setbacks.	CZAB-10	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 COMMUNITY COUNCIL No. 10**

**APPLICANT:** Fountain International Investments, Inc.

**PH:** Z08-29 (08-12-CZ10-1)

**SECTION:** 11-54-40

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 6

**ITEM NO.:** 1

=====

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) BU-1A and BU-2 to BU-2
- (2) MODIFICATION of the Controlling Site Plan Paragraph of a Declaration of Restrictions recorded in Official Record Book 25471, Pages 935-940, reading as follows:

FROM: "Controlling Site Plan. Plans are on file and may be examined in the Zoning Department entitled 'Gables Gates Professional Building,' as prepared by Behar, Font and Partners, P.A., Architecture, Planning Interiors, consisting of 14 sheets, dated stamped received 1/5/07."

TO: "Controlling Site Plan. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'New Retail/Office Building & New Retail Parking Garage Gables Gate Professional Building,' as prepared by Behar, Font and Partner's, P. A., dated stamped received 8/21/08 and consisting of 10 sheets."

The purpose of Request #2 is to allow the applicant to submit a new site plan showing 3 office/retail buildings on additional property in lieu of the previously approved 2-office/retail buildings and show a reduction in building height.

- (3) Applicant is requesting to permit Building B setback 17' (27' required) from the front (south) property line.
- (4) Applicant is requesting to permit Building A setback 17.33' (20' required) from the front (south) property line.
- (5) Applicant is requesting to permit the existing building setback 17' (30' required, 17.33' previously approved) from the front (south) property line.
- (6) Applicant is to requesting to permit a lot coverage of 42.5% (40% permitted, 42.5% previously approved on existing BU-2 parcel).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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) and approval of requests #3 - #6 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

o **SUMMARY OF REQUESTS:**

Approval of this application will allow the applicant to change the zoning on the property from BU-1A, Limited Business District, and BU-2, Special Business District, to BU-2. Additionally, the applicant seeks to modify a covenant on the property to allow the approval of new plans in order to include additional property to the east which will be developed with a proposed 5-story retail and parking building (Building B) and to show a proposed 2-story retail and office building (Building A) in lieu of the previously approved 7-story office building on the southwest corner of the subject site. Additional requests to construct said two office and retail buildings with less front setback than required from the south property line and to permit an existing office building setback closer than permitted to the south property line are also being sought. A final request to allow a greater lot coverage than permitted on the site is also being sought.

o **LOCATION:**

The northeast corner of S.W. 24 Street (Coral Way) and SW 72 Avenue and 7101 and 7171 S.W. 24 Street, Miami-Dade County, Florida.

o **SIZE:** 2.32 Acres

o **IMPACT:**

The rezoning of the property will allow the applicant to provide more intense business uses on the eastern portion of the site than are currently permitted which would bring additional activity, noise and traffic into the area. Approval of the request to modify the covenant will allow the applicant to submit new plans showing 3 office/retail buildings on additional property in lieu of the previously approved 2 office/retail buildings within the previously approved commercial development. Additionally, the encroachments into the front setback areas and the greater lot coverage could have a visual and aural impact on adjacent properties.

**B. ZONING HEARINGS HISTORY:**

In 1955, the subject site was included as part of an application on a larger portion of land filed by the Dade County Planning, Zoning, and Building Department, that granted a zone change from GU, Interim District, to BU-1A, Limited Business District, in lieu of the requested IU-1, Light Industrial Manufacturing District, pursuant to Resolution #8839. In 1982, the Zoning Appeals Board (ZAB) denied with prejudice requests for special exceptions to erect an office building with a height of 87.1' (45' permitted) and eight (8) stories in height (4 stories permitted in the BU-1A zone), and to permit a cocktail lounge spaced closer than permitted to existing churches and schools. The application was appealed to the Board of County Commissioners (BCC), which reversed the ZAB's decision and approved with conditions the requests on the subject property, pursuant to Resolution #Z-129-82. In 1990, pursuant to Resolution #4-ZAB-101-90, the subject property was approved for a modification of a condition of Resolution #Z-129-82, the purpose of which

was to permit the applicant to submit new plans that included a proposed drive-thru teller for a bank. Additionally, the subject property was approved for a non-use variance to permit a one-way cross aisle width varying from 8' to 10' (14' required). In 2007, a portion of the subject site was granted a zone change from BU-1A to BU-2 as well as approval of requests to permit a proposed office building setback 17.33' from the front (south) property line and setback 20.33' (34.1' required for both) from the side street (west) property line, to permit an existing office building setback 17.33' (30' required) from the front (south) property line, to permit a lot coverage of 42.5% (40% permitted) and to permit a decorative water fountain setback 18.5' (20' required) from the front (south) property line and spaced 4' (20' required) from the principal building, pursuant to Resolution #CZAB10-8-07. A covenant running with the land to the effect that the property will be developed substantially in accordance with submitted plans was executed in December 2006 and is recorded in Official Record Book 25471, Pages 0935-0940.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.
2. **Uses and Zoning Not Specifically Depicted on the LUP Map.**  
Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be

consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

3. **Policy LU-1C.** Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
4. **Policy LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
5. **Guidelines for Urban Form.**

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

  4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.
  8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.
  9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.



consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(7) Generalized Modification Standards.** The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; 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.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant

applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts.** This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (c) **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
- (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
  - (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
  - (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
  - (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no

more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and

- (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
- (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:

- (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
- (B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
  - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
  - (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
  - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
  - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and

- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
  - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
  - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
  - (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
  - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
  - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (d) **An alternative lot coverage or floor area ratio** for a building shall be approved upon demonstration of the following:
  - (1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and
  - (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

- (3) the increase in lot coverage or floor area ratio will not result in a principal or accessory building(s) with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
  - (4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
  - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
  - (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or

significantly large commercial buildings may warrant the provision of additional landscaped open space.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The 2.32-acre subject property is comprised of a corner lot and an interior lot located on the northeast corner of SW 24 Street (Coral Way) at 7101 and 7171 SW 24 Street. The site is currently improved with a five-story office building that contains approximately 50,000 square feet of office space and is sited near the approximate center of the site. A one-story commercial building that contains approximately 7,910 square feet of retail space is sited towards the eastern portion of the site, while the balance of the site consists of a corresponding parking lot for said office and commercial buildings. It should be noted that in 2007, a portion of the subject site, specifically the western 2/3 of the site, was granted a zone change from BU-1A to BU-2 as well as approval of requests to permit a proposed 7-story office building setback 17.33' from the front (south) property line and setback 20.33' (34.1' required for both) from the side street (west) property line, to permit an existing office building setback 17.33' (30' required) from the front (south) property line, to permit a lot coverage of 42.5% (40% permitted) and to permit a decorative water fountain setback 18.5' (20' required) from the front (south) property line and spaced 4' (20' required) from the principal building, pursuant to Resolution #CZAB10-8-07. A covenant running with the land to the effect that the property will be developed substantially in accordance with submitted plans was executed in December 2006 and is recorded in Official Record Book 25471, Pages 0935-0940. It should be noted that the previously approved non-use variance requests to permit the proposed office building setback 17.33' from the front (south) property line and setback 20.33' from the side street (west) property line and to permit a lot coverage of 42.5% were not utilized by the applicant since said proposed office building has yet to be constructed. The Zoning Code provides that if an application for change of zoning is approved, non-use variances and new uses not yet utilized shall terminate unless continued by the rezoning resolution.

Accordingly, the applicant is seeking a district boundary change from BU-1A, Limited Business District, and BU-2, Special Business District, to BU-2 (request #1). The applicant also seeks to modify a restrictive covenant running with the land to allow the applicant to submit new plans in order to include additional property to the east to be developed with a proposed 5-story retail and parking building (Building B) and to show a proposed 2-story retail and office building (Building A) in lieu of the previously approved

7-story office building on the southwest corner of the subject site (request #2). Additional requests to permit a proposed retail and parking building (Building B) setback 17' (27' required) from the front (south) property line (request #3), to permit a proposed retail and office building (Building A) setback 17.33' (20' required) from the front (south) property line (request #4), to permit an existing office building setback 17' (30' required, 17.33' previously approved) from the front (south) property line (request #5) and to permit a lot coverage of 42.5% (40% permitted, 42.5% previously approved on the existing BU-2 parcel) (request #6) are being sought.

Plans submitted by the applicant indicate a proposed two-story, "L" shaped office building sited in the southwest corner of the site to be constructed on what is currently serving as the parking area for the existing five-story office building, which is to remain, as well as a proposed five-story retail and parking building sited on the eastern portion of the subject site, where an existing one-story commercial building is currently located. A multitude of varying intensities of commercial activity and offices characterize this section of the corridor along the north and south sides of SW 24 Street (Coral Way). A two-story commercial property abuts the subject property to the west; one-story commercial properties abut the site to the east and south and two-story apartment buildings are located directly north of the subject property. However, it should be noted that in December 2007, the BU-2 zoned property to the south of the subject site was granted, among other requests, site plan approval for a proposed 4-story automobile dealership with a height of 44' when measured to the 4<sup>th</sup> parking level, pursuant to Resolution #CZAB10-77-07.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. This project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **6:18** minutes.

The rezoning of the property will allow the applicant to provide more intense business uses to the community than are currently permitted on the eastern portion of the subject site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, **commercial and professional offices**, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. As such the proposed zone change to BU-2 and the proposed office and retail uses on the site are **consistent** with the Business and Office LUP map designation of the Master Plan. Additionally, the interpretative text of the CDMP further includes that all existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section titled "Concepts and Limitations of the Land Use Plan Map." As such, the existing professional office use on the subject property and the current BU-1A zone classification on the eastern portion of the site are **consistent** with the LUP map designation and with the provisions found within the interpretative text of the CDMP. The

interpretative text of the CDMP further provides that in reviewing site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses. As previously mentioned, a multitude of varying intensities of commercial activity and offices characterize this section of the corridor along the north and south sides of SW 24 Street (Coral Way). Staff notes that the proposed office and retail buildings and parking for same are located within the Coral Way commercial corridor and that said commercial corridor is characterized by BU-1A and BU-2 zoned properties to the north of SW 24 Street and BU-2 and BU-3 zoned properties to the south of SW 24 Street. The site is neighbored to the north and along the north side of SW 24 Street to the east and west of the subject property with BU-1A zoning, and BU-2 zoning can be found across SW 24 Street to the south. Staff is of the opinion that the proposal has been designed with sensitivity to the adjacent discordant residential use to the north of the subject property, and notes that required buffering is reflected on the plans to mitigate any negative impact. Because currently there are two-story residential apartment buildings located to the north (sited on a BU-1A parcel), the applicant has provided buffering in the form of a landscape strip that varies in width from 5' to 20' and features Green Buttonwood trees to be planted at spacing of 35', and a 6' high hedge along a portion and a 6' high wall along the remaining portion of the rear (north) property line. The rezoning of the property will allow the applicant to unify the entire subject site as BU-2 zoning which would allow the applicant to provide more liberal commercial services to the community on that portion of the site currently zoned BU-1A. Staff notes that the requested BU-2 zoning is consistent with the Business and Office designation. However, the purpose for the requested zone change to BU-2 is to develop the site with a proposed five-story office building that would allow the structure to reach a height of 50'. The zone change eliminates the need for a variance of the height regulations that would have had to be sought for the proposed development under the BU-1A zoning designation as an alternative to the zone change, as the BU-1A zone only allows a height of 4 stories. However, since the applicant also seeks to modify a previously recorded covenant to allow for the submittal of new plans showing additional property to the east, staff recommends as a condition of the approval of the requested modification (request #2) that the applicant submit a revised covenant in lieu of unity of title restricting the development to the plans submitted in conjunction with this application. **Policy LU-1C** indicates that Miami-Dade County shall give priority to infill redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. Accordingly, staff notes that the subject property is situated at an optimal location within the Urban Infill Area (UIA) at the intersection of a section-line road (SW 24 Street) and half-section line road (SW 72 Avenue), and as such warrants, in staff's opinion, a more intense zoning designation such as the requested BU-2. Based on all of the above, staff opines that the proposed rezoning to BU-2 would be **consistent** with the Business and Office LUP map designation of the Master Plan and with the provisions found within the interpretative text of the CDMP and **compatible** with the surrounding area.

In addition to considering if an application, if approved, conforms to the CDMP, the Zoning Code requires that, when considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and

estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. Additionally, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The proposed BU-2 zoning district would provide an expansion to the office spaces provided at this location for the use and convenience of the community. This project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). The proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The location of the site at the intersection of two major thoroughfares provides for an optimal location for the proposal. Although staff acknowledges that most of the commercial properties along Coral Way between SW 62 Avenue and the Palmetto Expressway are currently developed with one and two-story buildings, it should be noted that most of these commercial properties are zoned BU-2, which allows unlimited height subject to compliance with floor area ratio, landscape open space, and lot coverage requirements. Moreover, as previously mentioned, in December 2007, the BU-2 zoned property to the south of the subject site was granted, among other requests, site plan approval for a proposed 4-story automobile dealership with a height of 44' when measured to the 4<sup>th</sup> parking level, pursuant to Resolution #CZAB10-77-07. In addition, as previously mentioned, in 2007 the western 2/3 of the subject site was granted, among other requests, a district boundary change from BU-1A to BU-2, pursuant Resolution #CZAB10-8-07 and staff notes that approval of the requested zone change on the subject site would expand the BU-2 zoning one parcel to the east bringing the BU-2 zoning in line with the existing BU-2 zoned property to the south of the subject site, across SW 24 Street. Staff is of the opinion that the approval of the requested district boundary change would not have an unfavorable effect on the surrounding area and would not be contrary to the public interest. Therefore, staff recommends approval of the district boundary change from BU-1A to BU-2.

When request #2 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed 2-story retail/office building in lieu of the previously approved 7-story office building as well as the proposed 5-story retail and parking building sited on the eastern portion of the subject site, in staff's opinion, will not adversely impact the surrounding area and will be **compatible** with same. When considering the necessity for and the reasonableness of the requested plan modification, staff is of the opinion that the approval this application will not have an unfavorable effect on the area, and will not be contrary to the public interest. Staff's review of both the previously approved plans and the newly submitted plans reveals that, overall, one of the main differences is the proposed 2-story retail/office building which consists of 14,159 sq. ft. where a proposed 7-story office building which consists of 23,017 sq. ft. was previously proposed. The other main difference between the newly submitted plans and the previously approved plans is the incorporation of an additional 18,565 sq. ft. of property located to the east, which is illustrated on the newly submitted plans to be improved with a proposed 5-story

16,618 sq. ft. retail and parking building. As such, staff acknowledges that while the height and square footage of the retail and office building (Building A) sited on the southwest corner of the site have been reduced, the submitted plans also depict a proposed 5-story retail and parking building (Building B) on the eastern portion of the site, which was not included in the previously approved plans. Notwithstanding the foregoing, staff's review of the newly submitted plans and the previously approved plans reveals that the design of the office and retail buildings and of the site preserves many aspects of urban design that were originally depicted on the previously approved plans, including articulated façades that are brought closer to the street and providing the parking area at the rear of the buildings hidden from view as well as proposed covered walkways along the facades of the three buildings. Additionally, staff's review of the submitted plans reveals that the applicant has provided a surplus of 2 parking spaces yielding a total of 306 where 304 parking spaces are required for the overall site, and that the applicant has also provided a landscape buffer that varies from 5' to 20' in width along the (rear) north property line that consists of Green Buttonwood trees and a hedge. As such, staff opines that the approval of request #2 would not be detrimental to the surrounding area and is **compatible** with same. As such, staff recommends approval with conditions of request #2 under the generalized modification standards.

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 modification or elimination standards are applicable to this application. Due to the lack of information staff is unable to analyze request #2 under said standards, and as such, this application should be denied without prejudice under same.

When requests #3 through #6 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. It should be noted that the eastern portion of the subject site is currently improved with an existing 1-story commercial building with surface parking areas located in front of and to the rear of said building. Request #3 to permit a proposed retail and parking building setback 17' (27' required) from the front (south) property line would allow the applicant to redevelop the eastern portion of the site with a new 5-story 16,618 sq. ft. retail and parking building. As previously mentioned, the design of the proposed 5-story retail and parking building incorporates many aspects of urban design, including an articulated façade that is brought closer to the street and providing the parking area at the rear of the building hidden from view within a connected parking garage. Moreover, it should be noted that the submitted plan illustrates a proposed colonnade along the front façade of the building which will improve the aesthetics of the façade while encroaching into the front setback and will provide shelter to pedestrians from the elements thereby promoting pedestrian activity along SW 24 Street. Additionally, staff notes that the approval of the requested 17' setback from the front (south) property line for the proposed retail and parking building (Building B) will allow the applicant to align the proposed colonnade for Building B with the proposed colonnade for the existing 5-story office building located towards the center of the site.

Furthermore, staff notes that the applicant has provided abundant landscaping along the front (south) property line in the form of Royal Palms, Live Oak trees, and Ixora 'Nora Grant' shrubbery, among others, in an effort to mitigate any visual impact resulting from the requested encroachment into the front setback area. As previously mentioned, in 2007 the western portion of the subject property was granted among other requests, a request to permit a proposed 7-story office building setback 17.33' from the front (south) property line and setback 20.33' (34.1' required for both) from the side street (west) property line, pursuant to Resolution #CZAB10-8-07. Staff notes that the Zoning Code provides that if an application for change of zoning is approved, non-use variances and new uses not yet utilized shall terminate unless continued by the rezoning resolution and that the previously approved 7-story office building has not been built. As such the applicant is requesting to permit a proposed retail and office building setback 17.33' (20' required) from the front (south) property line (request #4) in order to develop the western portion of the subject property with a new two-story 14,159 square foot retail and office building. The proposed retail and office building (Building A) has been designed with a central tower acting as not only a focal point of the structure but also as the hinge that links the two wings of retail and office space, one aligned on the north-south axis facing SW 72 Avenue and the other aligned on the east-west axis facing SW 24 Street. Furthermore, the applicant has provided surface parking towards the rear of the structure hidden from view by pedestrians and motorists traveling along SW 24 Street (Coral Way) thereby creating a more aesthetically pleasing frontage along SW 24 Street.

Request #5, to permit an existing office building setback 17' (30' required, 17.33' previously approved) from the front (south) property line, will allow the applicant to create an 11.66' wide colonnade along the front façade of the existing office building which will improve the aesthetics of the façade while encroaching into the front setback. Staff acknowledges that the plans previously approved in 2007 pursuant to Resolution #CZAB10-8-07, depict the existing 5-story office building with a proposed colonnade setback 17.33' from the front (south) property line but opines that the requested additional encroachment of 4" into the front setback area is minor and will allow the applicant to align the colonnade of the existing 5-story office building with the colonnade of the proposed 5-story retail and parking building sited on the eastern portion of the property. Moreover, staff opines that the design has been executed in a way that promotes a more pedestrian friendly corridor and helps to further define the street. Streets are the most common public spaces, and one of the paramount principals of proper urban design is the control of street space. With that in mind, the existing five-story office building will be setback 17' from the front property line and provides a 16.16' landscape buffer along the south property line. Conversely, the proposed 5-story retail and parking building is setback 17' from the front property line and also provides a 16.16' landscape strip. Moreover, the proposed 2-story retail and office building setback 17.33' from the front property line also provides a 13.66' landscape buffer along the front (south) property line. Staff opines that the alignment of the building façades facilitates the creation of the public street space and a continuous visual corridor. Accordingly staff is of the opinion that the submitted plans further extend the creation of a uniform streetscape and relationship between the existing and proposed retail, office, and parking buildings through the design solution of a two-story colonnade that is incorporated into the facades of all three buildings. Staff notes that the introduction of the two-story colonnade along the existing office building's front (south) façade provides an architectural embellishment to the outdated, rather unremarkable style of the existing building. As such, the placement of the buildings closer to the street, SW 24 Street, and the parking located interior to the site

is supported by staff for its adherence to the basic guidelines of urban design form, and proposes to transform the corridor into one of the more attractive thoroughfares in the community through the future implementation of landscaping, decorative lighting, sidewalks, and building placement.

As previously mentioned, in 2007, the western portion of the subject property was granted among other requests, a request to permit a lot coverage of 42.52% (40% permitted), pursuant to Resolution #CZAB10-8-07. However, staff notes that said variance request of lot coverage requirements has yet to be utilized by the applicant on the BU-2 zoned portion of the site and the applicant seeks to extend the previously approved lot coverage allowance to encompass the eastern portion of the site. Accordingly, the applicant seeks to permit a lot coverage of 42.5% (40% permitted) (request #6) on the subject site. Based on the proposed configuration of the new retail and office buildings with the parking located in the rear of the structures, staff opines that the 2.5% increase in lot coverage is warranted through the applicant's efficient use of the site and incorporation of sound urban design principles. Staff acknowledges that the applicant has provided abundant landscaping and buffering along the west and south property lines in the form of Royal Palms, Live Oak trees, and Ixora 'Nora Grant' shrubbery, among others, in an effort to mitigate any visual impact of the lot coverage from the adjacent roadways. Additionally, it should be noted that said landscaping contributes to the beautification of the roadway, and coupled with the colonnades provided by the applicant, creates a pedestrian scale on the walkway along the busy thoroughfare. As such, staff recommends approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application that can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, requests #3 through #6 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 through #6 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, the property can be developed in accordance with the existing zoning regulations and with prior zoning approvals. Therefore, since the applicant has not proven that compliance with same would result in an unnecessary hardship, requests #3 through #6 cannot be approved under the ANUV Standards, and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that the application is **consistent** with the LUP map designation of the CDMP, and that the applicant's proposed utilization of the site as illustrated on the submitted plans is **compatible** with the surrounding area. Accordingly, staff recommends approval of request #1; approval with conditions of request #2 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17)

(Modification or Elimination of Conditions or Covenants After Public Hearing); approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

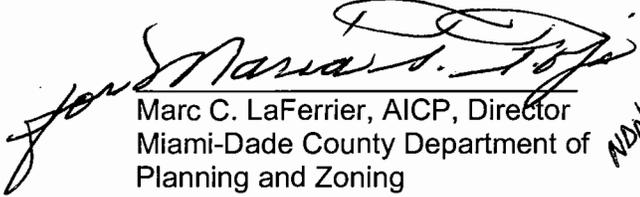
**I. RECOMMENDATION:**

Approval of request #1; approval with conditions of request #2 under Section 33-311(A)(7) and denial without prejudice under Section 33-311(A)(17); approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #3 through #6 under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

**J. CONDITIONS:** For requests #2 through #6 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Retail/Office Building & New Retail Parking Garage Gables Gate Professional Building," as prepared by Behar, Font and Partner's, P. A., dated stamped received 8/21/08 and consisting of 10 sheets.
3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
4. That the use be established and maintained in accordance with the approved plan.
5. That a revised Covenant Running with the Land in Lieu of Unity of Title be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.
6. That a revised Declaration of Restrictions be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

**DATE INSPECTED:** 04/01/08  
**DATE TYPED:** 10/27/08  
**DATE REVISED:** 10/30/08; 11/05/08; 11/21/08  
**DATE FINALIZED:** 11/21/08  
MCL:MTF:LVT:JV:NC

  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of Planning and Zoning *MDW*

# Memorandum



**Date:** September 10, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

**Subject:** C-10 #Z2008000029-Revised  
Fountain International Investment, Inc.  
7101 S.W. 24<sup>th</sup> Street  
District Boundary Change from BU-1A to BU-2 and Modification of  
Resolution CZAB 10-8-07 to Permit a New Site Plan  
(BU-1A) (2.33 Acres)  
11-54-40

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.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the drainage system of the proposed development. This permit must be obtained prior to Final Plat approval and prior to Public Works approval of paving and drainage plans. The applicant is advised to contact DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Pollution Remediation

The applicant is advised that there are records of petroleum contamination assessment or remediation issues abutting the subject property to the east, Marchan Chevron Station, 7085 S.W. 24<sup>th</sup> Street, UT-523/F-7239. The contaminated site is in a state funded program awaiting allocation of funds for cleanup.

#### Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form and the asbestos survey must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

### Wetlands

The subject property does not contain jurisdictional wetlands, as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

### Tree Preservation

Tree Removal Permit 2008-TREE-PER-00310 was issued for the subject property to Fountain International Investments Inc. on July 11, 2008 and is scheduled to expire on July 11, 2009. This permit requires the preservation of specimen-sized (trunk diameter 18 inches or greater) trees as identified in DERM-approved permitted site plans. The site plans submitted with this application are in accordance with the permitted site plans; therefore, DERM has no objection to the proposed development.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to the existing tree removal permit shall be required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

### Concurrency Review Summary

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: FOUNTAIN INTERNATIONAL INVESTMENTS, INC. & AARON  
VENTURES I, LLC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This project meets traffic concurrency because it lies within the  
urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

29-JUL-08



# Memorandum

**Date:** 14-OCT-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000029

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated May 1, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped August 21, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2008000029 located at 7101 & 7171 S.W. 24 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1443 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>14,431</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>20,539</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 9.25 alarms-annually. The estimated average travel time is: 6:18 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be: Station 40 - West Miami - 975 SW 62 Avenue. Rescue, ALS 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 plans date stamped March 4, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO TAMIAMI OFFICE

## ENFORCEMENT HISTORY

FOUNTAIN INTERNATIONAL  
INVESTMENTS, INC. & AARON  
VENTURES I, LLC

7101 & 7171 S.W. 24  
STREET, MIAMI

---

**APPLICANT**

---

**ADDRESS**

---

12/02/2008

---

Z2008000029

**DATE**

**HEARING NUMBER**

No open cases. No current violations. No prior violations.

**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: FOUNTAIN INTERNATIONAL INVESTMENTS, INC.

NAME AND ADDRESS	Percentage of Stock
<u>THE REVOCABLE LIVING TRUST OF</u>	<u>100%</u>
<u>HELDA M. OSORNO</u>	
<u>7171 CORAL WAY, SUITE 104</u>	
<u>MIAMI, FLORIDA 33155</u>	

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

TRUST/ESTATE NAME: THE REVOCABLE LIVING TRUST OF HELDA M. OSORNO

NAME AND ADDRESS	Percentage of Interest
<u>HELDA M. OSORNO</u>	<u>100%</u>
<u>1905 BRICKELL AVENUE D-508</u>	
<u>MIAMI, FLORIDA 33129</u>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS	Percent of Ownership

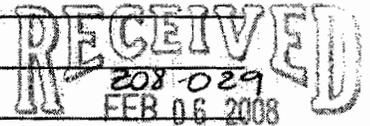
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208-029  
FEB 06 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

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: \_\_\_\_\_

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

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

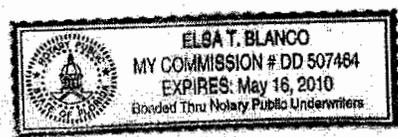

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Adrian M. Rosendo*  
(Applicant)

Sworn to and subscribed before me this 4 day of January 2009. Affiant is personally know to me or has produced Driver's license as identification.

*Elsa T. Blanco*  
(Notary Public)



My commission expires: May 16, 2010

Seal

\*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.

**PROPOSED RETAIL / OFFICE BUILDING**  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171 CORAL WAY  
 MIAMI, FLORIDA



**INDEX OF DRAWINGS**

- COVER
- SURVEY
- A-0.1 ZONING INFORMATION SHEET
- A-0.2 FLOOR PLANS
- A-1.0 OVERALL SITE PLAN
- A-1.1 OVERALL SECOND FLOOR PLAN
- A-1.2 TYPICAL PARKING LEVEL (3RD, 4TH, 5TH)
- A-1.3 OVERALL ROOF PLAN
- A-2.0 OVERALL FRONT AND LEFT ELEVATIONS
- A-2.1 OVERALL REAR AND RIGHT ELEVATIONS
- L-1.0 LANDSCAPED PLAN

ARCHITECT

B E H A R K • F O N T & P A R T N E R S, P . A .

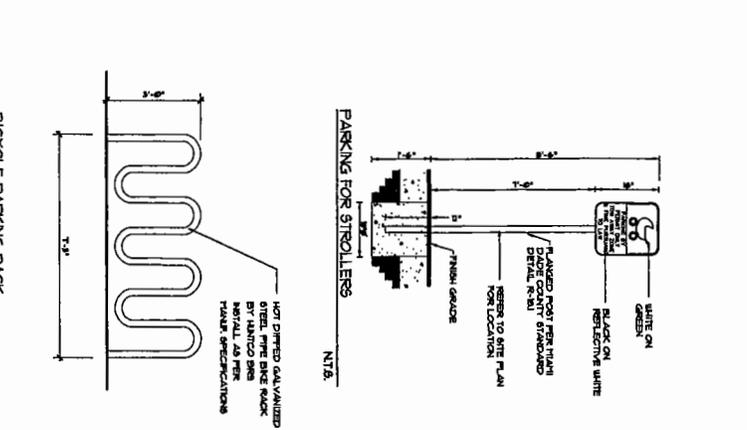
4333 PONDICIE BOULEVARD  
 CORAL GABLES, FLORIDA 33146  
 TEL: (305) 442-5442  
 FAX: (305) 442-5444  
 DATE: AUGUST 18, 2008  
 PROJECT #05-071

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 91

LEGAL DESCRIPTION	
LEGAL DESCRIPTION	ALL OF TRACT 1, LOTS 1 AND 2, AND THE REMAINING UNIMPROVED PORTION OF A PORTION OF A PORTION OF A PORTION OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
ZONING INFORMATION	
RECALLED MAPS	GABLES GATE PROFESSIONAL BUILDING
PROPERTY ADDRESS	7171 CORAL WAY
TOTAL FLOOR AREA	624,000 SQ. FT.
NET LOT AREA	2,100 SQ. FT. (210,000 SQ. FT.)
FORMER BUILDING	RECALLED MAPS
BUILDING COVERAGE	
LOT COVERAGE (MAX)	40,000 SQ. FT.

LANDSCAPE AREA	
AREA BOUNDING BUILDING, EXCEPT AS SHOWN	AS PER LANDSCAPE ARCHITECT'S REPORT
AREA BOUNDING BUILDING A	AS PER LANDSCAPE ARCHITECT'S REPORT
AREA BOUNDING BUILDING B	AS PER LANDSCAPE ARCHITECT'S REPORT
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NUMBER OF TREES - 4" DIA.	44
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FLOOR AREA RATIO	ALLOWED HEIGHT	PROPOSED HEIGHT
FIRST FLOOR - 6,000	60'0"	60'0"
2ND THROUGH 5TH FLOOR - 60' x 4'	60'0"	44'0"
NEW BUILDING A	44'0"	44'0"
NEW BUILDING B	44'0"	44'0"
NEW BUILDING C	44'0"	44'0"
NEW BUILDING D	44'0"	44'0"
NEW BUILDING E	44'0"	44'0"
NEW BUILDING F	44'0"	44'0"
NEW BUILDING G	44'0"	44'0"
NEW BUILDING H	44'0"	44'0"
NEW BUILDING I	44'0"	44'0"
NEW BUILDING J	44'0"	44'0"
NEW BUILDING K	44'0"	44'0"
NEW BUILDING L	44'0"	44'0"
NEW BUILDING M	44'0"	44'0"
NEW BUILDING N	44'0"	44'0"
NEW BUILDING O	44'0"	44'0"
NEW BUILDING P	44'0"	44'0"
NEW BUILDING Q	44'0"	44'0"
NEW BUILDING R	44'0"	44'0"
NEW BUILDING S	44'0"	44'0"
NEW BUILDING T	44'0"	44'0"
NEW BUILDING U	44'0"	44'0"
NEW BUILDING V	44'0"	44'0"
NEW BUILDING W	44'0"	44'0"
NEW BUILDING X	44'0"	44'0"
NEW BUILDING Y	44'0"	44'0"
NEW BUILDING Z	44'0"	44'0"
TOTAL FLOOR AREA	624,000 SQ. FT.	624,000 SQ. FT.

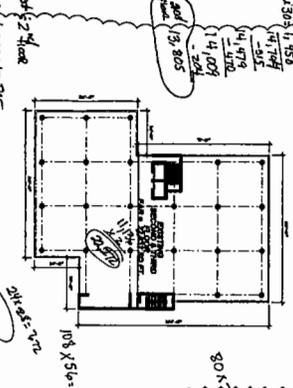
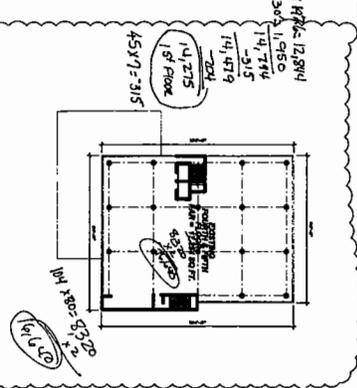
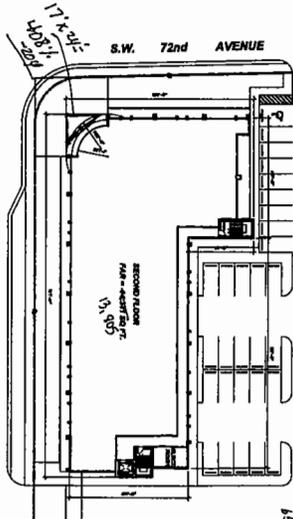
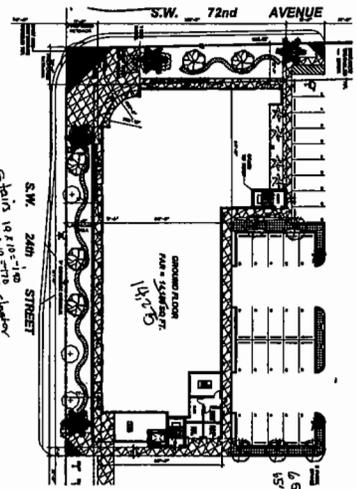


**BEHAR · FONT & PARTNERS · P · A ·**

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171 CORAL WAY  
 MIAMI, FL 33155

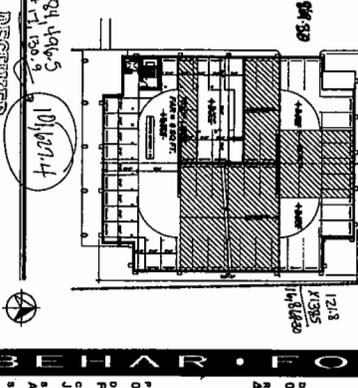
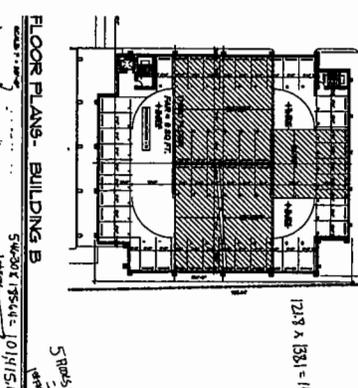
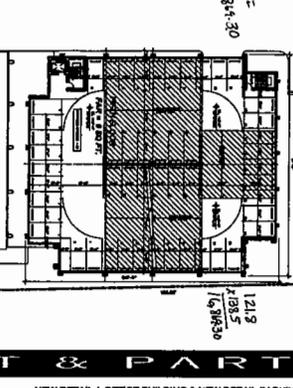
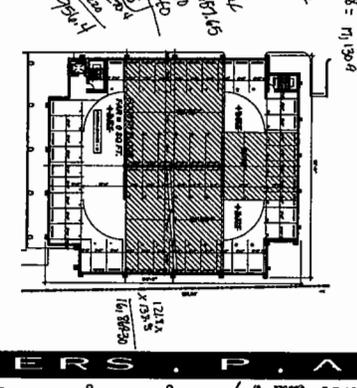
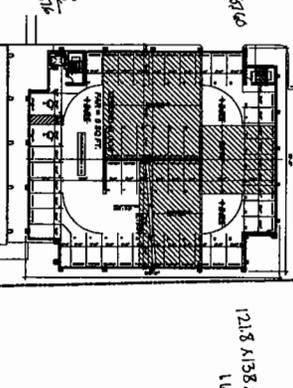
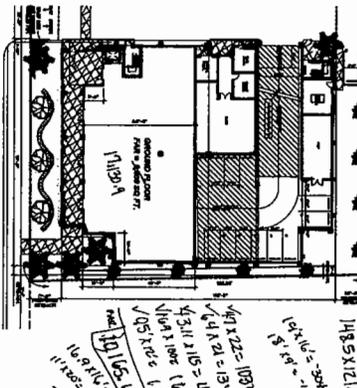
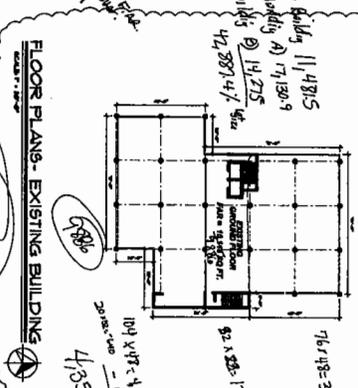
ARCHITECTURE  
 PLANNING  
 INTERIORS

CONSULTANT:  
 DATE: 01/10/08  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO. 06-071  
 SHEET NO. A-01

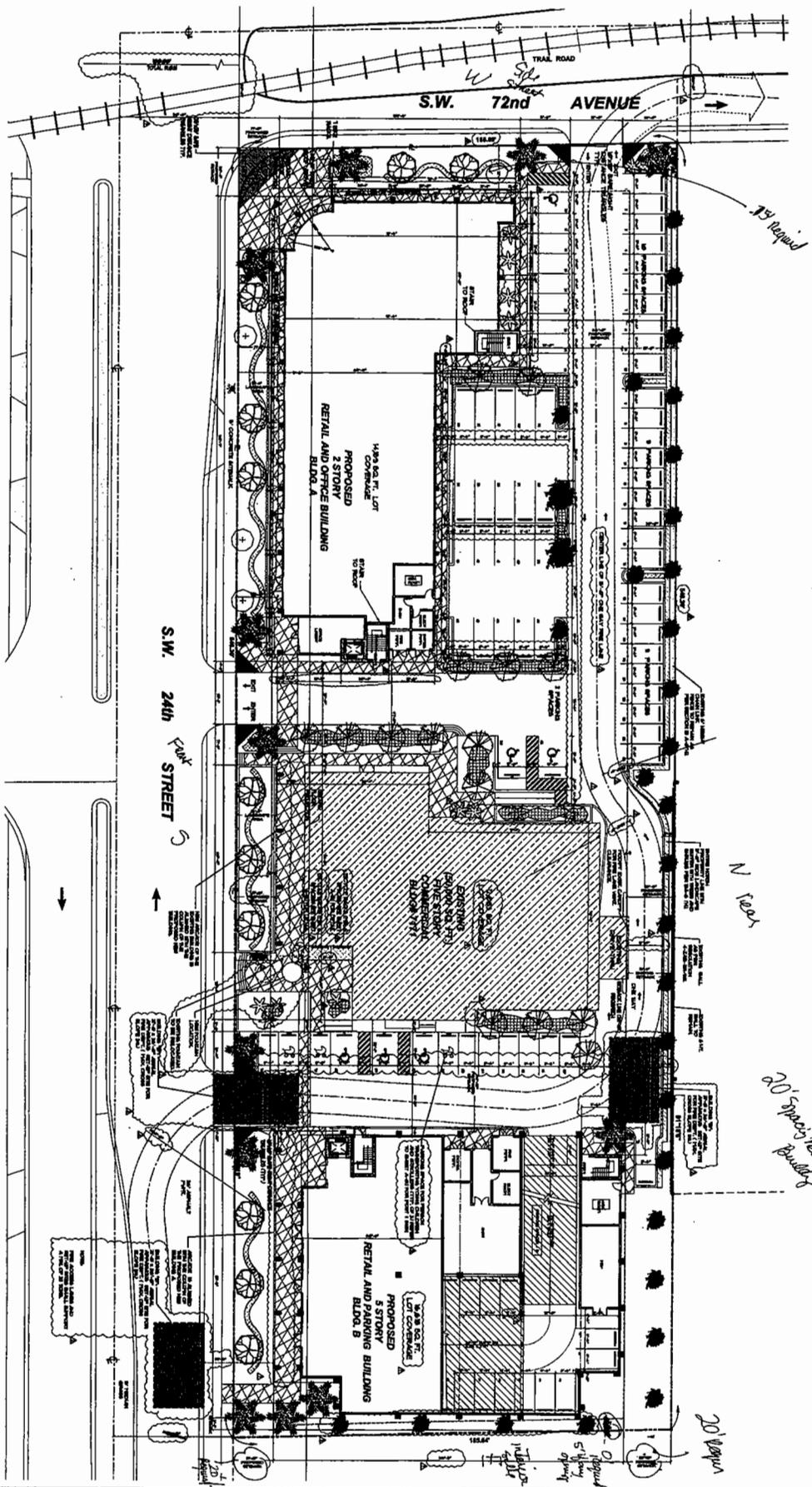


**FLOOR PLANS - BUILDING A**

FLOOR AREA RATIO	PROPOSED NUMBER
MIN BUILDING A	14,485
MIN BUILDING B	14,485
MIN BUILDING C	14,485
MIN BUILDING D	14,485
MIN BUILDING E	14,485
MIN BUILDING F	14,485
MIN BUILDING G	14,485
MIN BUILDING H	14,485
MIN BUILDING I	14,485
MIN BUILDING J	14,485
MIN BUILDING K	14,485
MIN BUILDING L	14,485
MIN BUILDING M	14,485
MIN BUILDING N	14,485
MIN BUILDING O	14,485
MIN BUILDING P	14,485
MIN BUILDING Q	14,485
MIN BUILDING R	14,485
MIN BUILDING S	14,485
MIN BUILDING T	14,485
MIN BUILDING U	14,485
MIN BUILDING V	14,485
MIN BUILDING W	14,485
MIN BUILDING X	14,485
MIN BUILDING Y	14,485
MIN BUILDING Z	14,485
TOTAL FLOOR	14,485



RECEIVED  
 10/14/15  
 4/22/19 - 10/14/15 12:40:37  
 10/14/15



**OVERALL SITE PLAN**  
 SCALE: 1/8" = 1'-0"  
 PREPARED BY: [Logo]  
 CHECKED BY: [Logo]

**RECEIVED**  
 MARCH 11 2008  
 MICHIGAN DEPARTMENT OF STATE  
 LAND RECORDS DIVISION

**BEHAR, FONT & PARTNERS, P.A.**

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171 CORAL WAY  
 MIAMI, FL 33155

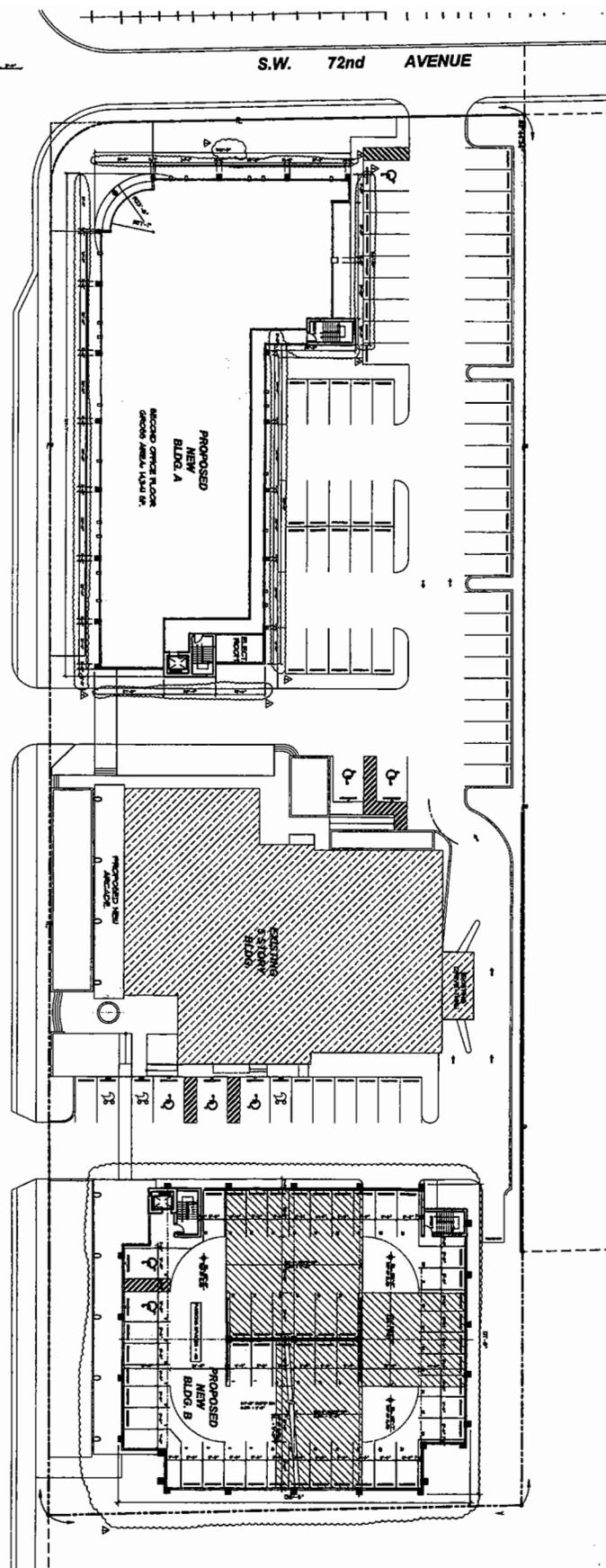
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 100. AS SHOWN

PROJECT NO. 06-071  
 DRAWN BY: F.C./K.B.  
 CHECKED BY: J.F.  
 SCALE: AS SHOWN  
 SHEET NO. A-10  
 OF 11

CONSULTANT:  
 OWNER: [Signature]  
 DATE: 12/28/07  
 TIME: 12:00 PM  
 PHONE: (305) 742-2444  
 FAX: (305) 742-2444  
 WEBSITE: www.beharfont.com

ARCHITECTURE  
 PLANNING  
 INTERIORS

33



**OVERALL SECOND PLAN**  
 SCALE: 1/8" = 1'-0"  
 DATE: 01-22-08

DATE: 01-22-08  
 PROJECT: GABLES GATE PROFESSIONAL BUILDING  
 SHEET NO. A-1

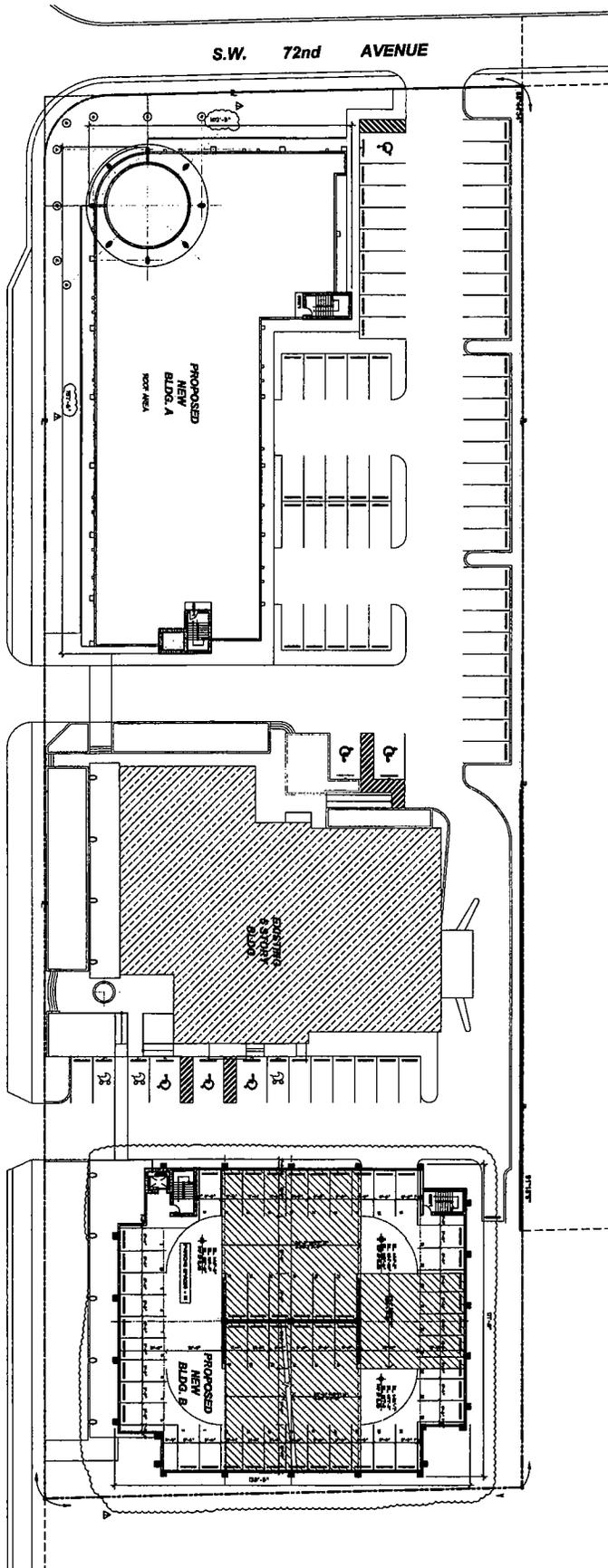
**BEHAR • FONT & PARTNERS • P. A.**

ARCHITECTURE  
 PLANNING  
 INTERIORS

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171, CORAL WAY  
 MIAMI, FL 33155

DATE: 01-22-08  
 REVISIONS:  
 PROJECT NO. 06-071  
 DRAWN BY: F.C./K.B.  
 CHECKED BY: J.T.  
 SCALE: AS SHOWN  
 SHEET NO. A-1

CONSULTANT:  
 OWNER: *[Signature]*



TYPICAL PARKING LEVEL (3rd, 4th, 5th)

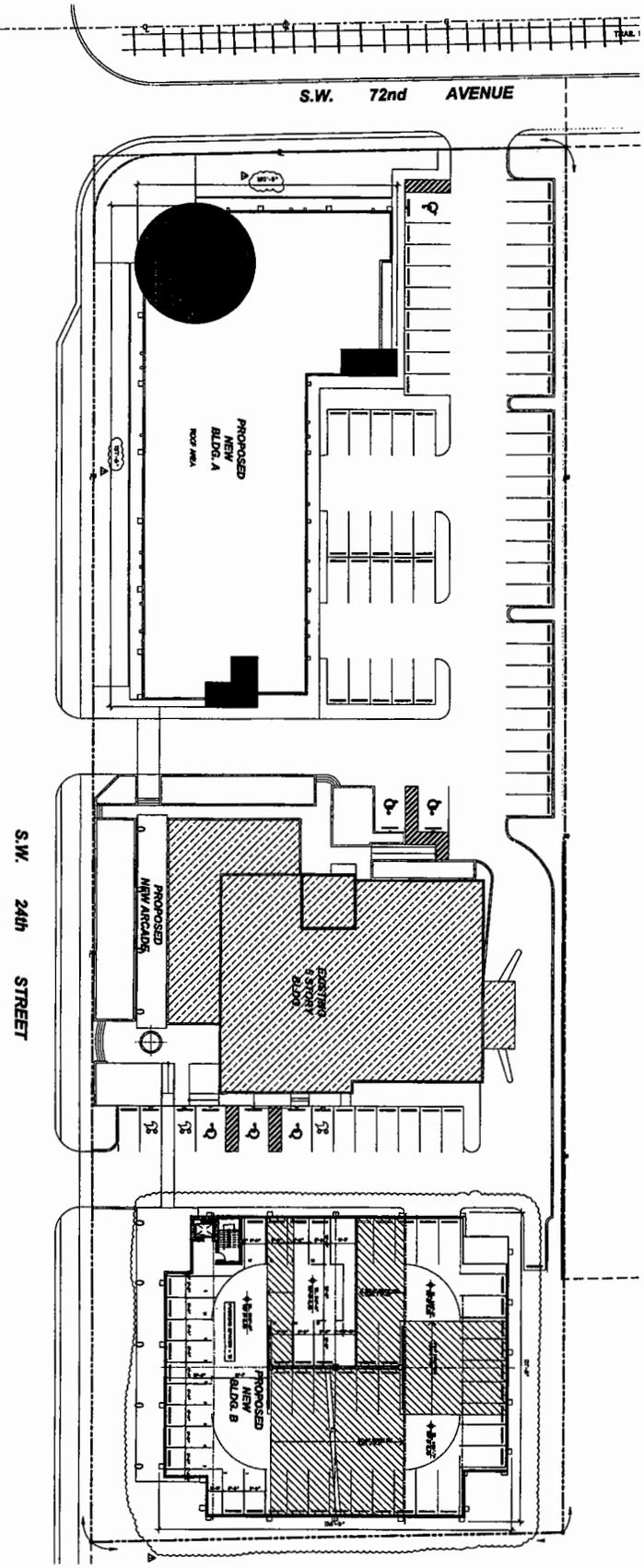
SCALE: 1/8" = 1'-0"

BEHAR, FONT & PARTNERS, P.A.  
 ARCHITECTS  
 1100 BAYVIEW BLVD., SUITE 100  
 MIAMI, FL 33134  
 TEL: (305) 371-1100  
 FAX: (305) 371-1101  
 WWW: WWW.BFHARCHITECTS.COM

ARCHITECTURE: BEHAR, FONT & PARTNERS, P.A.  
 PLANNING: BEHAR, FONT & PARTNERS, P.A.  
 INTERIORS: BEHAR, FONT & PARTNERS, P.A.  
 CONSULTANT: [Signature]  
 DATE: 01-22-08  
 REVISIONS: [None]  
 PROJECT NO: 05-071  
 DRAWN BY: [None]  
 F.C./K.B.: [None]  
 CHECKED BY: [None]  
 SCALE: AS SHOWN  
 SHEET NO: A-12 F3  
 OF

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171, CORAL WAY  
 MIAMI, FL 33155

35



**OVERALL ROOF PLAN**

SCALE: 1/8" = 1'-0"  
 2ND FLOOR OVERLAP AND SPACES

DATE: 01/25/08  
 DRAWN BY: F.C./K.B.  
 CHECKED BY: J.F.

PROJECT NO. 06-071  
 DRAWN BY: F.C./K.B.  
 CHECKED BY: J.F.  
 SCALE: AS SHOWN  
 SHEET NO. A-13  
 OF

**BEHAR • FONT & PARTNERS . P . A .**

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
 7171, CORAL WAY  
 MIAMI, FL 33155

CONSULTANT:

OWNER: *Handwritten signature*

SCALE: 1/8" = 1'-0"

DATE: 01/25/08  
 DRAWN BY: F.C./K.B.  
 CHECKED BY: J.F.

ARCHITECTURE  
 PLANNING  
 INTERIORS

ARCHITECTURE  
PLANNING  
INTERIORS

4000 South Dixie Highway  
Suite 200  
Miami, FL 33133  
Tel: (305) 764-4444  
Fax: (305) 764-4445  
www.bfp.com

SEAL  
OWNER  
DATE: 01/18/08  
141219

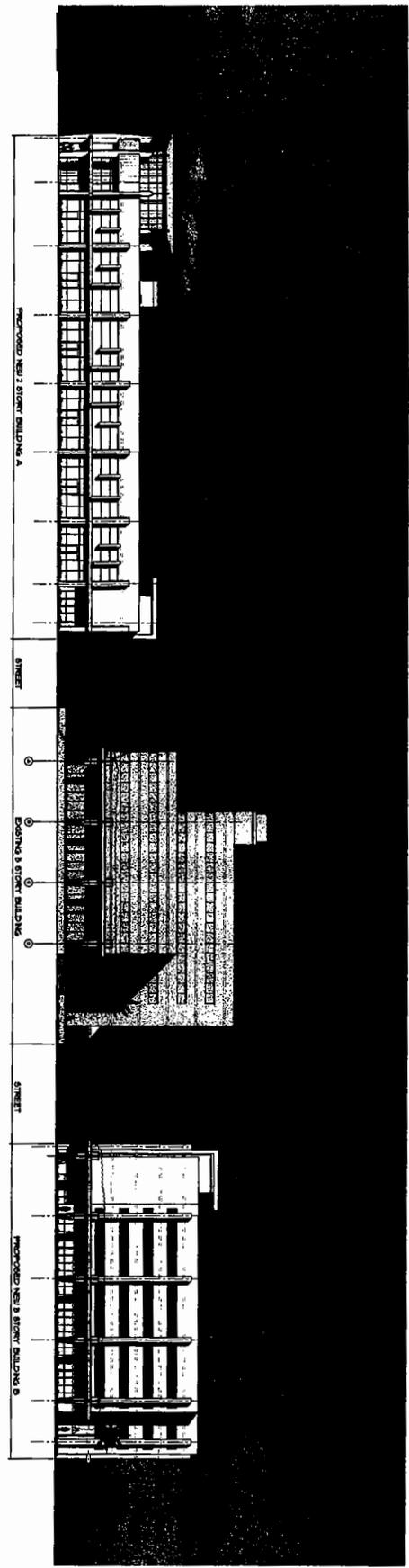
CONSULTANT:

NEW RETAIL / OFFICE BUILDING & NEW RETAIL PARKING GARAGE  
**GABLES GATE PROFESSIONAL BUILDING**  
7171. CORAL WAY  
MIAMI, FL 33155

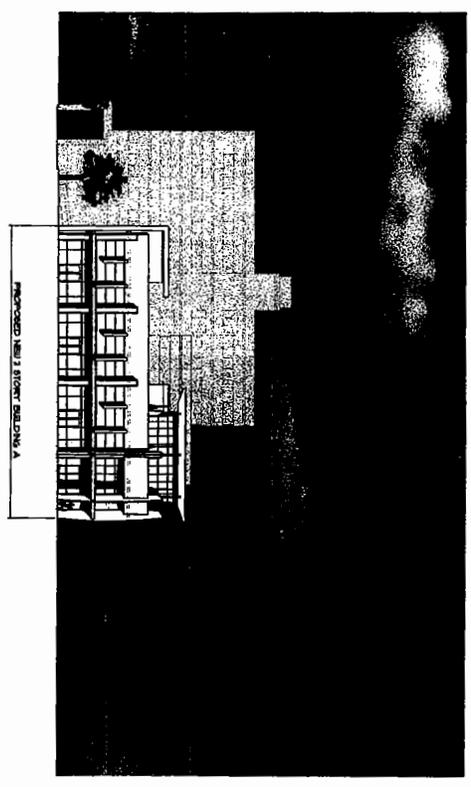
DATE: 01-22-08  
REVISIONS:  
DATE: 01-22-08  
BY: J.F.

PROJECT NO: 05-071  
DRAWN BY: F.C./K.B.  
CHECKED BY: J.F.

SCALE: AS SHOWN  
SHEET NO: A-20  
OF: E1



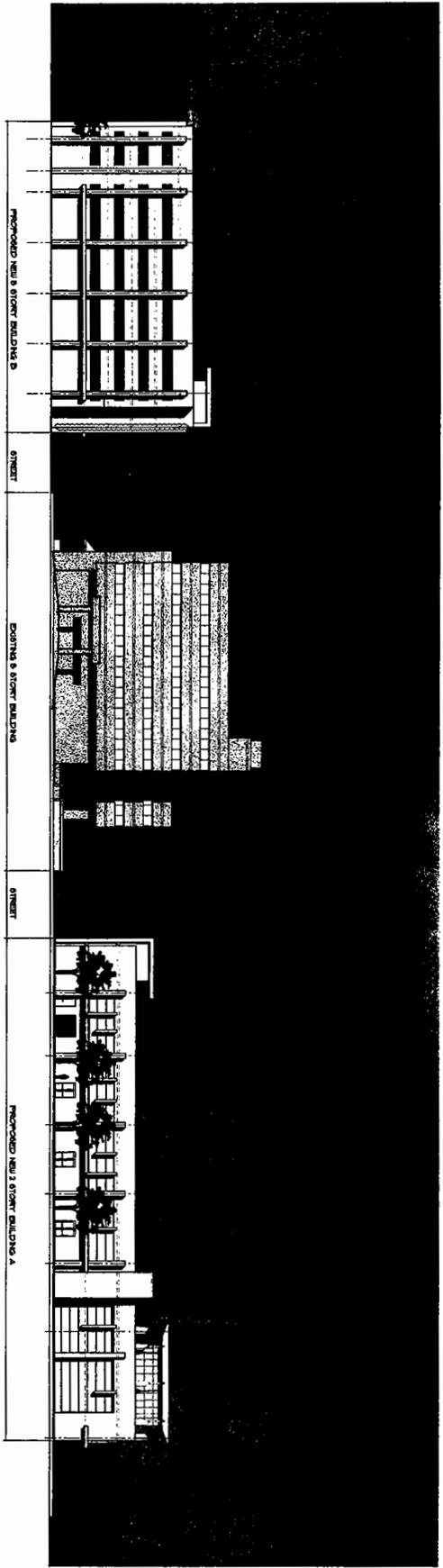
OVERALL FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



OVERALL LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

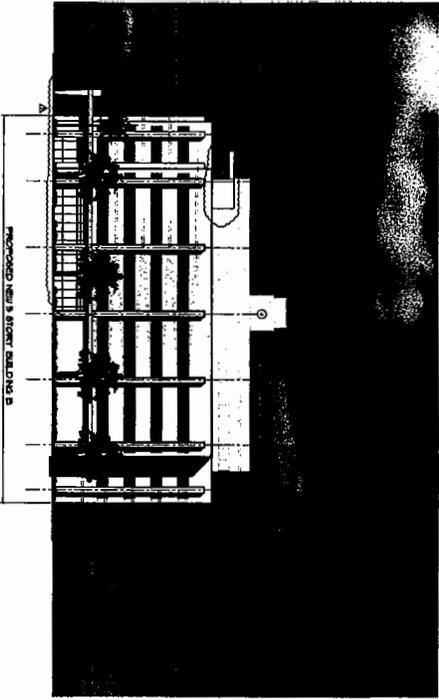
DATE: 01-22-08  
BY: J.F.

RECEIVED  
01-21-08  
J.F.



**OVERALL REAR ELEVATION**

SCALE: 1/8" = 1'-0"



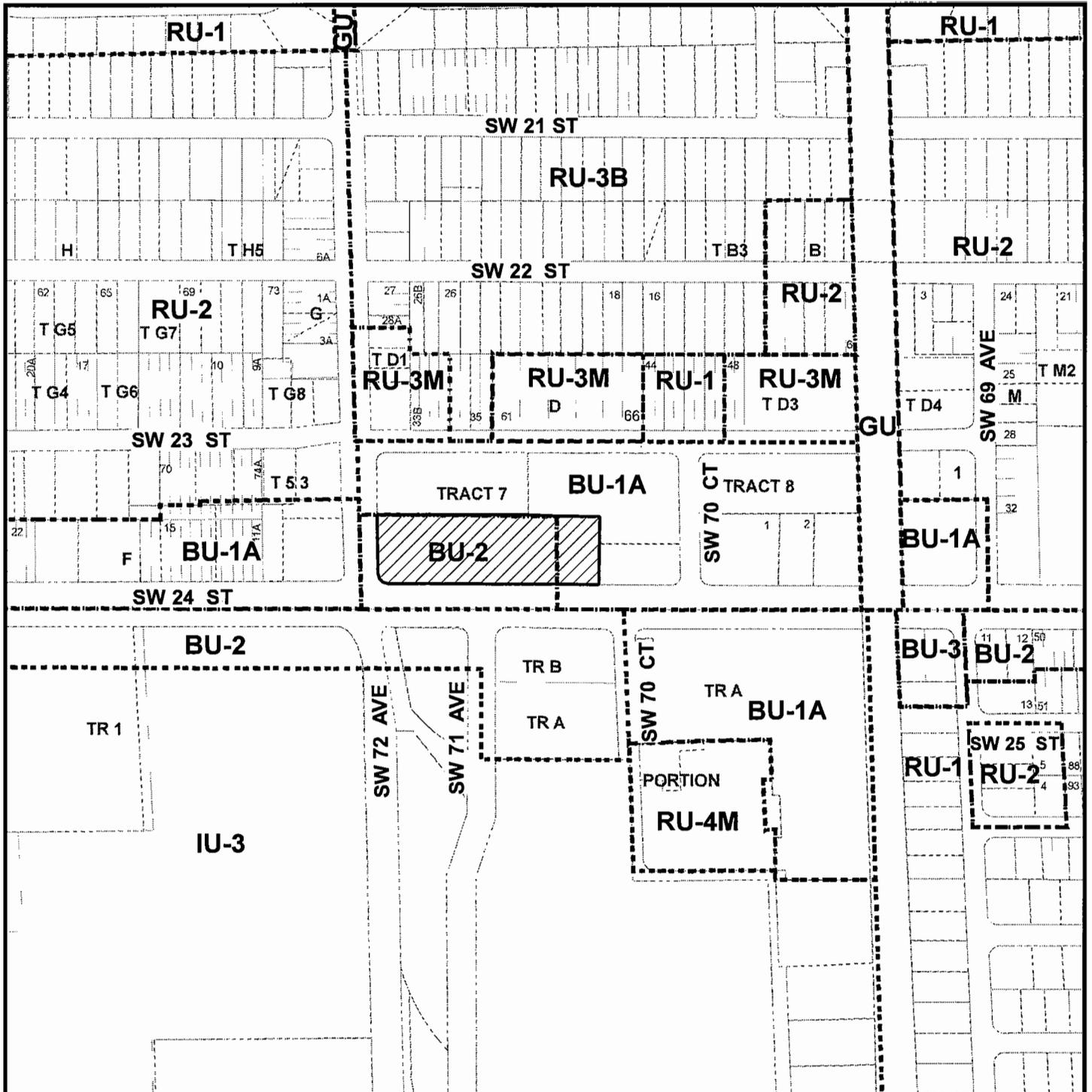
**OVERALL RIGHT ELEVATION**

SCALE: 1/8" = 1'-0"

THIS PLAN AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF BEHAR-FONT & PARTNERS, P.A. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHAR-FONT & PARTNERS, P.A.

**RECEIVED**  
 AUG 11 2008  
 BEHAR-FONT & PARTNERS, P.A.  
 7171 CORAL WAY  
 MIAMI, FL 33156



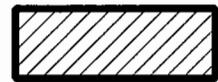


**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-029**



Section: 11 Township: 54 Range: 40  
 Applicant: FOUNTAIN INTERNATIONAL INVESTMENT  
 Zoning Board: C10  
 District Number: 06  
 Drafter ID: KEELING  
 Scale: NTS



**SUBJECT PROPERTY**



REVISION	DATE	BY

40



**MIAMI-DADE COUNTY  
AERIAL**

Process Number  
**08-029**

Section: 11 Township: 54 Range: 40  
 Applicant: FOUNTAIN INTERNATIONAL INVESTMENT  
 Zoning Board: C10  
 District Number: 06  
 Drafter ID: KEELING  
 Scale: NTS



**SUBJECT PROPERTY**



REVISION	DATE	BY

DEC 03 2008

CZAB 10 ——— December 11, 2008

Item #1 ——— 08-029

Fountain International Investments, INC.

This instrument was prepared by:

Jeffrey M. Flanagan, Esq.  
Flanagan & Williard, P.A.  
1450 Madruga Avenue  
Suite 407  
Coral Gables, Florida 33146  
305.444.1500

Part 1

(Space reserved for Clerk)

**MODIFICATION OF 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 hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 08-29 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That the "Controlling Site Plan" paragraph contained in that certain Declaration of Restrictions dated December 6, 2006 and recorded March 22, 2007 in Official Records Book 25471 at Page 0935 of the Public Records of Miami-Dade County, Florida is hereby deleted in its entirety and replaced with the following:

**"Controlling Site Plan.** That the use be established and maintained in accordance with the approved plan submitted for hearing entitled 'New Retail/Office Building & New Retail Parking Garage Gables Gate Professional Building,' as prepared by Behar Font and Partners, P.A., dated stamped received 8/21/08 and consisting of 10 sheets."

**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

Section-Township-Range: 11-54-40  
Folio numbers:

(Public Hearing 08-29)

*Williard*

(Space reserved for Clerk)

as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns,

acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

**Modification, Amendment, Release.** This Declaration 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, whichever by law has jurisdiction over such matters, after public hearing.

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

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

*SMO*

(Space reserved for Clerk)

addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

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

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

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

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

(Space reserved for Clerk)

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Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

*Handwritten initials*

(Space reserved for Clerk)

Acknowledged and witnessed this 01 day of December 2008.

Witnessed:  
[Signature]  
Print Name:  
Rene Porto  
Print Name:

Fountain International Investments, Inc.  
By: [Signature]  
Print Name: Helda M. Osorno  
Title: President / owner

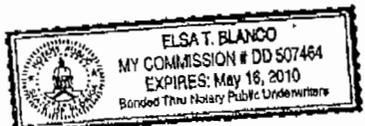
Arnaldo Villada  
Print Name:  
[Signature]  
Print Name:

Miami-Dade County, a political  
subdivision of the State of Florida  
By: \_\_\_\_\_  
Print Name:  
Title:

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 1st day of December, 2008 by Helda M. Osorno as owner of Fountain International Investments, Inc. who is personally known to me or who has produced DRIVER'S license as identification.

My commission expires:



[Signature]  
Notary Public  
State of Florida at large

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 1 day of \_\_\_\_\_, 2008 by \_\_\_\_\_ as \_\_\_\_\_ of Miami-Dade County, Florida who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires: \_\_\_\_\_

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

**JOINDER BY MORTGAGEE**

The undersigned, Total Bank, a Florida banking corporation, and Mortgagee under that certain mortgage from Fountain International Investments, Inc., a Florida Corporation, dated the 11<sup>th</sup> day of April 2008 and recorded in Official Records Book 26323, Page 3043 of the Public Records of Miami-Dade County, Florida, and covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and it's successors in title.

IN WITNESS WHEREOF, these presents have been executed this 14<sup>th</sup> day of November, 2008.

**Witnesses:**

*Chantal Tacebranche*  
Signature

CHANTAL TACEBRANCHE  
Print Name

*Araceli Cardet*  
Print Name: ARACELI CARDET  
Title: VICE PRESIDENT  
Address: 2720 CORAL WAY  
MIAMI, FL 33145

*Helena E. Del Valle*  
Signature

HELENA E. DEL VALLE  
Print Name

**STATE OF FLORIDA**

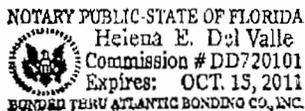
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by ARACELI CARDET, as VICE PRESIDENT of Total Bank, a Florida banking corporation. She/he is personally known to me or has produced N/A, as identification.

Witness my signature and official seal this 14<sup>th</sup> day of NOVEMBER 2008, in the County and State aforesaid.

My commission expires:

*Helena E. Del Valle*  
Notary Public-State of Florida  
HELENA E. DEL VALLE  
Print Name



(Public Hearing 08-29)

(Space reserved for Clerk)

Notary Public  
State of Florida at large

**JOINDER BY MORTGAGEE**

The undersigned, Administrator of the Small Business Administration, An Agency of the Government of the United States of America and Mortgagee under that certain mortgage from Fountain International Investments, Inc., a Florida Corporation, dated the 14<sup>th</sup> day of September 2006 and recorded in Official Records Book 24945, Page 3128 of the Public Records of Miami-Dade County, Florida, and covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and it's successors in title.

IN WITNESS WHEREOF, these presents have been executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Witnesses:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address:

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_ on behalf of the U.S. Small Business Administration. She/he is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the County and State aforesaid.

My commission expires: \_\_\_\_\_

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

*JMM*

(Space reserved for Clerk)

\_\_\_\_\_  
Notary Public-State of \_\_\_\_\_

\_\_\_\_\_  
Print Name

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

(Space reserved for Clerk)

---

### Exhibit "A"

TRACT 7, LESS THE NORTH 152 FEET THEREOF AND LESS THE EAST 300  
THEREOF OF A RE-PLAT OF PORTION OF SECTION NO.1, CORAL TERRACE,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, AT  
PAGE 3, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

AND

TRACT A, OF AARON RENTS, INC., SUBDIVISION, ACCORDING TO THE PLAT  
THEREOF, AS RECORDED IN PLAT BOOK 94 AT PAGE 98 OF THE PUBLIC  
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

DEC 03 2008

This instrument was prepared by:

Jeffrey M. Flanagan, Esq.  
Flanagan & Williard, P.A.  
1450 Madruga Avenue  
Suite 407  
Coral Gables, Florida 33146  
305.444.1500

CZAB 10 — December 11, 2008  
Item #1 — 08-029  
Fountain International Investments, IA

Part 2

(Space reserved for Clerk)

COVENANT RUNNING WITH THE LAND  
IN LIEU OF UNITY OF TITLE  
(Commercial)

KNOW ALL BY THESE PRESENTS that the undersigned Owner hereby makes, declares and imposes on the land herein described, these easements and covenants running with the title to the land, which shall be binding on the Owner, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them;

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

WHEREAS, Owner intends to develop said property for:

- Business Use
- Office Use
- Industrial Use

WHEREAS, Owner intends to develop the buildings on the Property in a condominium format of ownership and/or in two or more phases, and

WHEREAS, Owner intends to develop the buildings on the Property for sale to multiple owners or in a condominium or association format of ownership and/or in two or more phases, and

WHEREAS, Owner may wish to convey portions of the property from time to time, and may wish to offer units as condominiums, this instrument is executed in order to assure that the phased development of the property with future multiple ownership, will not violate the Zoning Code of Miami-Dade County.

NOW THEREFORE, in consideration of the premises, Owner hereby agrees as follows:

1. The Property will be developed in substantial conformity with the site plan entitled, 'New Retail/Office Building & New Retail Parking Garage Gables Gate Professional

---

Building,' as prepared by Behar, Font and Partners, P.A., dated stamped received 8/21/08 and consisting of 10 sheets.

No modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Planning and Zoning; provided the Director finds that the modification conforms with the standards established in Section 33-257 of the Code of Miami-Dade County, and provided further, that should the Director withhold such approval, the then owner(s) of the Property shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board or Board of County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter.

2. If the Property is developed in phases, each phase will be developed in substantial accordance with the site plan.
3. In the event of multiple ownership subsequent to said site plan approval, each of the subsequent owners, mortgagees and other parties in interest shall be bound by the terms, provisions and conditions of this instrument. Owner further agrees that it will not convey portions of the Property to such other parties unless and until the Owner and such other party or parties shall have executed and mutually delivered in recordable form, an instrument to be known as an "Easement and Operating Agreement" which shall contain, among other things:
  - (i) easements in the common area of each parcel for ingress to and egress from other parcels;
  - (ii) easements in the common area of each parcel for the passage and parking of vehicles;
  - (iii) easements in the common area of each parcel for the passage and accommodation of pedestrians;
  - (iv) easements for access roads across the common area of each parcel to public and private roadways;
  - (v) easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
  - (vi) easements on each such parcel for construction of buildings and improvements in favor of each such other parcel; (vii) easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;

- (viii) easements on each parcel for attachment of buildings;
- (ix) easements on each such parcel for building overhangs, other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- (x) appropriate reservation of rights to grant easements to utility companies;
- (xi) appropriate reservation of rights to dedicate road rights-of-way and curb cuts;
- (xii) easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- (xiii) appropriate agreements between the owners of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and the like.

The easement provisions, or portions thereof, may be waived by the Director of the Department of Planning and Zoning, if they are not applicable to the subject application. When executed, the Easement and Operating Agreement shall not be amended without the prior written approval of the Office of the County Attorney of Miami-Dade County. Such Easement and Operating Agreement may contain such other provisions with respect to the operation, maintenance and development of the Property as to which the parties thereto may agree, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

4. The provisions of this instrument shall become effective upon their recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owners of the Property and the Director of the Department of Planning and Zoning, acting for and on behalf of Miami-Dade County, Florida, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
5. The provisions of this instrument may be amended, modified or released by a written instrument executed by the then Owner or Owners of the Property, with joinders by all mortgagees, if any, provided same is also approved at public hearing by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters. After public hearing, should this Declaration of Restrictive Covenants be so amended, modified or released, the Director of the Department of Planning and Zoning, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such amendment, modification or release.

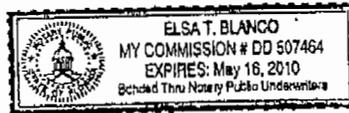
6. Enforcement shall be by action against any parties or persons violating or attempting to violate any covenants. The prevailing party to any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements, allowed by law, such sum 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.
7. Invalidation of any of these covenants by judgment of Court shall not affect any of the other provisions, which shall remain in full force and effect.
8. This Declaration shall be recorded in the public records of Miami-Dade County at the Owner's expense.
9. 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.
10. In the event of a violation of this Declaration, in addition to any other remedies available, Miami-Dade County is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approval, until such time as this Declaration is complied with.

[Execution Pages Follow]

Acknowledged and witnessed this 1 day of December, 2008.

Witnessed:  
x [Signature]  
Print Name: Rene PORTO  
x [Signature]  
Print Name: APRILWOOD VILLAS

Fountain International Investments, Inc.  
By: [Signature]  
Print Name: Heida M. Osorno  
Title: PRESIDENT OWNER



State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 1st day of December, 2008 by Heida M. Osorno as owner of Fountain International Investments, Inc. who is personally known to me or who has produced Driver's License as identification.

My commission expires:

[Signature]  
Notary Public  
State of Florida at large



(Public Hearing 08-29)

[Handwritten initials]

**JOINDER BY MORTGAGEE**

The undersigned, Administrator of the Small Business Administration, An Agency of the Government of the United States of America and Mortgagee under that certain mortgage from Fountain International Investments, Inc., a Florida Corporation, dated the 14<sup>th</sup> day of September 2006 and recorded in Official Records Book 24945, Page 3128 of the Public Records of Miami-Dade County, Florida, and covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and it's successors in title.

IN WITNESS WHEREOF, these presents have been executed this \_\_\_\_\_ day of \_\_\_\_\_

**Witnesses:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_ on behalf of the U.S. Small Business Administration. She/he is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_ in the County and State aforesaid.

My commission expires:

\_\_\_\_\_  
Notary Public-State of \_\_\_\_\_

\_\_\_\_\_  
Print Name

(Public Hearing 08-29)

(Space reserved for Clerk)

**JOINDER BY MORTGAGEE**

The undersigned, Total Bank, a Florida banking corporation, and Mortgagee under that certain mortgage from Fountain International Investments, Inc., a Florida Corporation, dated the 11<sup>th</sup> day of April 2008 and recorded in Official Records Book 26323, Page 3043 of the Public Records of Miami-Dade County, Florida, and covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and it's successors in title.

IN WITNESS WHEREOF, these presents have been executed this 14<sup>th</sup> day of NOVEMBER, 2008.

**Witnesses:**

*Chantal Talebranche*  
Signature

CHANTAL TALEBRANCHE  
Print Name

*Araceli Cardet*  
Print Name: ARACELI CARDET  
Title: VICE PRESIDENT  
Address: 2730 CORAL WAY  
MIAMI, FL 33145

*Helena E. Del Valle*  
Signature

HELENA E. DEL VALLE  
Print Name

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by ARACELI CARDET, as VICE PRESIDENT of Total Bank, a Florida banking corporation. She/he is personally known to me or has produced N/A, as identification.

Witness my signature and official seal this 14<sup>th</sup> day of NOVEMBER, 2008, in the County and State aforesaid.

My commission expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Helena E. Del Valle  
Commission # DD720101  
Expires: OCT 15, 2011  
BONDED THIRD ATLANTIC BONDING CO., INC.

*Helena E. Del Valle*  
Notary Public-State of Florida  
HELENA E. DEL VALLE  
Print Name

Section-Township-Range: 11-54-40  
08-29)  
Folio number:

(Public Hearing

**Exhibit "A"**

TRACT 7, LESS THE NORTH 152 FEET THEREOF AND LESS THE EAST 300  
THEREOF OF A RE-PLAT OF PORTION OF SECTION NO.1, CORAL TERRACE,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, AT  
PAGE 3, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

AND

TRACT A, OF AARON RENTS, INC., SUBDIVISION, ACCORDING TO THE PLAT  
THEREOF, AS RECORDED IN PLAT BOOK 94 AT PAGE 98 OF THE PUBLIC  
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(Public Hearing 08-29)

Prepared by: William H. Albornoz, Esq.  
William H. Albornoz, P.A.  
901 Ponce De Leon Blvd. #603  
Coral Gables, Florida 33134

**OPINION OF TITLE**

To: Miami Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and an inducement for acceptance of a proposed final subdivision plat, covering the real property, hereinafter described, it is hereby certified that I have examined a Title Search issued by Attorneys' Title Insurance Fund, Inc., certified through November 3, 2008, covering the period of time from the July 15, 2008 to November 3, 2008, at the hour of 11:00 P.M., inclusive, of the following property:

Legal Description Verified

PARCEL I

TRACT A, of AARON RENTS, INC., SUBDIVISION, according to the plat thereof as recorded in Plat Book 94, Page(s) 98, Public Records of Miami-Dade County, Florida.

PARCEL II

Tract 7, less the North 152 feet thereof and less the East 300 feet thereof of a re-plat of portion of Section No. 1, Coral Terrace, according to the plat thereof as recorded in Plat Book 63, Page 3, of the Public Records of Miami-Dade County, Florida.

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

Fountain International Investments, Inc., a Florida Corporation, pursuant to Special Warranty Deed filed of record April 14, 2008, in Official Records Book 26323, at Page 3039, of the Public Records of Miami-Dade County, Florida. (As to Parcel I).

Fountain International Investments, Inc., a Florida Corporation, pursuant to Warranty Deed filed of record August 13, 1999, in Official Records Book 18739, at Page 4274, of the Public Records of Miami-Dade County, Florida. (As to Parcel II).

Subject to the following encumbrances, liens and other exceptions:

**1. RECORDED MORTGAGES AND UCC-1 FINANCING STATEMENT:**

Mortgage and Security Agreement in the sum of \$2,800,000.00 from Fountain International Investments, Inc., a Florida Corporation to Total Bank, a Florida banking corporation, dated April 11, 2008 and recorded April 14, 2008, in Official Records Book 26323, Page 3043-3054, a Document No. 2008R0303880 of the Public Records of Miami-Dade County, Florida. (As to Parcel I)

Assignment of Leases, Rents and Profits, executed by Fountain International, Inc., a Florida Corporation, in favor of Total Bank, a Florida banking corporation, dated April 11, 2008, and filed for record April 14, 2008, under Clerk's File No. 2008R303881, in Official Records Book 26323, Pages 3055-3057, of the Public Records of Miami-Dade County, Florida. (As to Parcel I)

UCC-1 Financing Statement in favor of Total Bank, a Florida banking corporation filed for record April 14, 2008, under Clerk's File No. 2008R0303882, in Official Records Book 26323, Pages 3058-3060, of the Public Records of Miami-Dade County, Florida. (As to Parcel I)

Mortgage in the sum of \$326,400.00 from Fountain International Investments, Inc., a Florida Corporation to U.S. Small Business Administration, dated September 14, 2006 and recorded September 26, 2006, in Official Records Book 24945, Page 3128-3133, a Document No. 2006R1032651 of the Public Records of Miami-Dade County, Florida. (As to Parcel II).

As subordinated by Subordination Agreement dated May 15, 2008, recorded July 17, 2008, in Official Records Book 26483, Pages 2422-2424, from Small Business Administration, recorded September 26, 2006, as Instrument Number 2006R-1032651, in Official Records Book 24945, Pages 3128-3133, of the Public Records of Miami-Dade County, Florida. (As to Parcel II)

**2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS: NONE**

**3. GENERAL EXCEPTIONS:**

1. Taxes for the year of the effective date of this report and taxes or special assessments which are not shown as existing liens by the public records.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
7. The lien of all taxes for the year 2009 and thereafter, which are not yet due and payable.
8. All matters contained on the Plat of Aaron Rents, Inc., Subdivision, as recorded in Plat Book 94, Page(s) 98, Public Records of Miami-Dade County, Florida.
9. On January 1, 2009, the property will become subject to real property taxes for the calendar year, although they will not be due or payable until the following November 1.
10. All matters contained on the Plat of Replat of Portions of Section No. 1 Coral Terrace, as recorded in Plat Book 63, Page(s) 3, Public Records of Miami-Dade County, Florida. (As to Parcel II).
11. Covenants conditions and restrictions contained in Deed Restrictions recorded April 24, 1956, in Deed Book 4261, Page 3, Public Records of Miami-Dade County, Florida. (As to Parcel II).
12. Covenants, conditions and restrictions recorded March 19, 1981, in O.R. Book 11046, Page1258, Pubic Records of Miami-Dade County, Florida. (As to Parcel II).
13. Easement recorded in O.R. Book 13640, Page 1831, Public Records of Miami-Dade County, Florida. (As to Parcel II).
14. Agreement for the Construction of Water and Sanitary Sewage Facilities and for the Provision of Water and Sewage Disposal Services recorded in O.R. Book 13145, Page 878, as amended by O.R. Book 14138, Page 2738, O.R. Book 14503, Page 2933, O.R. Book 14908, Page 3612, O.R. Book 15573, Page 3933, Public Records of Miami-Dade County, Florida. (As to Parcel II).
15. Declaration of Restrictions recorded in O.R. Book 25471, Page 955, Public Records of Miami- Dade County, Florida. (As to Parcel II).
16. Special Power of Attorney recorded in Official Records Book 13230, at Page 2724, of the Public Records of Miami-Dade County, Florida.
17. Memorandum of Purchase and Sale of Lease and Successor Lease in O.R. Book 24549, Page3048, assigned in O.R. Book 25058, Page 4364, O.R. Book 25669, Page 220, O.R. Book 25669, Page 226 Public Records of Miami-Dade County, Florida. (As to Parcel II).

18. Memorandum of Purchase and Sale of Lease and Successor Lease recorded in O.R. Book 24549, Page 3043, assigned in O.R. Book 25058, Page 4311, O.R. Book 25669, Page 232, O.R. Book 25669, Page 0238 Public Records of Miami-Dade County, Florida. (As to Parcel II).
19. Mortgage to Bayerische Hypo-Und Vereinsbank AG, New York Branch, acting in its capacity as Agent for the Lenders named in the Credit Agreement, mortgagee(s), recorded under O.R. Book 25058, Page 4320, as affecting in O.R. Book 26170, Page 3353 Public Records of Miami-Dade County, Florida. (As to Parcel II).
20. Mortgage to Bayerische Hypo-Und Vereinsbank AG, New York Branch, acting in its capacity as Agent for the Lenders named in the Credit Agreement, mortgagee(s), recorded under O.R. Book 25058, Page 4373, as affecting in O.R. Book 26170, Page 3335 Public Records of Miami Dade County, Florida. (As to Parcel II).
21. All matters shown on survey prepared by Nova Surveyors, Inc., P.L.S. 5204, dated March 20, 2008, under Job #08-0000318.
22. Notice of Commencement recorded May 7, 2008, in Official Records Book 26365, Page 3523, of the Public Records of Miami-Dade County, Florida.

**4. SPECIAL EXCEPTIONS:**

NONE

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

Respectfully submitted this 21, day of November, 2008.

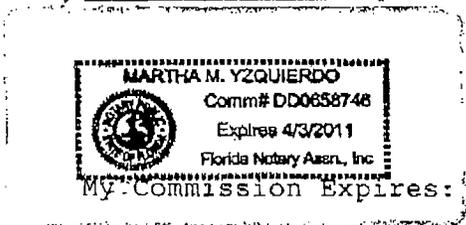
*Martha M. Yzquierdo*  
 Witness  
*MARATHA M. YZQUIERDO*  
*Carla de la Cruz*  
 Witness *Carla de la Cruz*

*William H. Albornoz*  
 William H. Albornoz, Esq.  
 Florida Bar No. 329568

Address:  
 901 Ponce de Leon Blvd., Suite 603 Coral Gables, FL

STATE OF FLORIDA  
 COUNTY OF DADE

The foregoing instrument was acknowledged before me this 21 day of NOV, 2008, by William H. Albornoz, Esquire who is personally known to me.



*Martha M. Yzquierdo*  
 Notary Public

**2. CARLOS & ROSA ROBLES**  
**(Applicant)**

**08-12-CZ10-2 (08-49)**  
**Area 10/District 10**  
**Hearing Date: 12/11/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
2001	Administrative Variance	Non-Use variance of setbacks.	N/A	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 COMMUNITY COUNCIL NO. 10**

**APPLICANTS:** Carlos and Rosa Robles

**PH:** Z08-49 (08-12-CZ10-2)

**SECTION:** 19-54-40

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 2

**A. INTRODUCTION**

o **REQUESTS:**

- (1) Applicants are requesting to permit a porte-cochere addition to a single-family residence setback 12.1' (25' required, 12.5' previously approved) from the front (east) property line.
- (2) Applicants are requesting to permit a gazebo spaced 5.5' (10' required) from the residence.
- (3) Applicants are requesting to permit a utility shed setback 6'10" (10' required) from the side street (north) property line.
- (4) Applicants are requesting to permit a pool setback 7' (7.5' required) from the rear (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Mr. Carlos and Argentina Robles," as prepared by Juan Ordonez, consisting of two sheets and dated stamped received 8/15/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants seek to permit an existing porte-cochere addition to a single-family residence setback closer to the front (east) property line than allowed by the Zoning Code. The applicants also seek to permit an existing utility shed that encroaches into the side street setback area. Additional requests to permit a proposed gazebo spaced closer than required to the existing residence and to permit a proposed pool to encroach into the rear (west) setback area are also being sought.

o **LOCATION:** 4300 S.W. 114 Court, Miami-Dade County, Florida.

o **SIZE:** 100' x 100'

o **IMPACT:**

The approval of the requests would allow the applicants the maintenance and continued use of the existing utility shed, which provides the applicants additional

storage area as well as the maintenance and continued use of the existing porte-cochere, which provides shelter for the residents and their vehicles. Further, approval of the requests will also allow the applicants to construct a proposed gazebo and pool, which afford the applicants shelter from the elements as well as an outdoor amenity. However, the encroachments into the setback areas in conjunction with the reduced spacing between the gazebo and the principal residence could have a negative visual impact on the adjacent properties.

**B. ZONING HEARINGS HISTORY:** In December 2001, the subject site was granted approval of requests to permit a proposed single-family residence setback 23.5' from the front (east) property line (25' required), to permit a proposed porte-cochere setback 12.5' from the front (east) property line (25' required), to permit a proposed covered terrace setback 15.17' from the rear (west) property line (25' required), and to permit a proposed detached storage building to be spaced 5' from the proposed single-family residence (10' required), pursuant to Administrative Variance No. V2001000176.

**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 **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; single-family residence

Low Density Residential, 2.5 to 6 du/a

**Surrounding Properties:**

**NORTH:** RU-1; single-family residences

Low Density Residential, 2.5 to 6 du/a

**SOUTH:** RU-1; single-family residences

Low Density Residential, 2.5 to 6 du/a

**EAST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du/a

**WEST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du/a

The subject property is a corner lot located at 4300 SW 114 Court in an area zoned RU-1, Single-Family Residential District, developed with single-family residences.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted.)
Scale/Utilization of Site:	<b>Acceptable*</b>
Location of Buildings:	<b>Acceptable*</b>
Compatibility:	<b>Acceptable*</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>Acceptable*</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>

\*Only as applied to requests #1, #2, and #4.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.**

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

**(c) Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. The character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a “blank wall”; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;

- a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
  15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
  16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
  17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
  18. safe sight distance triangles shall be maintained as required by this code; and
  19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
  20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
  21. the proposed development will meet the following:
    - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
    - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
    - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
    - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

**(g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

**(h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject property is a corner lot located at 4300 SW 114 Court in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The applicants seek to permit an existing porte-cochere addition to a single-family residence setback 12.1' from the front (east) property line (request #1) and to permit a proposed gazebo spaced 5.5' from the residence (request #2). The applicants also seek to permit an existing utility shed setback 6'10" from the side street (north) property line (request #3). Additionally, the applicants seek to permit a proposed pool setback 7' from the rear (west) property line (request #4). The RU-1 zoning regulations require single-family residences and their additions to be setback a minimum of 25' from the front property line and provide that utility sheds less than 100 sq. ft. in size and less than 8' in height are required to be setback a minimum of 10' from the side street property line. Further, the RU-1 district zoning regulations require a minimum spacing of 10' between

buildings and require pools to be setback a minimum of 7.5' from the rear property line. The applicants have submitted a site plan depicting the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicants will have to comply with all conditions as set forth in their memorandum. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **7:18**. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicants the maintenance and continued use of the existing porte-cochere addition to the single-family residence and the existing utility shed, each with non-conforming setbacks. Additionally, the approval of the application will allow the applicants to construct a gazebo with non-conforming spacing from the single-family residence and allow the construction of a proposed pool with a non-conforming rear setback. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff notes that the approval of requests #1 and #2 would be **compatible** with the surrounding area, would not be out of character with or detrimental to the neighborhood and, therefore, would not negatively affect the appearance of the community. Approval of request #1 will allow the applicants the maintenance and continued use of an existing porte-cochere addition setback 12.1' (25' required, 12.5' previously approved) from the front (east) property line. In December 2001, the subject site was granted, among other requests, approval of a request to permit a proposed porte-cochere setback 12.5' from the front (east) property line (25' required), pursuant to Administrative Variance No. V2001000176. Staff notes that the 0.4' (4.8") encroachment into the previously approved 12.5' front setback area is minor and is most likely due to an inadvertent construction error. Additionally, staff notes that the resulting encroachment into the front (east) setback area is buffered by existing landscaping in the front lawn area and by an existing CBS wall topped with a decorative iron picket fence that runs along the front (east) property line as illustrated in the pictures obtained by staff during inspection of the site. As such, staff opines that the approval of request #1 would not have a negative visual impact on the single-family residence located to the east of the subject property, across SW 114 Court, and would be compatible with the area. Approval of request #2 will allow the applicant to construct a proposed gazebo spaced 5.5' (10' required) from the residence. It should be noted that the proposed gazebo complies with the required setbacks and, as such, will be adequately spaced from the rear (west) and interior side (south) property lines. Additionally, staff notes that the requested 4.5' reduction of the spacing requirements is internal to the site and would not be out of character with the surrounding area as evidenced by the approval of similar requests that are prevalent in the immediate vicinity of the subject site. For example, in 1989, a property located at 11610 SW 43 Terrace, approximately 470' to the southwest of the subject site, was granted, among other requests, a request to permit a utility shed spaced 5.6' from the principal residence, pursuant to Resolution #4-ZAB-176-89. Additionally, staff notes that, in 2002, a property located at 11330 SW 42 Terrace, approximately 724' to the

northeast of the subject site, was granted a request to permit a utility building spaced 5' from the principal residence, pursuant to Administrative Variance #V2002000037. As such, staff notes that the approval of requests #1 and #2 subject to conditions would be **compatible** with and would not adversely affect the aesthetic character of the area. Therefore, staff recommends approval with conditions of requests #1 and #2 under the NUV Standards.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of request #3 would be **incompatible** with the surrounding area, and would be out of character with and detrimental to the neighborhood and would, therefore, negatively affect the appearance of the community. In contrast, the approval with conditions of request #4 would not have a negative visual impact on the area and is therefore **compatible** with the surrounding area. Request #3, to permit a utility shed setback 6'10" (10' required) from the side street (north) property line results in an encroachment of 3'2" into the side street setback area, which staff opines will have a negative visual impact on the surrounding area. It should be noted, that in the RU-1 Zoning District, utility sheds larger than 100 sq. ft. in size are required to be setback a minimum of 20' from the side street property line, while utility sheds that are less than 100 sq. ft. in size and less than 8' in height are only required to be setback 10' from the side street property line. Staff notes that the existing utility shed is 91.6 sq. ft. in size and is less than 8' in height and is, therefore, required to be setback 10' from the side street (north) property line. Moreover, it should be noted that in 2001, the subject site was granted approval of a request to permit a detached storage building to be spaced 5' from the proposed single-family residence where 10' is required, pursuant to Administrative Variance #V2001000176. Staff notes that the existing utility shed is spaced 8'2" from the existing residence where a minimum spacing of 5' between the existing shed and residence is allowed pursuant to the previously mentioned Administrative Variance approval. Therefore, staff opines that the existing utility shed could be moved approximately 3.17' closer to the existing residence to comply with the previously approved 5' spacing and, as a result, also comply with the required 10' setback from the side street (north) property line. Staff opines that said relocation of the existing utility shed will alleviate negative visual impacts associated with the shed's encroachment into the side street setback area for pedestrians and vehicles traveling along SW 43 Street. Moreover, it should be noted that no approvals similar to the one sought by the applicant in request #3 have been granted in the surrounding area and that the approval of same could set a precedent for similar requests in the area. As such, staff opines that the approval of request #3 would be **incompatible** with the surrounding area. Request #4, to permit a proposed pool setback 7' (7.5' required) from the rear (west) property line, results in an encroachment of 0.5' into the rear setback area which staff opines is minor and will not have a negative visual impact on the adjoining single-family residence located to the west of the subject site. Staff's review of the submitted plans indicates that the proposed pool will not encroach into the existing 6' wide utility easement that runs along the rear (west) property line and will be buffered by an existing 6' high wood fence that runs along the majority of the rear (west) property line. Moreover, staff notes that pictures obtained by staff during inspection of the site illustrate an existing 6' high hedge that runs along the rear (west) property which staff opines will further buffer the proposed pool encroachment from the adjoining single-family residence. Accordingly, staff opines that the approval of request #3 would, but that the approval with conditions of request #4 would not, have a negative visual impact on the area. Therefore, staff recommends denial without prejudice of request #3 and approval with conditions of request #4 under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations and prior approvals. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

Accordingly, staff opines that the approval of request #3, to permit the existing utility shed setback 6'10" from the side street property line, would be intrusive to the surrounding area and **incompatible** with same but notes that requests #1, #2 and #4, for the porte-cochere, gazebo and the swimming pool, are **compatible** with the area and would not have a negative visual impact on same. As such, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV); approval with conditions of requests #1, #2 and #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of requests #1 through #4 under Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

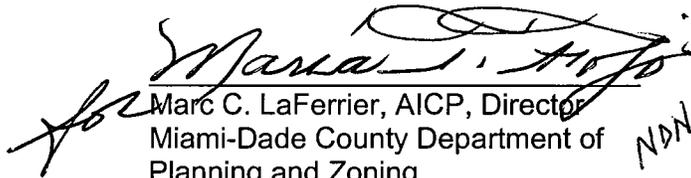
Approval with conditions of requests #1, #2 and #4 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #1 through #4 under Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV); denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV).

**J. CONDITIONS:** For requests #1, #2 and #4 only

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mr. Carlos and Argentina Robles," as prepared by Juan Ordonez, consisting of two sheets and dated stamped received 8/15/08, except as amended to show the removal or relocation of the existing utility shed to conform with zoning setback requirements. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

4. That the gazebo remain an open-sided structure and not be enclosed in any manner except for approved insect screening materials.
5. That the applicants remove or relocate the existing utility shed to conform with zoning setback requirements and prior spacing approvals in AV #V2001000176, said shed to be spaced a minimum of 5' from the residence and to comply with the required 10' side street setback requirement; and that if relocating same, the applicants obtain a building permit from same within 120 days of the expiration of the appeal period for this Public Hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning.

**DATE INSPECTED:** 04/02/08  
**DATE TYPED:** 10/16/08  
**DATE REVISED:** 11/05/08; 11/18/08  
**DATE FINALIZED:** 11/18/08  
MCL:MTF:LVT:NN:AA:NC

  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** April 2, 2008

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

**Subject:** C-10 #Z2008000049  
Carlos Robles Sr. and Rosa A. Robles  
4300 S.W. 114<sup>th</sup> Court  
Request to Permit Additions that Would Exceed Setback Requirements  
(RU-1) (0.22 Acres)  
19-54-40

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.

#### Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

#### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

#### Concurrency Review Summary

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

**Date:** March 8, 2006  
**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning  
  
**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department  
  
Raul A. Pino, P.L.S., Chief  
Land Development Division  
  
Leandro Rodriguez

# Memorandum



**Date:** 24-MAR-08  
**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000049

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**Fire Prevention Unit:**

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

**Service Impact/Demand:**

Development for the above Z2008000049  
located at 4300 S.W. 114 COURT, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1586 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A 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 9 - Kendall - 7777 SW 117 Avenue  
Rescue, ALS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
Station 78 - Bird Road Loop - SW 40 Street & 117 Avenue.

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# TEAM METRO TAMIAMI OFFICE

## ENFORCEMENT HISTORY

CARLOS ROBLES SR & ROSA A  
ROBLES

4300 S.W. 114 COURT,  
MIAMI

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**APPLICANT**

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**ADDRESS**

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12/02/2008

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Z2008000049

**DATE**

**HEARING NUMBER**

No open cases. No current violations.

Prior History:

CMS# 200003007101 – CVN in September 2000 for overgrowth. Case closed as complied.

CMS# 200103006735 – CVN in September 2001 for overgrowth. Case closed as complied.



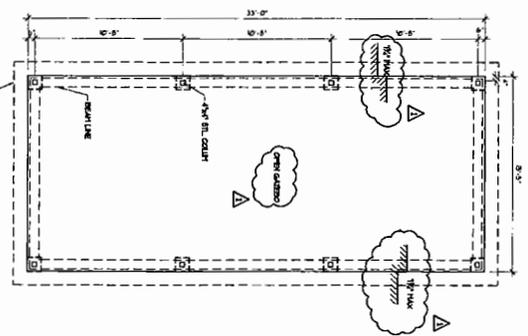
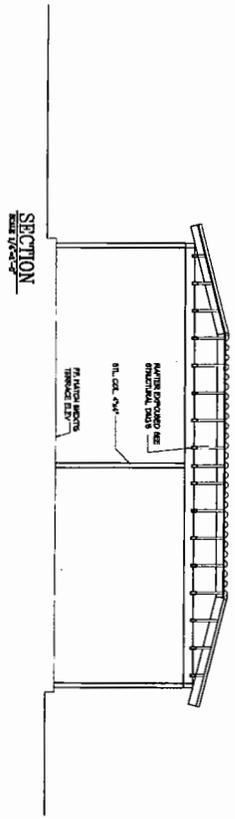
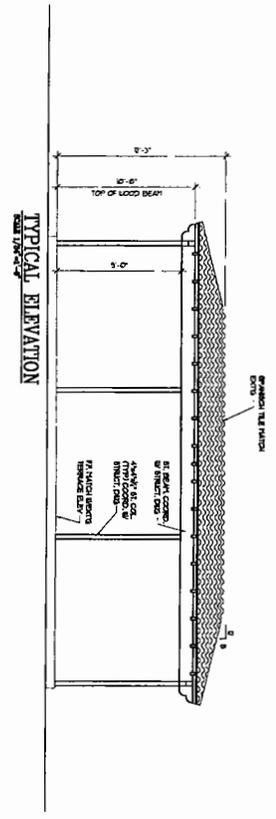


RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.  
 1500 N.W. 15TH ST.  
 MIAMI, FL 33136

**RECEIVED**  
 AUG 15 2008  
 2007-049

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY SKV



RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.  
 1500 N.W. 15TH ST.  
 MIAMI, FL 33136

JANUARY 30-2008

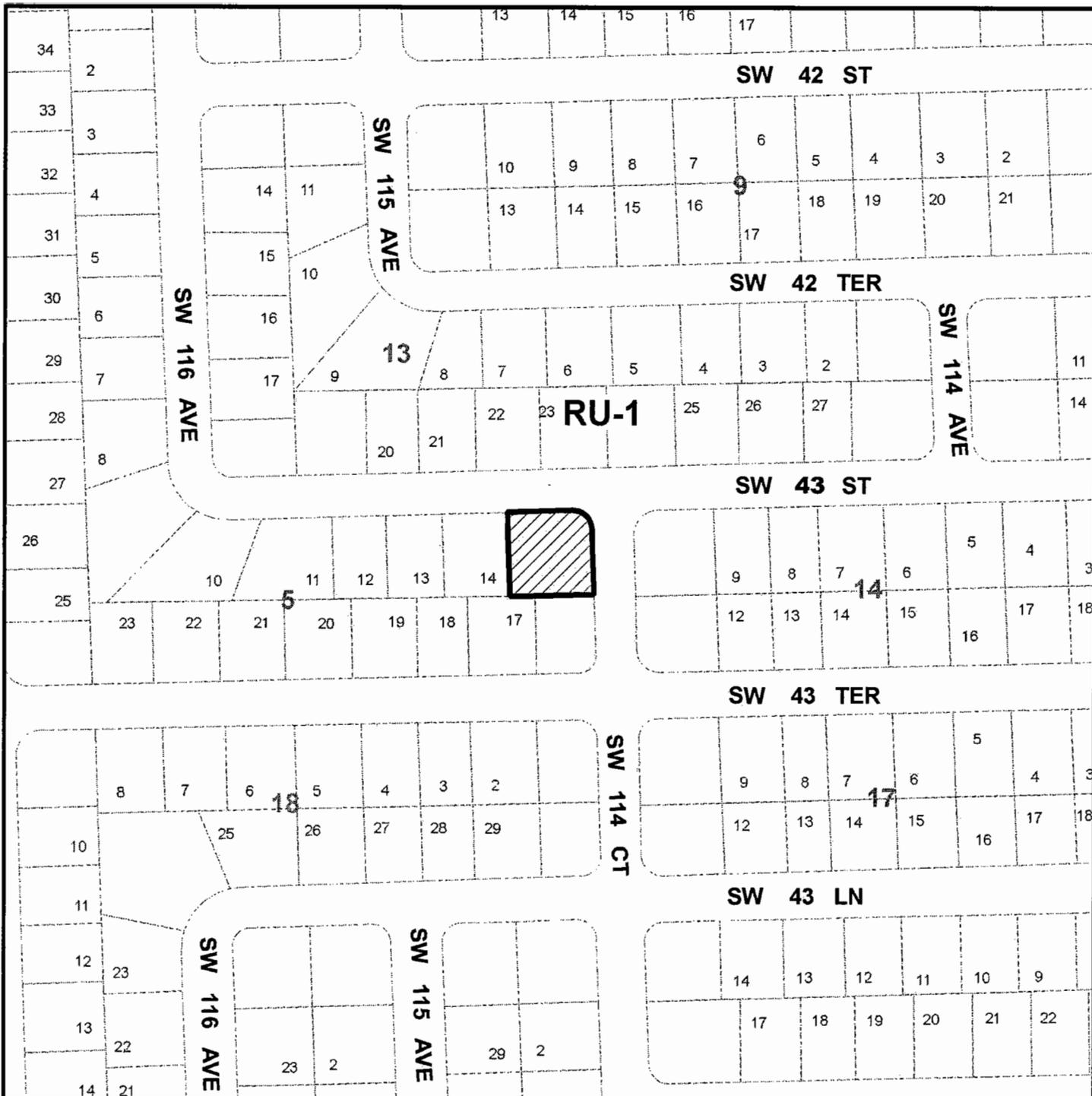
NO. 01-001	A-2	1/5	8/11/08
DATE	REV.	BY	CHK
11	2	11	11

MR. CARLOS ROBLES  
 PROJECT NAME

MR. CARLOS AND ARGENTINA ROBLES  
 4300 S.W. 114 Ct.  
 MIAMI, FLORIDA 33165

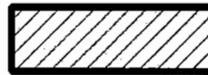
DESIGNER  
**JUAN B. ORDONEZ, P.E.**  
 STRUCTURAL ENGINEER - LIC No. 43380  
 16654 SW 113th ST. MIAMI, FL 33196  
 PH (305) 386-2820

REVISIONS	DATE	BY
1		
2		



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**08-049**



**SUBJECT PROPERTY**

Section: 19 Township: 54 Range: 40  
 Applicant: **CARLOS ROBLES Sr. & ROSA A. ROBLES**  
 Zoning Board: C10  
 District Number: 10  
 Drafter ID: ERIC  
 Scale: NTS



REVISION	DATE	BY
Change street name	12/02/08	KWS

20



**MIAMI-DADE COUNTY**  
**AERIAL**

Process Number  
**08-049**



**SUBJECT PROPERTY**

Section:19 Township: 54 Range: 40  
 Applicant: **CARLOS ROBLES Sr. & ROSA A. ROBLES**  
 Zoning Board: C10  
 District Number:10  
 Drafter ID: ERIC  
 Scale: NTS



REVISION	DATE	BY
Change street name	12/02/08	KWS

**3. NELSON MELENDRES**  
**(Applicant)**

**08-12-CZ10-3 (08-99)**  
**Area 10/District 6**  
**Hearing Date: 12/11/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
				NONE

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 COMMUNITY COUNCIL NO. 10**

**APPLICANT:** Nelson Melendres

**PH:** Z08-99 (08-10-CZ10-3)

**SECTION:** 2-54-40

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 6

**ITEM NO.:** 3

**A. INTRODUCTION**

o **REQUESTS:**

- (1) Applicant is requesting to permit an addition to a duplex residence setback 14.1' (25' required) from the rear (west) property line.
- (2) Applicant is requesting to permit a lot coverage of 37% (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Existing Duplex Remodeling for Mr. & Mrs. Melendres," dated stamped received 5/21/08 and consisting of 2 sheets and 1 sheet entitled "Duplex," dated stamped received 9/22/08 for a total of 3 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting to legalize an existing addition to the existing duplex residence that encroaches into the rear setback area. An additional request to permit a greater lot coverage than allowed is also being sought.
- o **LOCATION:** 22 and 24 N.W. 73 Place, Miami-Dade County, Florida.
- o **SIZE:** 50' x 125'
- o **IMPACT:** The approval of these requests would allow the applicant the maintenance and continued use of an existing addition to the duplex residence setback less than required from the rear property line, which would add additional indoor living space to one of the residences. However, the encroachment into the rear setback area in conjunction with the resulting increased lot coverage could visually impact the adjacent properties.

**B. ZONING HEARINGS HISTORY:** None.

**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 **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-2; Duplex

Low-Medium Density Residential,  
6 to 13 dua

**Surrounding Properties:**

**NORTH:** RU-2; Duplex

Low-Medium Density Residential,  
6 to 13 dua

**SOUTH:** BU-2; Retail and parking lot

Low-Medium Density Residential,  
6 to 13 dua

**EAST:** RU-2; Single-family residence

Low-Medium Density Residential,  
6 to 13 dua

**WEST:** RU-2; Duplex

Low-Medium Density Residential,  
6 to 13 dua

The subject property is an interior lot developed with an existing duplex residence and is located north of West Flagler Street and east of the Palmetto Expressway. The surrounding neighborhood is characterized with narrow linear duplex residences.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**N/A**

Open Space:

**Unacceptable**

Buffering:

**Unacceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**Acceptable**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.**

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

**(c) Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. The character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations,

with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
  16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
  17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
  18. safe sight distance triangles shall be maintained as required by this code; and
  19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
  20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
  21. the proposed development will meet the following:
    - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
    - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
    - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
    - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
    - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:
1. total lot coverage shall not be increased by more than twenty (20) percent of the lot coverage permitted by the underlying district regulations

provided, however, that the proposed alternative development shall not result in total lot coverage exceeding 50% of the net lot area; and

2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

**(g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

**(h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining

which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>

Police  
Schools

**No objection**  
**No comment**

\*Subject to conditions indicated in their memorandum.

#### H. **ANALYSIS:**

The subject property is an interior duplex lot located at 22 - 24 NW 73 Place in an area zoned RU-2, Two-Family Residential District, and characterized by duplexes and single-family residences. The applicant is seeking to permit an existing addition to a duplex residence setback 14.1' from the rear (west) property line (request #1). Additionally, the applicant is requesting to permit a lot coverage of 37% (request #2). The RU-2 zoning district requires duplex residences and their additions to be setback a minimum of 25' from the rear property line and the maximum lot coverage allowed in the RU-2 zoning district for a duplex is 30%. Staff's review of the plans submitted by the applicant for this application reveals that the addition consists of a master bedroom, closet and bathroom and is setback 14.1' from the rear (west) property line. The existing addition is accessible to only the western unit via a 3' wide hallway and features a doorway leading outside to the northern side yard of the property. The applicant has submitted a site plan depicting the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all conditions as set forth in their memorandum. The **Public Works Department (PWD)** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFR**) has no objections to this application and their memorandum indicates that the estimated average travel response time is **7:04** minutes.

Approval of this application will allow the applicant the maintenance and continued use of an existing addition to an existing duplex residence encroaching into the rear setback area and resulting in a greater lot coverage than that allowed in the RU-2 zoning district for duplex use. The subject property is designated as **Low-Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 2 dwelling units on the 0.1779 gross acre subject site. As such, the existing duplex use on the subject property is numerically **consistent** with the density threshold of the LUP map designation of the CDMP. However, staff notes that the portion of the existing addition that encroaches into the required 25' setback area consists of a master bedroom, closet, and bathroom. It should be noted that the remaining portion of the existing addition, which meets the required 25' rear setback consists of a bedroom, closet, and bathroom. Both portions of the existing addition feature dedicated doorways that lead outside to the northern portion of the site. As such, staff opines that said addition is designed in such a way that it could easily be converted in the future into a third and fourth unit for a multi-family use due to the fact that staff observed third and fourth entrance doors to same, in addition to the entrance doors for the two (2) units of the original duplex structure. A four-unit residential structure on this 0.14-acre site would not only not be permitted by

the zoning regulations, but would have a resulting density of 27.87 dua, which would be inconsistent with the CDMP's Low-Medium density (13 dua) designation.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of requests #1 and #2 would be **incompatible** with the surrounding area, out of character with and detrimental to the neighborhood, and would therefore negatively affect the appearance of the community. Approval of request #1 will permit the maintenance and continued use of an existing addition to a duplex residence setback 14.1' (25' required) from the rear (west) property line. Plans submitted by the applicant illustrates that said addition consists of a master bedroom, closet and bathroom, is attached to the western portion of the residence, and results in a 10.9' encroachment into the rear (west) setback area. Staff notes that said encroachment represents an encroachment of 43.6% and opines that same is therefore too intense, negatively impacts the adjacent duplex residence that abuts the subject property to the west and is **incompatible** and out of character with the neighborhood as evidenced by the lack of similar approvals both within the block where the subject property lies and in the surrounding area. As previously mentioned, the existing addition is accessible to the western unit of the duplex via a 3' wide hallway and features a dedicated door that leads out to the northern side yard area of the property. Staff notes that due to the configuration of the addition, as illustrated on the submitted floor plans, said addition may easily be converted into a third or possible fourth unit by sealing off the existing 3' wide hallway that leads from the kitchen to the addition, which would exceed the maximum of 2 dwelling units permitted in the RU-2 zone. Staff acknowledges that the submitted survey denotes a 6' high wood fence along the rear (west) property line and a portion of the interior side (south) property line, but maintains that the encroachment of 10.9' is too intense as further evidenced by the companion request #2 to allow a greater lot coverage than that allowed in the RU-2 district. It should also be noted that said addition was constructed without the benefit of building permits. Request #2, to permit a lot coverage of 37% (30% permitted), is the result of the addition reflected in request #1 which staff does not support for reasons mentioned above. Staff acknowledges that a property located at 84-86 NW 75 Avenue, approximately 579' to the northwest of the subject site, was granted approval of a request to permit a duplex residence with a lot coverage of 37%, pursuant to Resolution No. 2-ZAB-642-64. Furthermore, staff acknowledges that property located at 31-33 NW 76 Avenue, approximately 631' to the west of the subject site was granted a request to permit a duplex residence with a lot coverage of 33%. However, staff notes that said approvals were void of any requests for variances of setback requirements. Moreover, staff notes that request #2 is an integral part of and germane to request #1 which staff does not support for reasons previously mentioned. Furthermore, staff maintains that request #2 is indicative of an overutilization of the site, the possible conversion of the site into a multiple family use and is **incompatible** with the surrounding area. As such, staff opines that the additional 10.9' encroachment, in conjunction with the request for greater lot coverage than that allowed, is excessive, represents an overdevelopment of the site, and is not harmonious with the character of the surrounding area. Therefore, staff recommends denial without prejudice of requests #1 and #2 under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a

public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

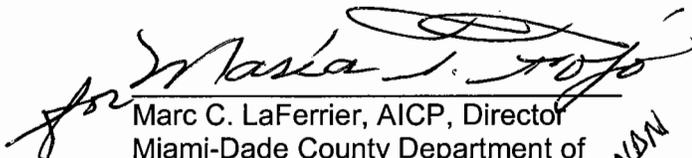
When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-2 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

Based on all of the foregoing, it is staff's opinion that requests #1 and #2 are excessive and that the approval of same would be out of character with and detrimental to the neighborhood and would negatively affect the appearance of the community. Therefore, staff recommends that requests #1 and #2 be denied without prejudice under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 11/03/08  
**DATE TYPED:** 10/24/08  
**DATE REVISED:** 10/27/08; 11/04/08  
**DATE FINALIZED:** 11/11/08  
MCL:MTF:LVT:CI:NC

  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** May 28, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

**Subject:** C-10 #Z2008000099  
Nelson Melendres  
22 and 24 N.W. 73<sup>rd</sup> Place  
Request to Permit an Addition that Exceeds Lot Coverage and Setback  
Requirements  
(RU-2) (0.14 Acres)  
02-54-40

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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.

**Date:** March 8, 2006

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning



**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department

Raul A. Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez

# Memorandum



**Date:** 06-JUN-08  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000099

**Fire Prevention Unit:**

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

**Service Impact/Demand:**

Development for the above Z2008000099  
 located at 22 AND 24 N.W. 73 PLACE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1297 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 7:04 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 40 - West Miami - 975 SW 62 Avenue  
 Rescue, ALS Engine

**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.

# TEAM METRO TAMIAMI OFFICE

## ENFORCEMENT HISTORY

NELSON MELENDRES

**APPLICANT**

22 AND 24 N.W. 73 PLACE,  
MIAMI

**ADDRESS**

12/02/2008

**DATE**

Z2008000099

**HEARING NUMBER**

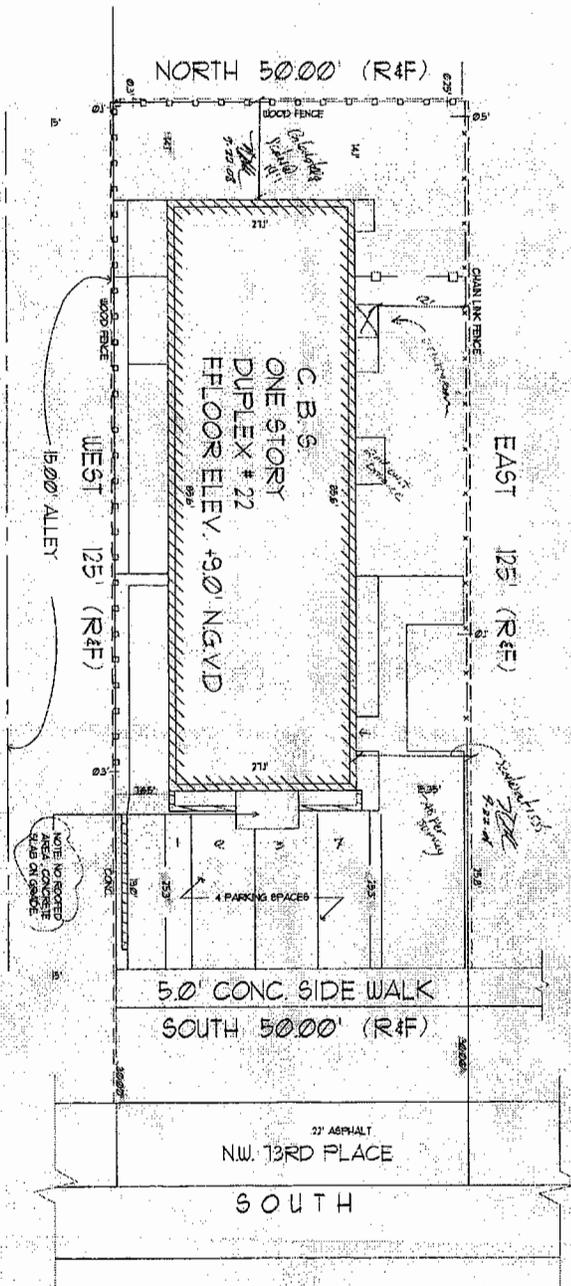
No open cases. No current violations.

### Prior History:

CMS# 200709000100 – Violation issued in February 2007 for Minimum Housing infractions. Case closed as complied. File sent to Lien Unit in September 2007 for non-payment.



**SITE PLAN**  
SCALE 1/8" = 1'-0"



1/15/04 125x5000 6/25/04  
 39107  
 2/2/04

**RECEIVED**  
 5/27/04  
 12/2/04

*[Handwritten signature]*

BY: HELDOR MELERDREX \ STRUCTURE \ SURVEY \ SITE PLAN

S-1

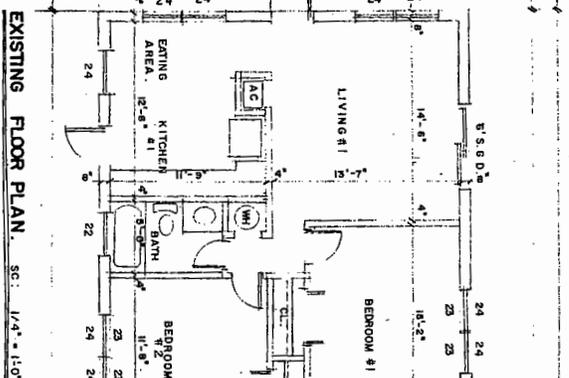
DATE	05-27-04
PROJECT NO.	39107

JUAN FERNANDEZ-BARQUIN, P.E.  
 STRUCTURAL ENGINEER, P.E. # 46014  
 THRESHOLD INSPECTOR # 2847  
 2820 NW. 9TH AVENUE, SUITE 2140  
 DORAL, FLORIDA 33172  
 PHONE: 186-336-0881  
 FAX: 186-336-0884  
 jfbmg@bellsouth.net

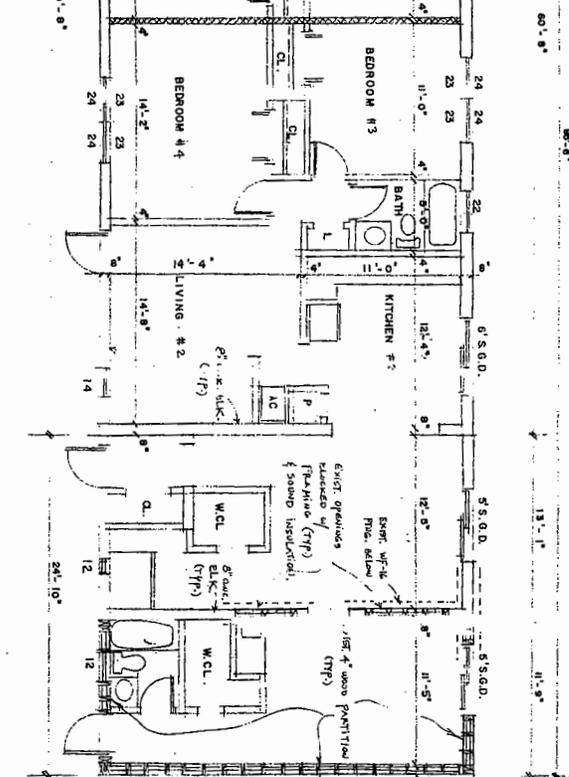
**DUPLEX**  
 22 NW. 13RD PLACE  
 MIAMI, FLORIDA

**SITE PLAN**

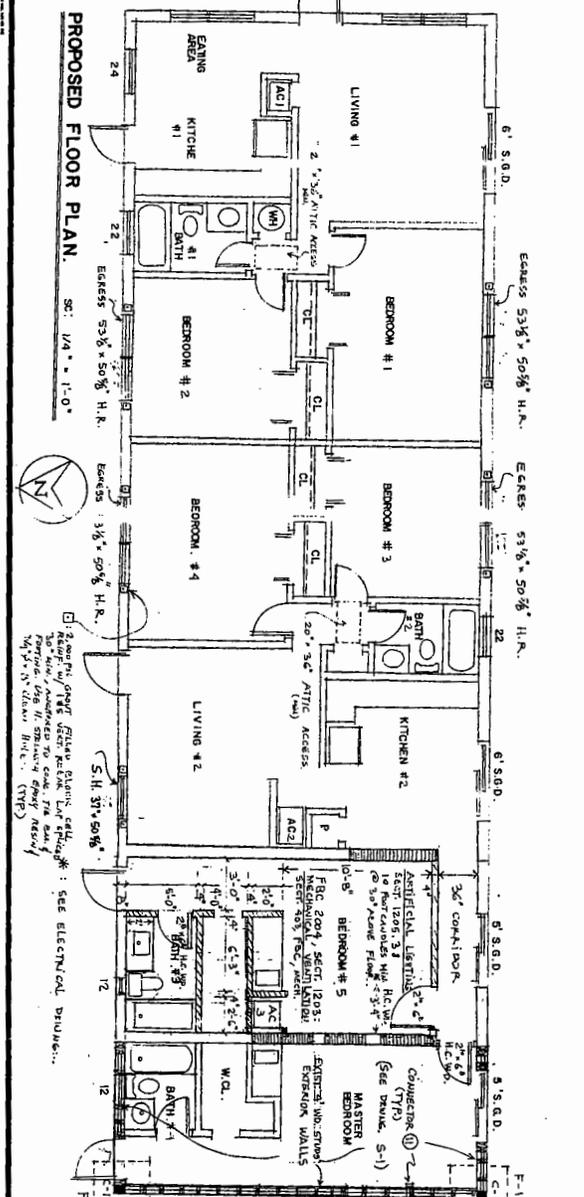
17



EXISTING FLOOR PLAN. SC: 1/4" = 1'-0"



PROPOSED FLOOR PLAN. SC: 1/4" = 1'-0"



**SCOPE OF WORK:**

- INSTALL HIP ROOF OVER ORIGINAL FRONT ROOF AND SMALL INTERIOR REINFORCEMENTS IN THE REAR OF BLDG.
- REPLACE EXIST. WINDOWS FOR ENERGY WINDOWS AS INDICATED.

**RECEIVED**

1. RAISED ROOF OVER ORIGINAL FRONT ROOF AND SMALL INTERIOR REINFORCEMENTS IN THE REAR OF BLDG.

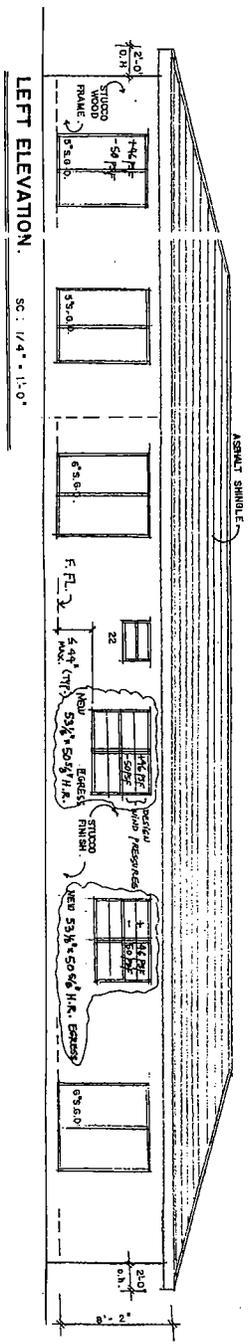
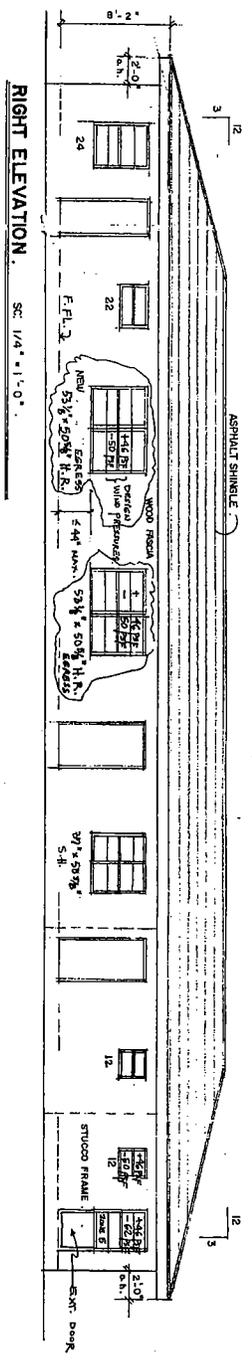
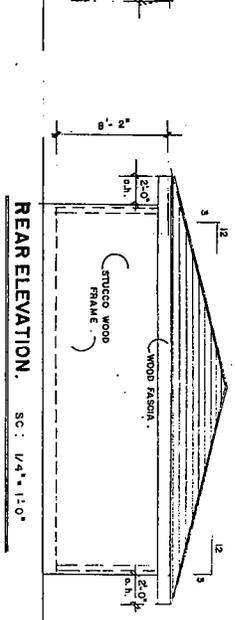
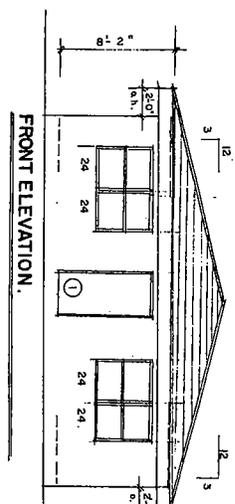
APPROVED BY: [Signature]

DATE: [Date]

OWNER	DATE	SCALE
A2		

EXISTING DUPLEX REMODELING FOR MR. & MRS. MELENDRES  
22-24 N.W. 73<sup>RD</sup> PLACE, MIAMI, FL

REVISIONS	NO.
8-10-07	6/14



SCOPE OF WORK:

INSTALLATION OF SLOPED HIP ROOF  
(RAFTERS) & NEW EGRESS WINDOWS.

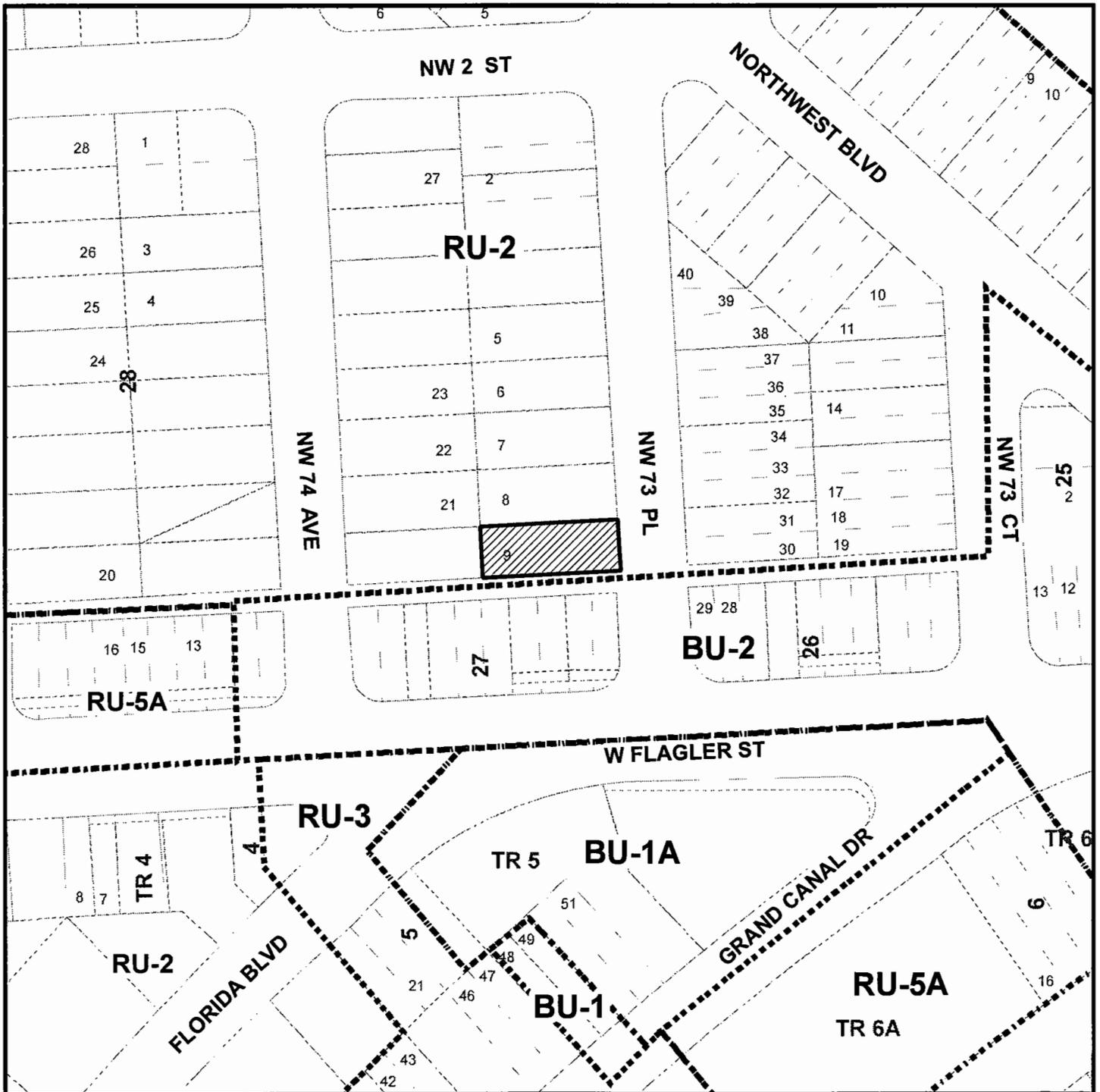
APPROVED BY: [Signature]  
DATE: 12/10/07

A3

RECEIVED  
12/10/07

12-10-07

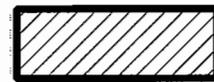
EXISTING DUPLEX REMODELING  
FOR MR. & MRS. MELENDRES  
22-24 N.W. 73<sup>RD</sup> PLACE, MIAMI, FL



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-099**

Section: 02 Township: 54 Range: 40  
 Applicant: NELSON MELENDRES  
 Zoning Board: C10  
 District Number: 06  
 Drafter ID: ALFREDO  
 Scale: NTS



**SUBJECT PROPERTY**



CREATED ON: 06/23/08

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY  
AERIAL**

Process Number  
**08-099**



**SUBJECT PROPERTY**

Section: 02 Township: 54 Range: 40  
 Applicant: NELSON MELENDRES  
 Zoning Board: C10  
 District Number: 06  
 Drafter ID: ALFREDO  
 Scale: NTS



CREATED ON: 05/23/08

REVISION	DATE	BY

**4. DOMINGO J. TRUJILLO**  
**(Applicant)**

**08-12-CZ10-4 (08-100)**  
**Area 10/District 10**  
**Hearing Date: 12/11/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1955	Larnel Construction Corp.	Zone change from GU and RU-1 to RU-1 and BU-1.	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 COMMUNITY COUNCIL No. 10**

**APPLICANT:** Domingo J. Trujillo

**PH:** Z08-100 (08-12-CZ10-4)

**SECTION:** 21-54-40

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 4

**A. INTRODUCTION:**

o **REQUEST:**

Applicant is requesting to permit additions to a single-family residence setback a minimum of 6'4" (25' required) from the rear (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Addition for: Mr. Domingo Trujillo," as prepared by Gustavo J. Carbonell, dated stamped received 7/15/08 and consisting of 3 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUEST:** The applicant is requesting to permit a proposed family room and two-car garage additions to a single-family residence setback closer to the rear property line than permitted.

- o **LOCATION:** 9501 S.W. 49 Street, Miami-Dade County, Florida.

- o **SIZE:** 8,506 sq. ft.

- o **IMPACT:** The approval of the request would allow the applicant to construct a proposed family room and two-car garage additions to the single-family residence. However, the reduced setback along the rear (north) property line could have a negative visual impact on the adjoining single-family residence located to the north of the subject site.

- B. ZONING HEARINGS HISTORY:** In 1955, the subject property was part of a larger tract of land which was granted a zone change from GU, Interim District, and RU-1, Single-Family Residential District, to RU-1 and BU-1, Neighborhood Business District, pursuant to Resolution No. 9025.

**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 **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and

townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**Surrounding Properties:**

**NORTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**SOUTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**EAST:** RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

**WEST:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is located at 9501 S.W. 49 Street in an area characterized by single-family residences developed under the RU-1 zoning district regulations.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted.)
Scale/Utilization of Site:	<b>Acceptable*</b>
Location of Buildings:	<b>Acceptable*</b>
Compatibility:	<b>Acceptable*</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>Acceptable*</b>
Buffering:	<b>Acceptable*</b>
Access:	<b>Acceptable*</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>Acceptable*</b>
Urban Design:	<b>N/A</b>

\*On a modified basis to permit the additions setback a minimum of 15'10" from the rear property line and subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
  18. safe sight distance triangles shall be maintained as required by this code; and
  19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
  20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
  21. the proposed development will meet the following:
    - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
    - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
    - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
    - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
    - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (g) Notwithstanding the foregoing,** no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
1. will result in a significant diminution of the value of property in the immediate vicinity; or
  2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
  4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.
- (h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as

approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.**

Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this

subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This subject property is a corner lot located at 9501 S.W. 49 Street and is improved with a single-family residence in an established single-family residential area zoned RU-1, Single-Family Residential District. The applicant is requesting to permit a proposed family room and garage addition to a single-family residence setback a minimum of 6'4" from the rear (north) property line. The RU-1 zoning district requires a minimum rear setback of 25' for the principal residence and any additions. It should be noted that the submitted plan depicts an existing metal shed located on the northwest corner of the site which the applicant has indicated on the plans is to be removed. The applicant has submitted plans depicting the aforementioned request.

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. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** and the **Miami-Dade Fire Rescue Department (MDFR)** also have **no objections** to this application and MDFR indicates in their memorandum that the estimated average response travel time is **6:18** minutes.

Approval of the request would allow the applicant to construct a proposed family room and garage additions to the single-family residence. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Because the additions will not add additional dwelling units to the property, the RU-1 zoned subject property is **consistent** with the LUP Map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request to permit that portion of the proposed additions setback a minimum of 15'10", in lieu of the requested 6'4", would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. It should be noted that the submitted plans illustrate a proposed two-car garage, family room, master bedroom, bathroom, and covered porch additions attached to the rear of the existing residence. Staff notes that the proposed family room and two-car garage

8

additions encroach into the rear setback area 9'2" and 18'8", respectively and that all other components of the proposed addition comply with the 25' rear setback requirement. Accordingly, the approval of this application will allow the applicant to construct a family room and garage addition to the single-family residence setback a minimum of 6'4" (25' required) from the rear (north) property line, which will provide additional indoor living space for the resident as well as a secure area for the resident to park his vehicles.

Staff acknowledges that the existing single-family residence is angled and oriented towards the southeast corner of the subject property, but notes that the approval of the portion of the request to permit the proposed garage setback 6'4" from the rear (north) property line results in an encroachment of 18'8", which is overly intense and intrusive to the adjoining single-family residence to the north of the subject site. Further, staff acknowledges that a similar approval of a request to permit a Florida room addition to a single-family residence setback 5.04' from the rear property line was approved by this Board in 2006 on a corner lot located at 9205 SW 48 Street, approximately 1,533' to the northeast of the subject site, pursuant to Resolution No. CZAB10-34-06. However, staff notes that the surrounding area where the subject property lies is characterized by angled residences on corner lots and that many of these corner properties have been granted approval of requests for relief of rear setback requirements, albeit not as intense as the request sought in this application. For example, staff notes that a property located at 5080 SW 95 Avenue, approximately 637' to the south of the subject site, was granted a request to permit an addition to a single-family residence setback 18.15' from the rear property line, pursuant to Administrative Variance No. 96-AV-113. Moreover, staff notes that properties located at 4720 SW 94 Court and 4655 SW 94 Court, approximately 283' and 175' to the northeast of the subject site respectively, were each granted approval of a request to permit an addition to a single-family residence setback 21' from the rear property line, pursuant to Administrative Variance No. 92-AV-367 and Resolution No. 4-ZAB-336-69, respectively. As such, staff opines that the approval of the request, to permit additions to a single-family residence setback a minimum of 6'4" from the rear (north) property line, would be too intensive and out of character with the majority of the approvals granted within the surrounding area but that a partial approval of the request to permit additions setback a minimum of 15'10" in lieu of the requested 6'4", would be **compatible** with the surrounding area. Therefore, staff recommends modified approval with conditions of the request to permit the portion of the additions to the single-family residence setback a minimum of 15'10", in lieu of the requested 6'4", under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an

unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the RU-1 zoning regulations, this application cannot be approved under the ANUV Standard and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff opines that the modified approval of the request to permit the portion of the additions to the single-family residence setback a minimum of 15'10", in lieu of the requested 6'4", would not be out of character with the area and is **compatible** with same. Accordingly, staff recommends the modified approval with conditions of the request under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

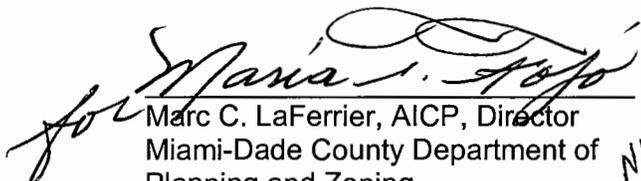
**I. RECOMMENDATION:**

Modified approval with conditions of the request to permit the portion of the additions setback a minimum of 15'10", in lieu of the requested 6'4", under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Addition for: Mr. Domingo Trujillo," as prepared by Gustavo J. Carbonell, dated stamped received 7/15/08 and consisting of 3 sheets, except as modified herein to show the deletion of the proposed two-car garage or the redesign of said garage to setback a minimum of 15'10" from the rear (north) property line. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the additions to the single-family residence be setback a minimum of 15'10" from the rear (north) property line.

**DATE INSPECTED:** 10/30/08  
**DATE TYPED:** 10/14/08  
**DATE REVISED:** 10/15/08; 11/5/08; 11/21/08  
**DATE FINALIZED:** 11/21/08  
MCL:MTF:LVT:CXH:NC

  
for Maria S. Lopez  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning *NDW*

# Memorandum



**Date:** August 28, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is fluid and cursive, written over the printed name in the "From:" field.

**Subject:** C-10 #Z2008000100-Revised  
Domingo Trujillo  
9501 S.W. 49<sup>th</sup> Street  
Request to Permit an Addition that Would Exceed Setback Requirements  
(RU-1) (0.19 Acres)  
21-54-40

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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.

#### Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area of the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the proposed zoning request is for a residential land use, a hazardous wastes prohibition covenant is not required. However, as previously stated all development shall conform with Code requirements.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

### Stormwater Management

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

### Wetlands

The subject property does not contain jurisdictional wetlands, as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

### Tree Preservation

The subject property contains a specimen-sized (trunk diameter 18 inches or greater) black olive tree. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The revised site plan submitted with this application entitled "Proposed Addition for Mr. Domingo Trujillo", sheet SP-1, prepared by Gustavo J Carbonell and dated 11/2006 (revised 7/14/2008) depicts this specimen-size black olive tree #3 and it will not be impacted by the proposed addition; however, non-specimen trees (#2,5,6,8,9 and 10) will be removed. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

### Concurrency Review Summary

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

**Date:** March 8, 2006

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning



**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department

Raul A. Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez

# Memorandum



**Date:** 09-JUN-08  
**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000100

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## Fire Prevention Unit:

No objections to plans date stamped May 21, 2008.

## Service Impact/Demand:

Development for the above Z2008000100  
located at 9501 S.W. 49 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1633 is proposed as the following:

<u>1</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.27 alarms-annually.  
The estimated average travel time is: 6:18 minutes

## Existing services:

The Fire station responding to an alarm in the proposed development will be:  
Station 13 - East Kendall - 6000 SW 87 Avenue  
BLS 75' Ladder, Squad

## 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 plans date stamped May 21 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO TAMIAMI OFFICE

## ENFORCEMENT HISTORY

DOMINGO J TRUJILLO

9501 S.W. 49 STREET,  
MIAMI

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**APPLICANT**

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**ADDRESS**

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12/02/2008

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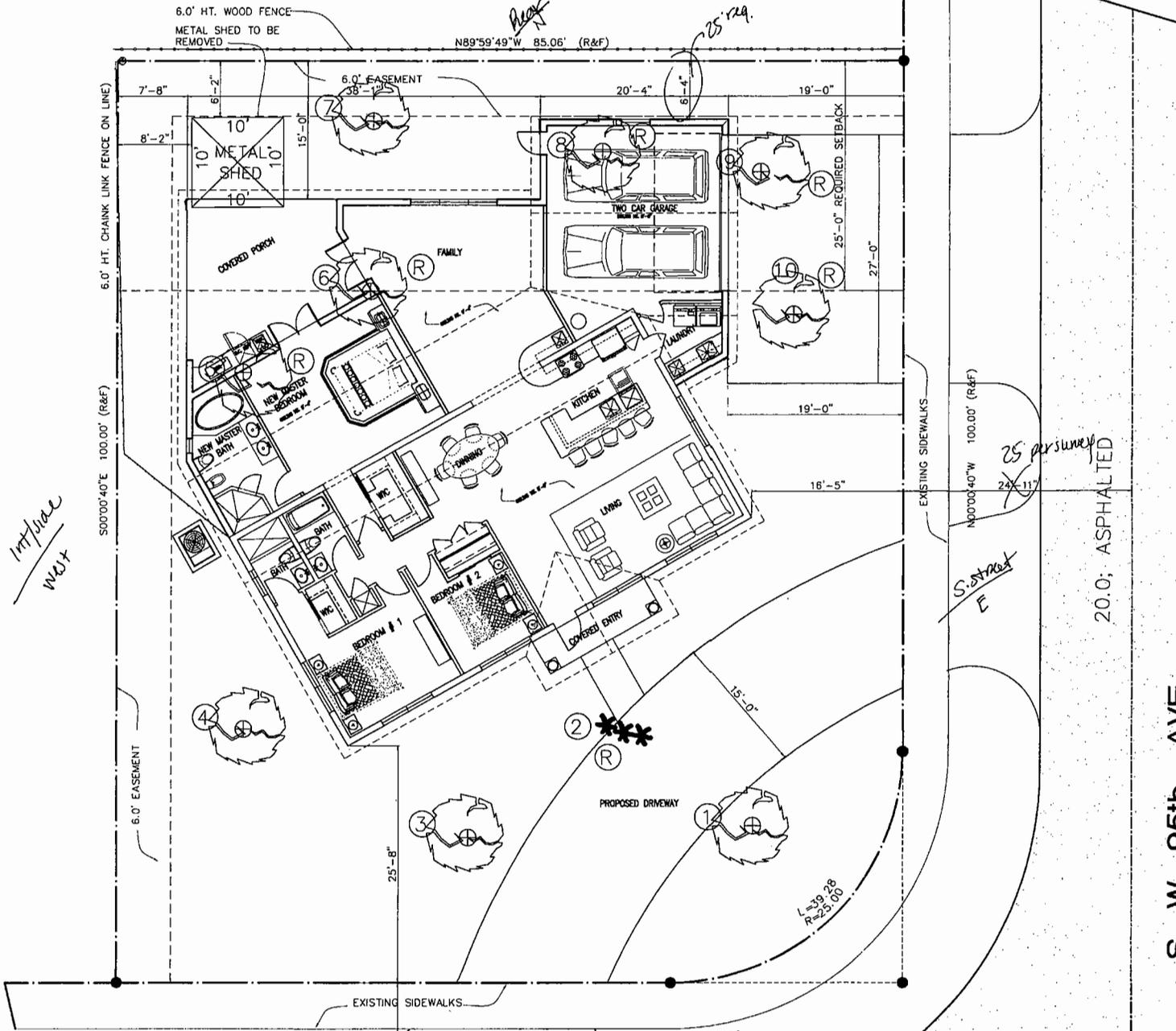
Z2008000100

**DATE**

**HEARING NUMBER**

No open cases. No current violations. No prior violations.

NOTE:  
 LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND  
 DISCHARGE OR STORMWATER ONTO ADJACENT PROPERTY. APPLICANT  
 WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.



*Int/Place  
 W&Y*

BY *AT*  
 1st rev.

**RECEIVED**  
 2008100  
 JUL 15 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

ENLARGED SITE PLAN

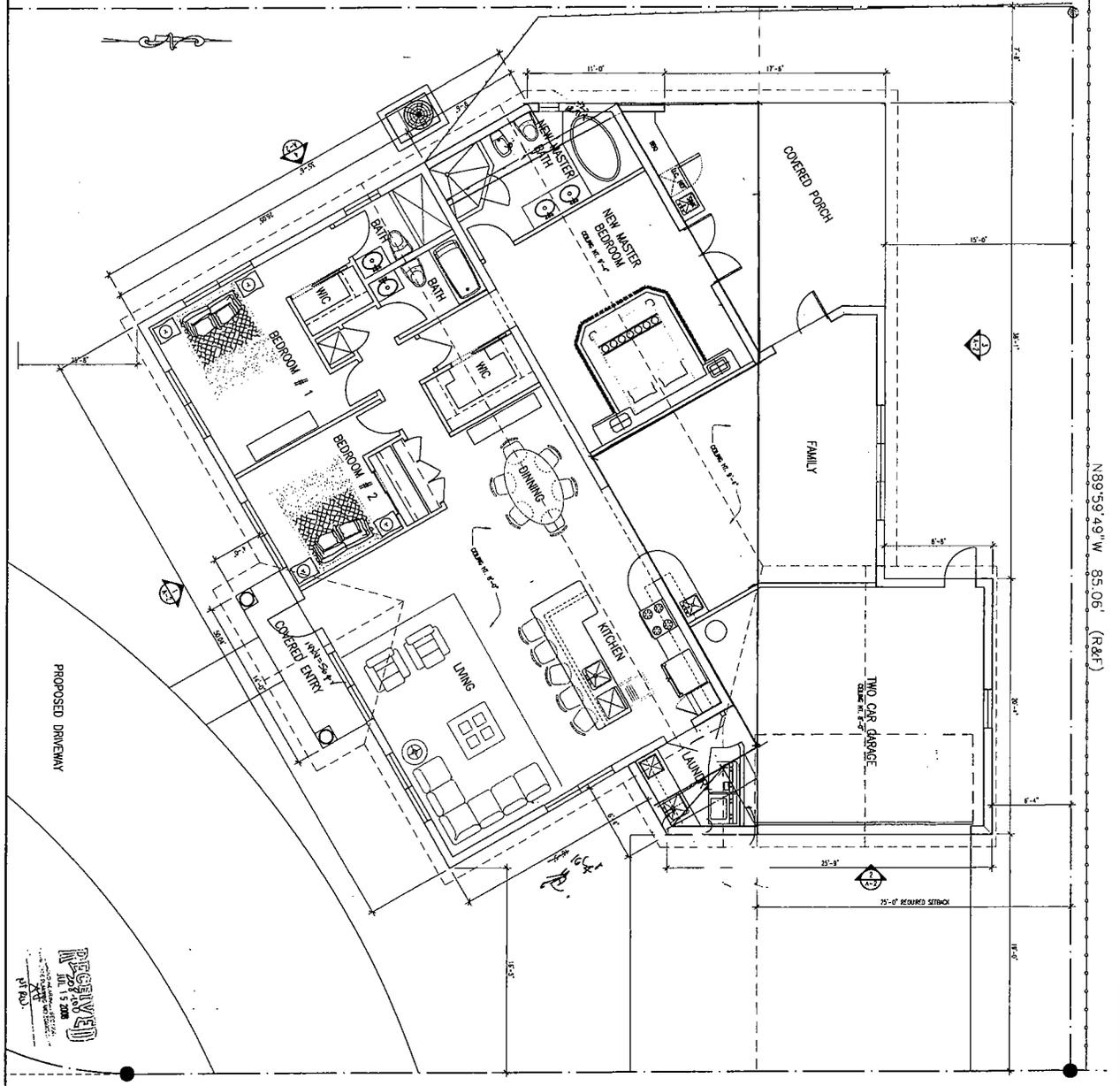


**FLOOR PLAN**

SCALE: 1/8" = 1'-0"

**RECEIVED**  
 208-160  
 JUL 15 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY 1st rev.

S00°00'40"E 100.00' (R&F)



**RECEIVED**  
 208-160  
 JUL 15 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY 1st rev.

<b>A-1</b>	PROJECT	S.L.R.
	OWNER	C.L.C.
	DATE	NOV. 2008
	SCALE	AS NOTED
	JOB NO.	08-012



PROPOSED ADDITION FOR:  
**MR. DOMINGO TRUJILLO**  
 9501 S.W. 49th STREET  
 MIAMI, FLORIDA 33165

**GUSTAVO J. CARBONELL, P.A.**  
 Architect and Planner  
 1457 N.E. 4th AVE.  
 Fort Lauderdale, Florida 33304  
 (954) 462-6565  
 Member American Institute of Architects

REVISIONS	DATE

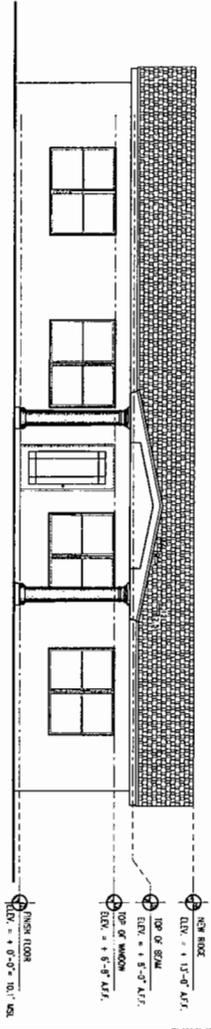
**RECEIVED**  
 208.100  
 JUL 15 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY ATK  
 1st Rev.

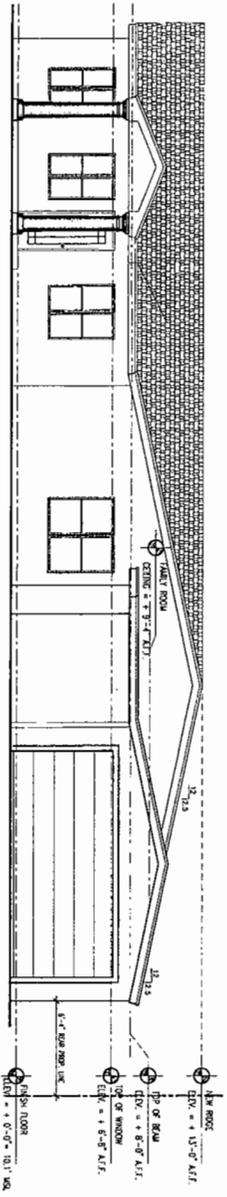
**1 | SOUTHEAST ELEVATION (FRONT)**

SCALE: 1/4" = 1'-0"



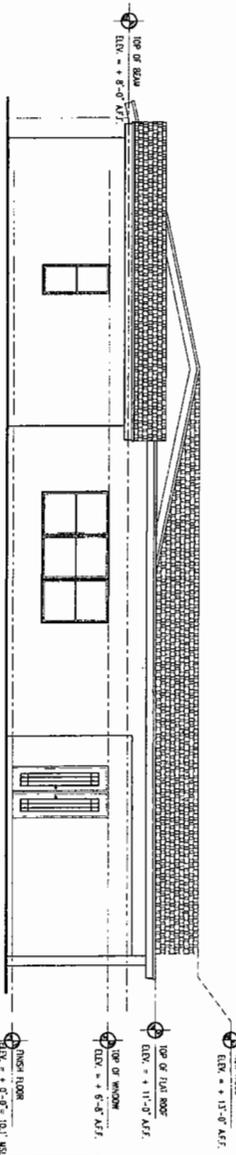
**2 | NORTHEAST ELEVATION (RIGHT SIDE)**

SCALE: 1/4" = 1'-0"



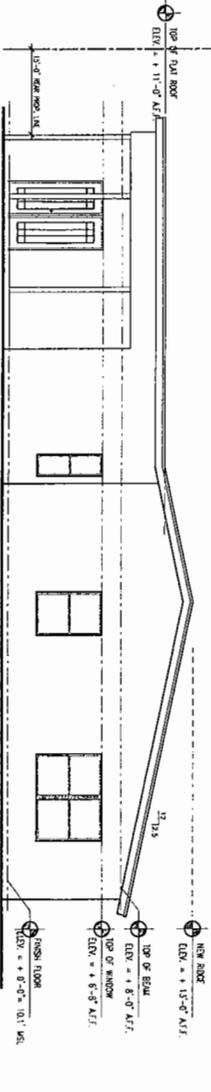
**3 | NORTHWEST ELEVATION (REAR)**

SCALE: 1/4" = 1'-0"



**4 | SOUTHWEST ELEVATION (LEFT SIDE)**

SCALE: 1/4" = 1'-0"



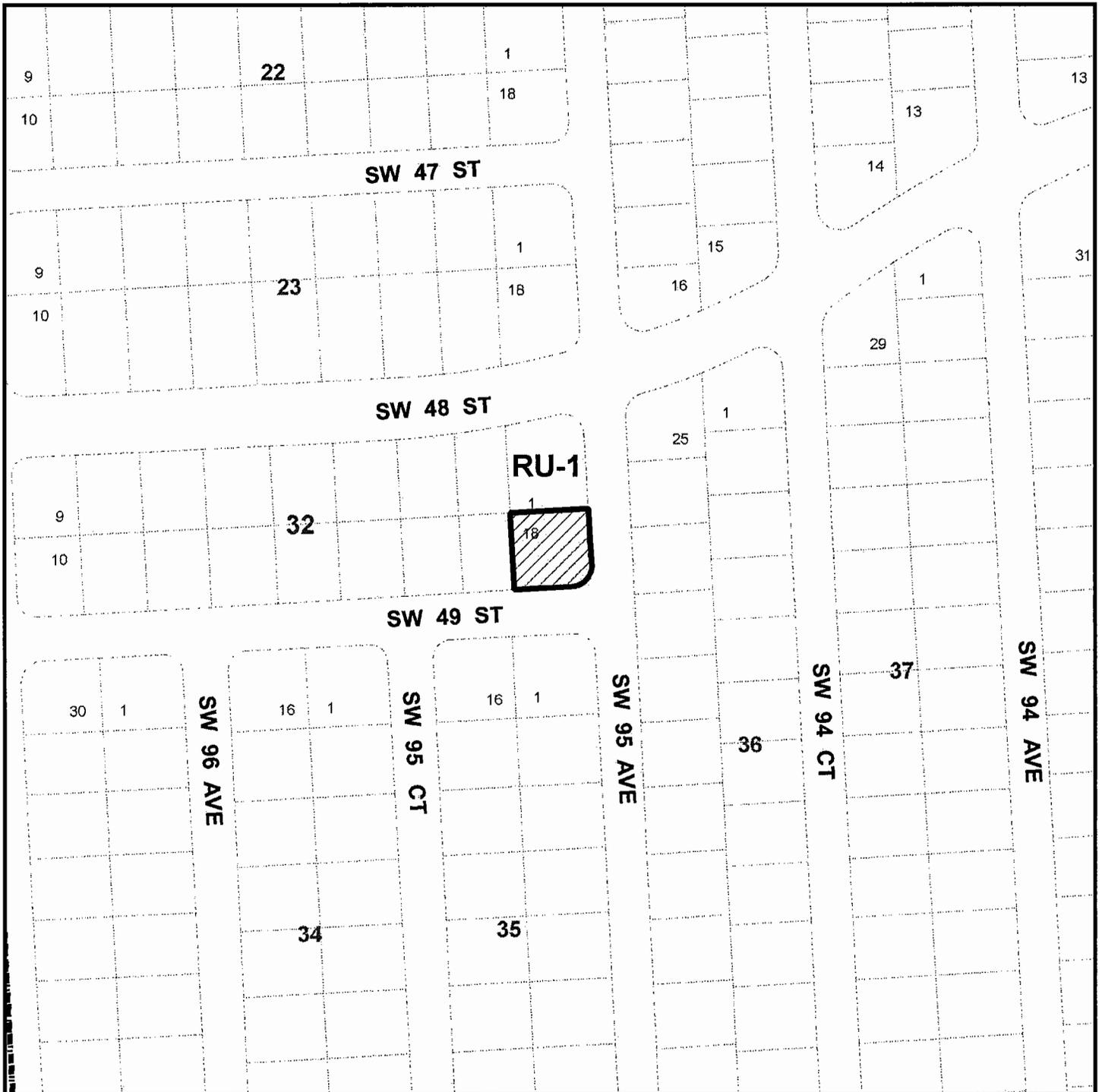
PROJECT	PROPOSED ADDITION FOR MR. DOMINGO TRUJILLO
DATE	JUL 15 2008
SCALE	AS NOTED
NO. NO.	08-042
REVISION	
<b>A-2</b>	



PROPOSED ADDITION FOR:  
**MR. DOMINGO TRUJILLO**  
 9501 S.W. 49th STREET  
 MIAMI, FLORIDA 33165

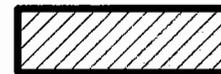
**GUSTAVO J. CARBONELL, P.A.**  
 Architect and Planner  
 1457 N.E. 4th AVE.  
 Fort Lauderdale, Florida 33304  
 (954) 482-6565  
 Member American Institute of Architects

NO.	DATE	REVISION



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-100**



**SUBJECT PROPERTY**



Section: 21 Township: 54 Range: 40  
 Applicant: DOMINGO J TRUJILLO  
 Zoning Board: C10  
 District Number: 10  
 Drafter ID: ERIC  
 Scale: NTS



CREATED ON: 05/28/2008

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY  
AERIAL**

Section: 21 Township: 54 Range: 40  
 Applicant: DOMINGO J. TRUJILLO  
 Zoning Board: C10  
 District Number: 10  
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Process Number

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**SUBJECT PROPERTY**



REVISION	DATE	BY