

# KITS

12-23-2008 Version # 1



COMMUNITY ZONING APPEALS BOARD 10  
RUBEN DARIO MIDDLE SCHOOL  
350 NW 97 Avenue, Miami  
Wednesday, January 28, 2009 at 6:30 p.m.

## EXTRA MEETING

### PREVIOUSLY DEFERRED

A. 08-11-CZ10-2 BELEN JESUIT PREPARATORY  
SCHOOL, INC.

08-166

02-54-39



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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### COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, JANUARY 28, 2009

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. BELÉN 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 12/11/08

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

**08-11-CZ10-2 (08-166)**  
**Area 10/District 12**  
**Hearing Date: 1/28/09**

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>
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**

**B**

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

REPRESENTATIVE: Simon Ferro

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

**REC:** 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

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Jan 28, 2009</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:		

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

VOTE: 

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EXHIBITS:  YES  NO

COUNTY ATTORNEY: CRAIG COLLER 2

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:** January 28, 2009

**COMMISSION DISTRICT:** 12

**ITEM NO.:** A

**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 December 11, 2008 meeting and 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 exiting 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; 12/19/08  
**DATE FINALIZED:** 12/19/08  
MCL:MTF:LVT:TA:NC

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

NAN

# 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". The signature is written in a cursive, flowing style.

**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.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 100 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips does not exceed the acceptable level of service (LOS) of the following roadways:

Sta.#	LOS present	LOS w/project
-------	-------------	---------------

F-88	SW 8 St. e/o SW 137 Ave.	D	D
F-2561	SW 8 St. w/o SW 122 Ave.	D	D
9770	SW 127 Ave. n/o SW 8 St.	D	D
9772	SW 127 Ave. s/o SW 8 St.	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.

30-OCT-08

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

School Name: Belen Jesuit Preparatory School

School Address: 500 SW 127th Ave., 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, indicated the number of students: 1,000 and age and grade ranges originally approved: 7 to 12 original - current 6 to 1.
2. Total size of site: varies x varies = 1,354,150.30 + 43,560 sq. ft. = 31.08 acres
3. Number of children or students requested: 1,500 Ages: 11 to 18
4. Number of teachers: 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 area (offices, bathrooms, kitchens, closets): 99,987 SF
7. Amount of outdoor recreation/play area in square footage: 415,630 SF ~~412,430~~

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

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 2 Yellow busses 67 Passangers (P), 3 Mini Busses 15 P, 2 Mini Busses 20 P, 2 Trucks 1 Van
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 414 parking spaces required by §33-124(L) 390
10. Indicate the number of auto stacking spaces: 47 provided 5 required.
11. Proposed height for the structure(s): 50"-8" See §33-151.18(g).
12. Size of identification sign: 3 x 18 = 54 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: from 7:00 a.m. to 10:00 p.m. Monday to Friday
14. Does the subject facility share the site with other facilities?  Yes  No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17?  Yes  No (If yes, describe the residential uses and indicate same on the plans).

DEC 1 2006  
CITY OF MIAMI

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ZONING HEARINGS SECTION  
MUNICIPAL PLANNING AND ZONING DEPT.

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:

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

Based on this development information, estimated service impact is: 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>Victor M. Hernandez</u>	
<u>Francisco Perez-Lerena</u>	
<u>Pedro Cartaya</u>	
<u>12725 SW 6 St., Miami, FL 33184</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: Carol Calder  
(Applicant)

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

Carol Calder  
(Notary Public)

My Commission expires: 8/21/07



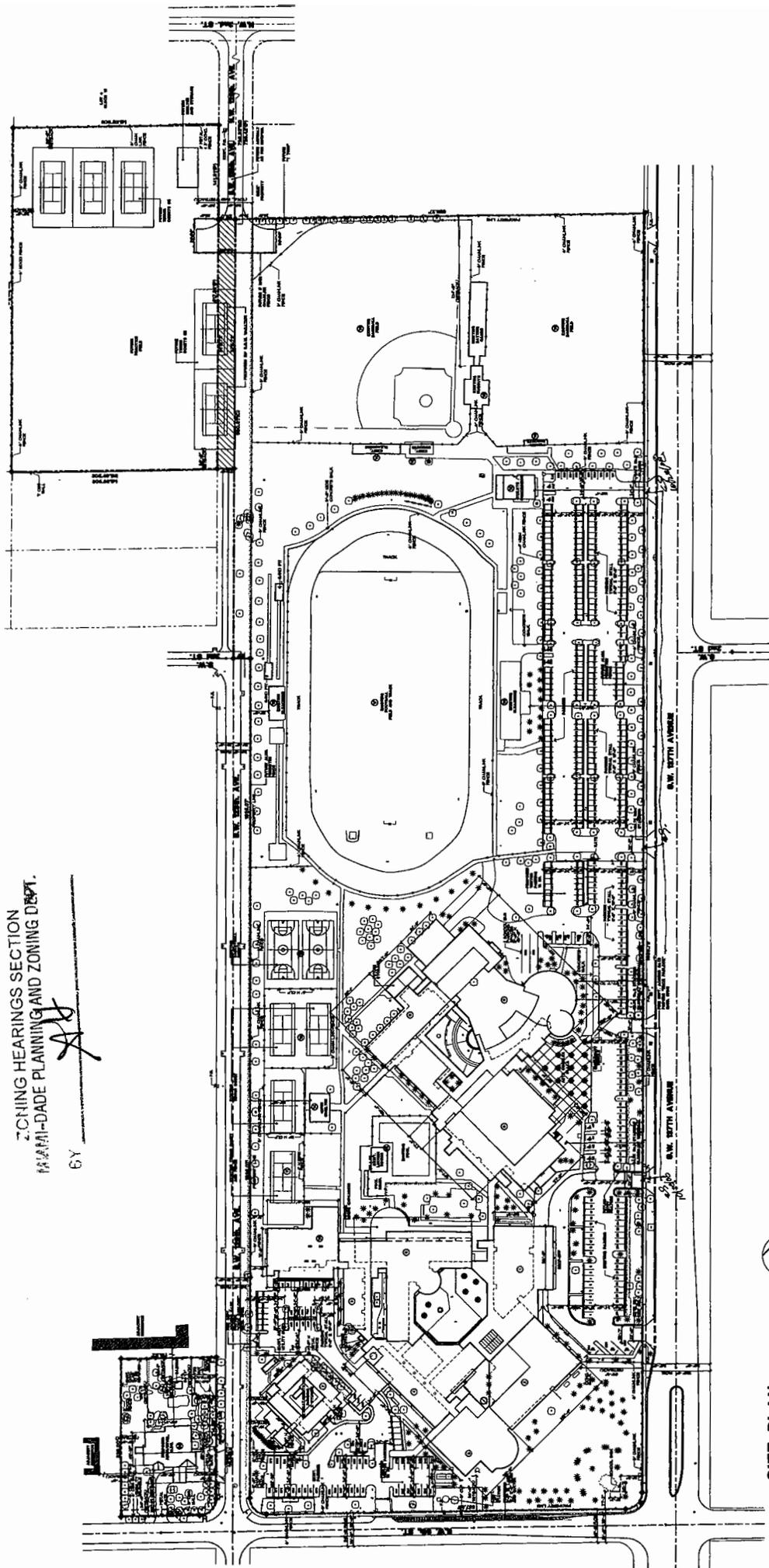
\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

6Y

AS



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

ENLARGED SITE PLAN









35

SANTOS / RAIMUNDEZ  
Architects P.A.  
3104 44th Street, Suite 100, Fort Lauderdale, FL 33309  
(954) 448-8224 Fax: (954) 448-8225

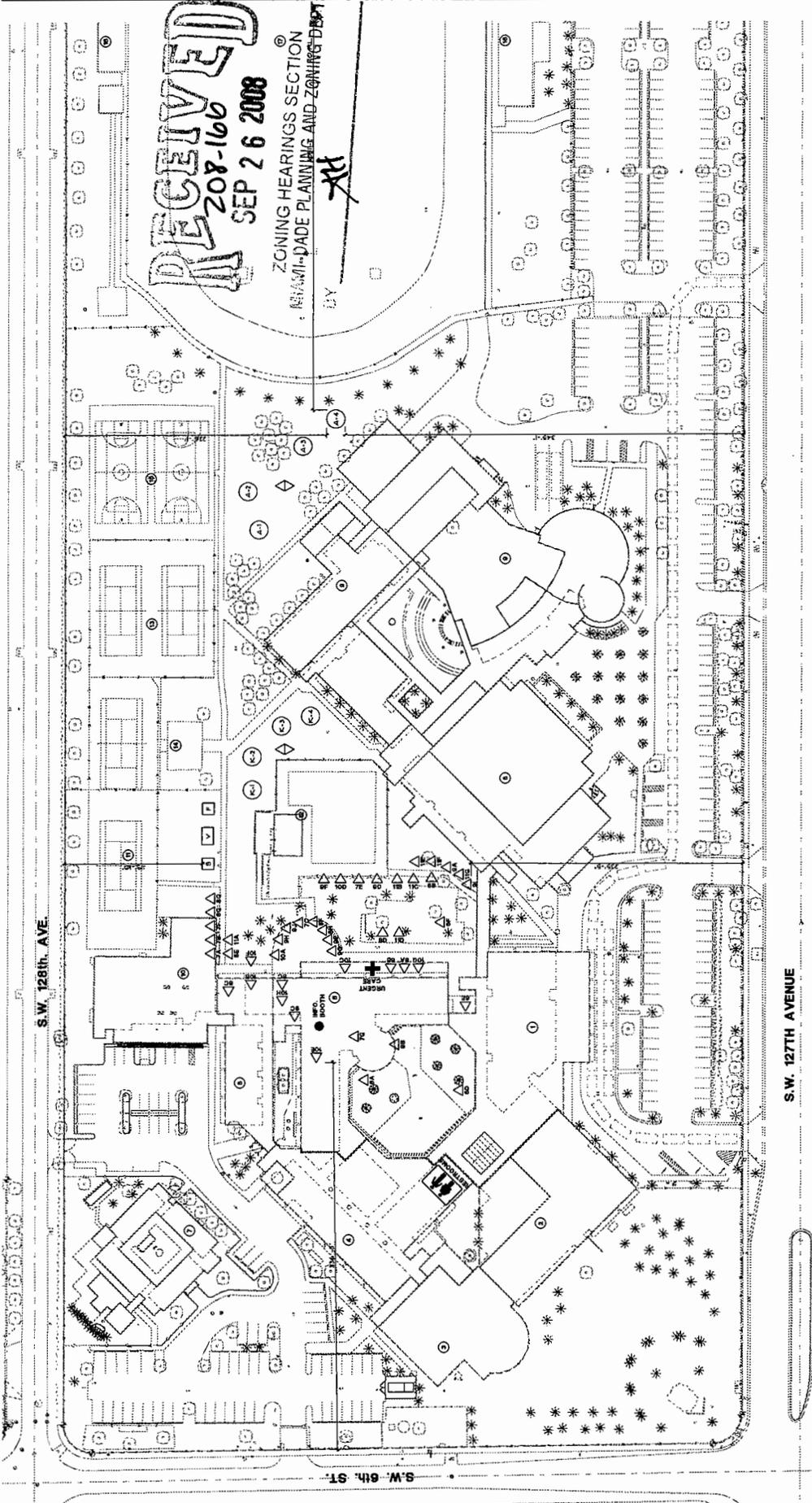
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MAYNARD-DADE PLANNING AND ZONING DEPT

PARTIAL SITE PLAN  
ANNUAL CARNIVAL

BELLEN JESUIT PREPARATORY SCHOOL  
MASTER PLAN  
500 S.W. 127th Ave.  
Miami, Florida  
33187

DATE: 08-08-08  
SHEET: A-1 OF 1

SCALE: N.T.S.



**BUILDINGS**

- 1 1ST FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 2 2ND FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 3 3RD FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 4 4TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 5 5TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 6 6TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 7 7TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 8 8TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 9 9TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 10 10TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 11 11TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 12 12TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 13 13TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 14 14TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 15 15TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 16 16TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 17 17TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 18 18TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 19 19TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"
- 20 20TH FLOOR: OFFICES / CHAPEL / BLDG HEIGHT: 24'-0"

**CARNIVAL NOTE:**

ALL EXISTING PARKING AREAS SHALL REMAIN IN USE AS PARKING FOR CARNIVAL. ALL EXISTING SPACES, NON-COURT SPACES, SHALL BE USED FOR ALL OTHER FUNCTIONS.

**CARNIVAL PARKING / ATTENDEE CAPACITY:**

ALL EXISTING SPACES TO CARNIVAL: 1,400 EXISTING SPACES  
NON-DEDICATED SP: 14 SPACES  
TOTAL: 1,414 SPACES

**CARNIVAL LEGEND:**

- 1 ADULT SEAT
- 2 KID SEAT
- 3 GENERATORS
- 4 CENTER CONCERNION
- 5 FOOD BOOTHS
- 6 BOOTH BOOTHS

**CARNIVAL NOTE:**

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**CARNIVAL LEGEND:**

- 1 EXISTING SHELTER
- 2 EXISTING BASKETBALL COURTS
- 3 EXISTING BALCONIES
- 4 EXISTING FOOTBALL FIELD AND TRACK
- 5 TOILETS / CONCESSION STAND
- 6 EXISTING STADIUM / GYMNASIUM
- 7 EXISTING LOCKER ROOMS
- 8 EXISTING TENNIS COURTS

**CARNIVAL NOTE:**

ALL EXISTING SPACES SHALL REMAIN IN USE AS PARKING FOR CARNIVAL. ALL EXISTING SPACES, NON-COURT SPACES, SHALL BE USED FOR ALL OTHER FUNCTIONS.

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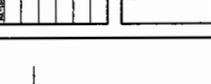
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NON-DEDICATED SP: 14 SPACES  
TOTAL: 1,414 SPACES

**CARNIVAL LEGEND:**

- 1 ADULT SEAT
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- 3 GENERATORS
- 4 CENTER CONCERNION
- 5 FOOD BOOTHS
- 6 BOOTH BOOTHS

**KEY PLAN**



43





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Architects P.A.  
3125 CORAL WAY MIAMI, FLORIDA 33154  
(305) 442-9229 FAX (305) 442-9228  
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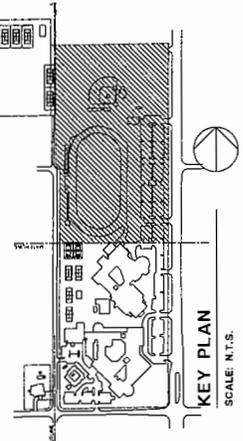
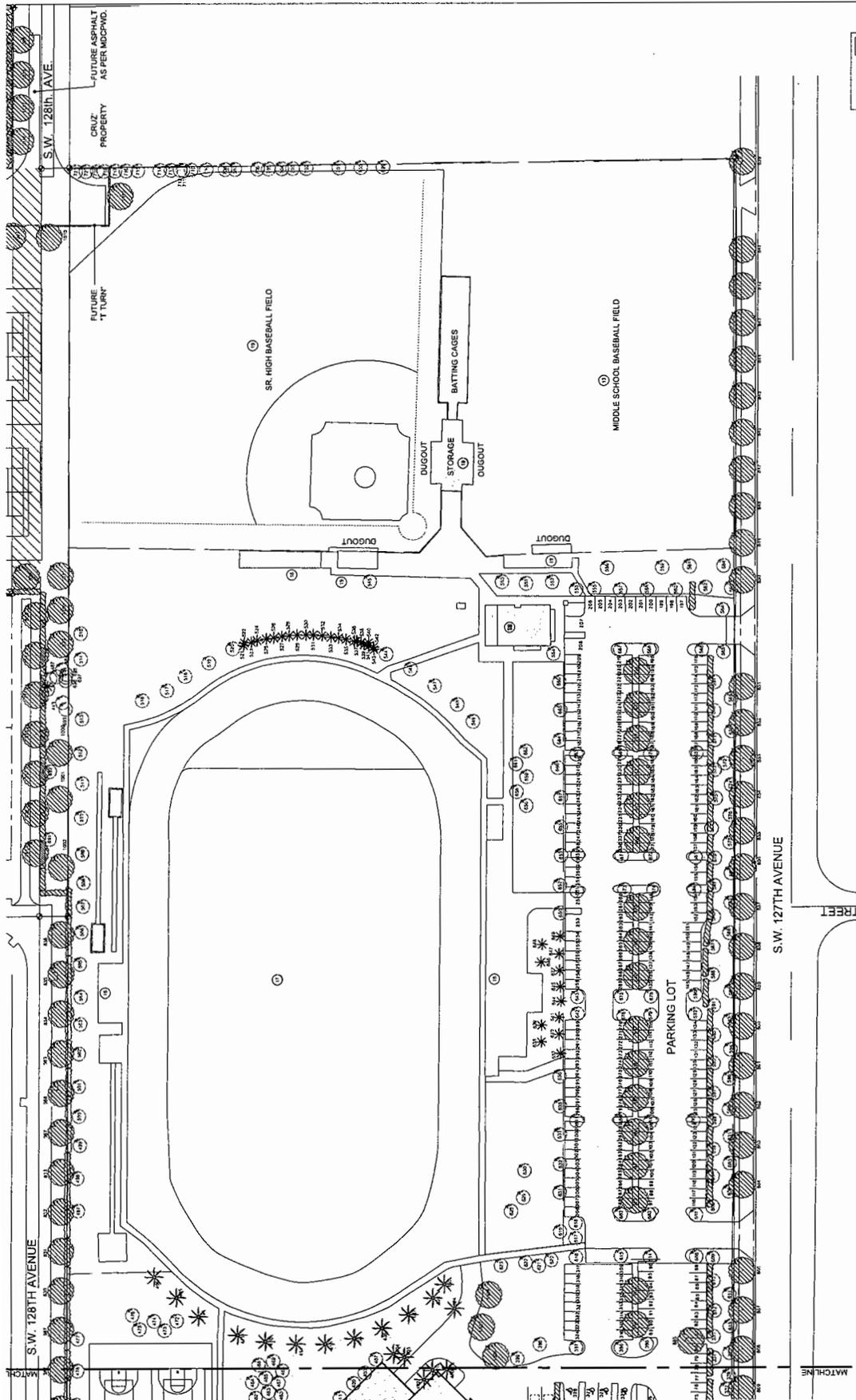
OVERALL LANDSCAPE

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

DATE: 4-24-03	BY: [Signature]
DATE: 10-01-04	BY: [Signature]
DATE: 10-12-06	BY: [Signature]

PROJECT: A.S./M.K.
CITY: MIAMI, FL
NO. 0727
DATE: 4-24-03
DATE: 10-01-04
DATE: 10-12-06

SHEET  
LS-1B  
OF  
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2008-10-21  
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ZONING HEARINGS SECTION  
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BY [Signature]

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PLANNING AND ZONING DEPT.  
OCT 21 2008

46

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 PLANNING DEPT.  
 DATE: OCT 21 2008  
 BY: [Signature]

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ZONING HEARINGS SECTION  
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BY \_\_\_\_\_

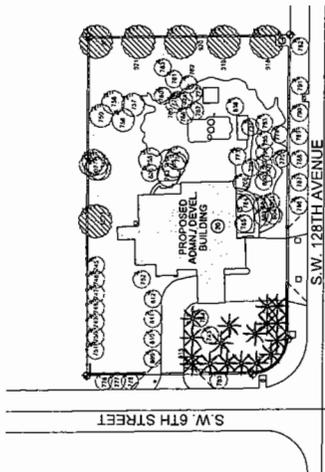
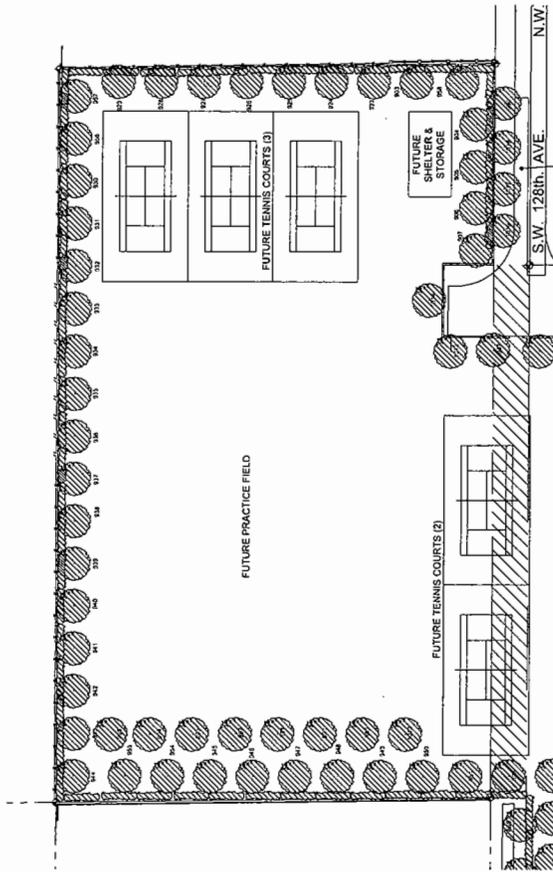
SANTOS / RAIMUNDEZ  
 Architects P.A.  
 5134 COCAL WAY MIAMI FLORIDA 33155  
 (305) 444-8824 FAX: (305) 444-0028  
 WWW.SANTOSRAIMUNDEZ.COM

OVERALL LANDSCAPE  
 PLAN

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

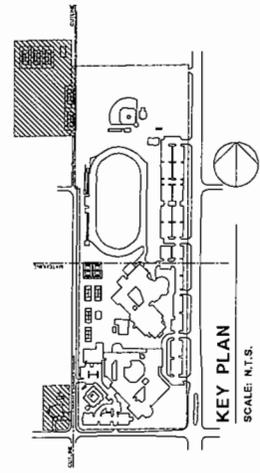
DESIGNER	SANTOS / RAIMUNDEZ
DATE	4-24-08
PROJECT NO.	0777
PROJECT NAME	BELEN JESUIT PREPARATORY SCHOOL
PROJECT ADDRESS	500 S.W. 128th AVE.
PROJECT CITY	MIAMI, FL
PROJECT STATE	FL
PROJECT ZIP	33155

SHEET  
**LS-1C**  
 OF  
 7



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

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



KEY PLAN  
 SCALE: N.T.S.

44

SANTOS / RAIMUNDEZ Architects, P.A. 5140 N. W. 11th Ave. Suite 100 Fort Lauderdale, FL 33309-3214

LANDSCAPE TABLE

BELEN JESUIT PREPARATORY SCHOOL 500 NW 4TH AVE MIAMI, FLORIDA

LANDSCAPE TABLE

COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT

LS-2A of 7 SHEET

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 1-17.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 18-35.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 36-53.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 54-71.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 72-89.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 90-107.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 108-125.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 126-143.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 144-161.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 162-179.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 180-197.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 198-215.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 216-233.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 234-251.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 252-269.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST, COMMON PLANT NAME, NATIVE YES/NO, CANOPY DIAMETER, HEIGHT. Rows 270-287.

SEP 02 2008 208-1066

G HEARINGS SECTION

48

45

SANTOS / RAIMUNDEZ Architects P.A. 3104 GORRA BLVD. SUITE 200 W. PALM BEACH, FLORIDA 33411

LANDSCAPE TABLE

BELEN DESUR PREPARATORY SCHOOL 900 S.W. 12TH AVE. MIAMI, FLORIDA

DATE: 04-24-08 PROJECT: E.S. 10000000

SHEET 7 OF 10 LS-2B

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 310-335.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 335-360.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 360-385.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 385-410.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 410-435.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 435-460.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 460-485.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 485-510.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 510-535.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 535-560.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 560-585.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 585-610.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 610-635.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 635-660.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 660-685.

LANDSCAPE TABLE CONT. Table with columns: NEW EXIST., COMMON PLANT NAME, NATIVE YES NO, CALIPER (IN), CANOPY DIAMETER, HEIGHT. Rows 685-710.

RECEIVED 2008-10-20 SEP 20 2008

49

FORMING HEADLINE





48

**RECEIVED**  
 207-106  
 SEP 02 2008

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

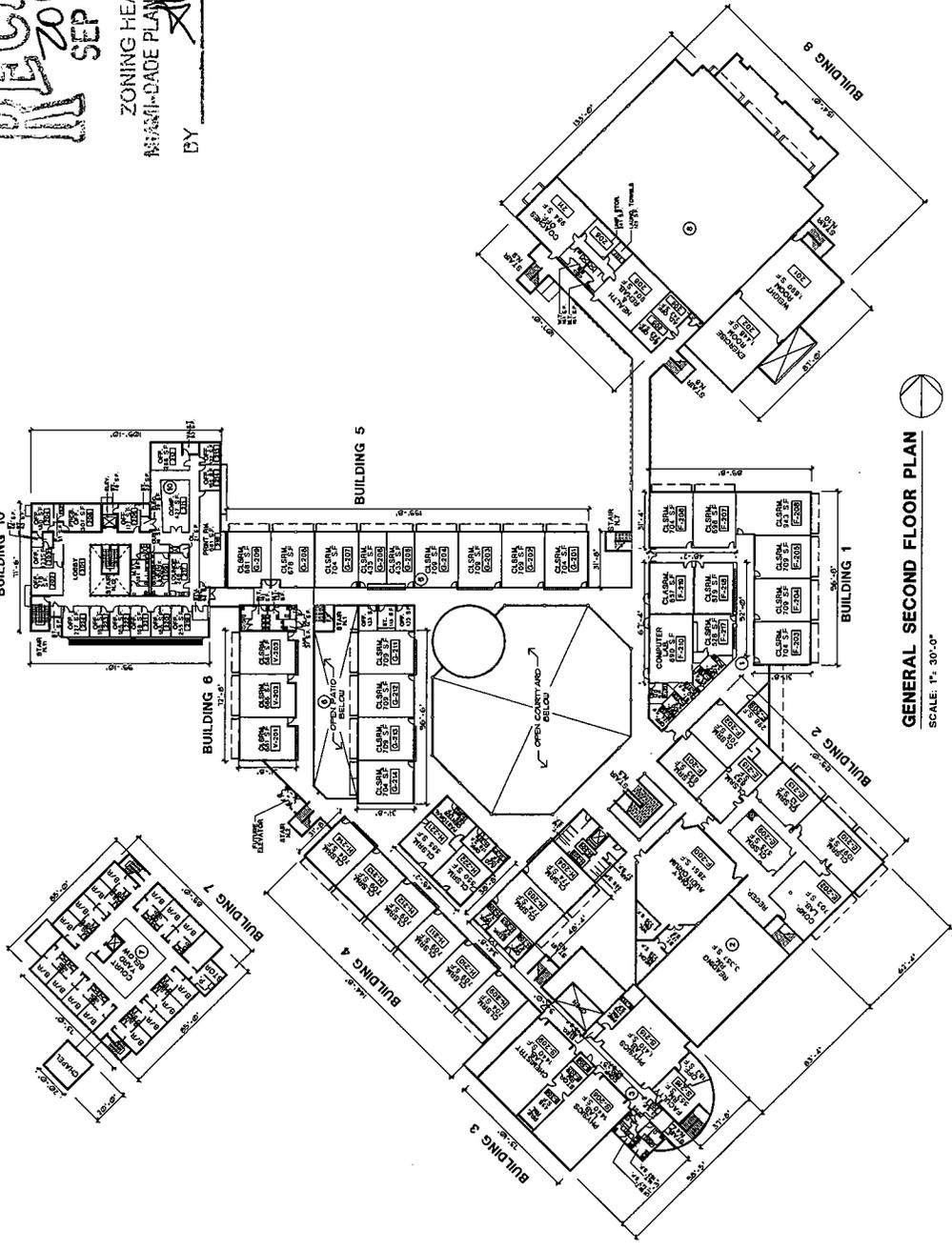
SANTOS / RAIMUNDEZ  
 Architects P.A.  
 2124 155th Ave. NE, Suite 100  
 Miami, Florida 33178  
 (305) 443-6344 Fax: (305) 443-6343

**GENERAL SECOND FLOOR PLAN**

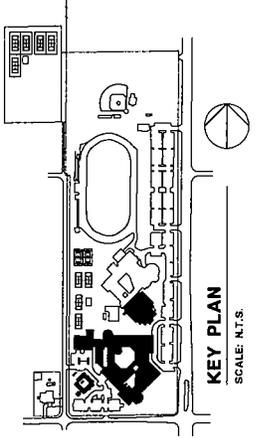
BELEN JESUIT PREPARATORY SCHOOL  
 MASTER PLAN  
 500 S.W. 127th Ave.  
 MIAMI, FLORIDA

DATE: 04-24-08  
 PROJECT: 0272  
 SHEET: A-5 OF 6

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



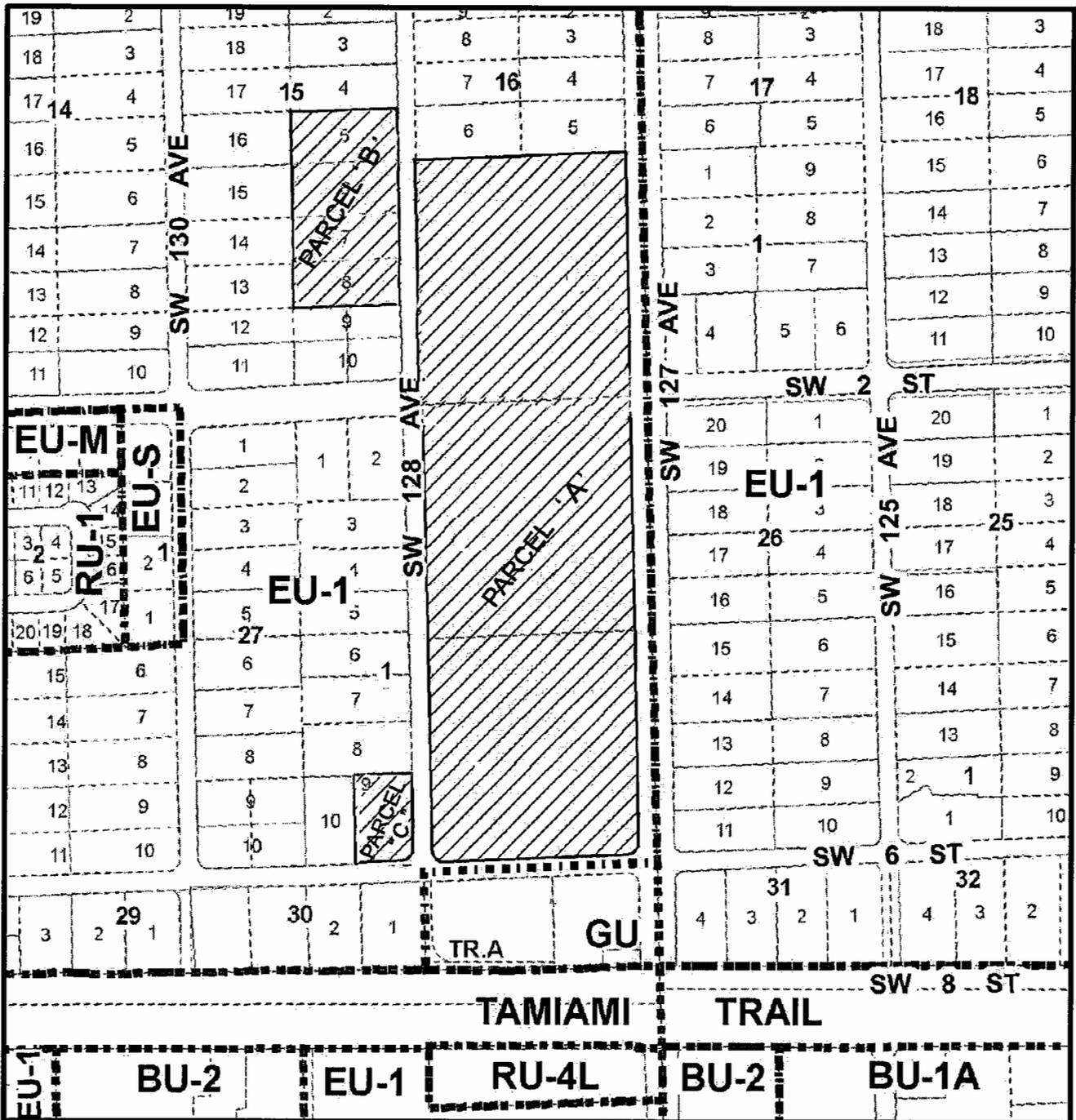
**GENERAL SECOND FLOOR PLAN**  
 SCALE: 1" = 30'-0"



**KEY PLAN**  
 SCALE: N.T.S.

- BUILDINGS**
- 1 EXISTING ADMINISTRATION BUILDING IS STORES
  - 2 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 3 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 4 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 5 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 6 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 7 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 8 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 9 EXISTING ADMINISTRATION BUILDING IS OFFICES
  - 10 EXISTING ADMINISTRATION BUILDING IS OFFICES
- 1 ART CENTER, 11 STOREY  
 1ST FLOOR: ART CENTER / ART GALLERY / ART STORAGE  
 BUILDING HEIGHT: 60'-0"
- 2 EXISTING BASKETBALL COURTS  
 BUILDING HEIGHT: 20'-0"
- 3 EXISTING BLEACHERS  
 BUILDING HEIGHT: 20'-0"
- 4 EXISTING FOOTBALL FIELD AND TRACK  
 BUILDING HEIGHT: 20'-0"
- 5 EXISTING TOILETS / CONCESSION STAND  
 BUILDING HEIGHT: 20'-0"
- 6 EXISTING BASEBALL FIELDS / DIKERS  
 BUILDING HEIGHT: 20'-0"
- 7 EXISTING ADMINISTRATION / DEVELOPMENT BUILDING  
 BUILDING HEIGHT: 15'-0"
- 8 1ST FLOOR: DINING / KITCHEN / CAFE  
 BUILDING HEIGHT: 20'-0"
- 9 1ST FLOOR: OFFICES / TEACHERS LOUNGE  
 BUILDING HEIGHT: 20'-0"
- 10 2ND FLOOR: CLASSROOMS  
 BUILDING HEIGHT: 20'-0"
- 11 1ST FLOOR: VISUAL CLASSROOM  
 BUILDING HEIGHT: 20'-0"
- 12 2ND FLOOR: VISUAL CLASSROOMS AND LABS  
 BUILDING HEIGHT: 20'-0"
- 13 1ST FLOOR: LOBBY / BASKETBALL COURT / LOCKERS  
 BUILDING HEIGHT: 20'-0"
- 14 2ND FLOOR: OFFICE / EXERCISE ROOM  
 BUILDING HEIGHT: 20'-0"

25



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

Section: 02 Township: 54 Range: 39

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

Zoning Board: C10

Commission District: 12

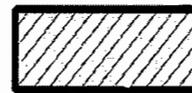
Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**08-166**

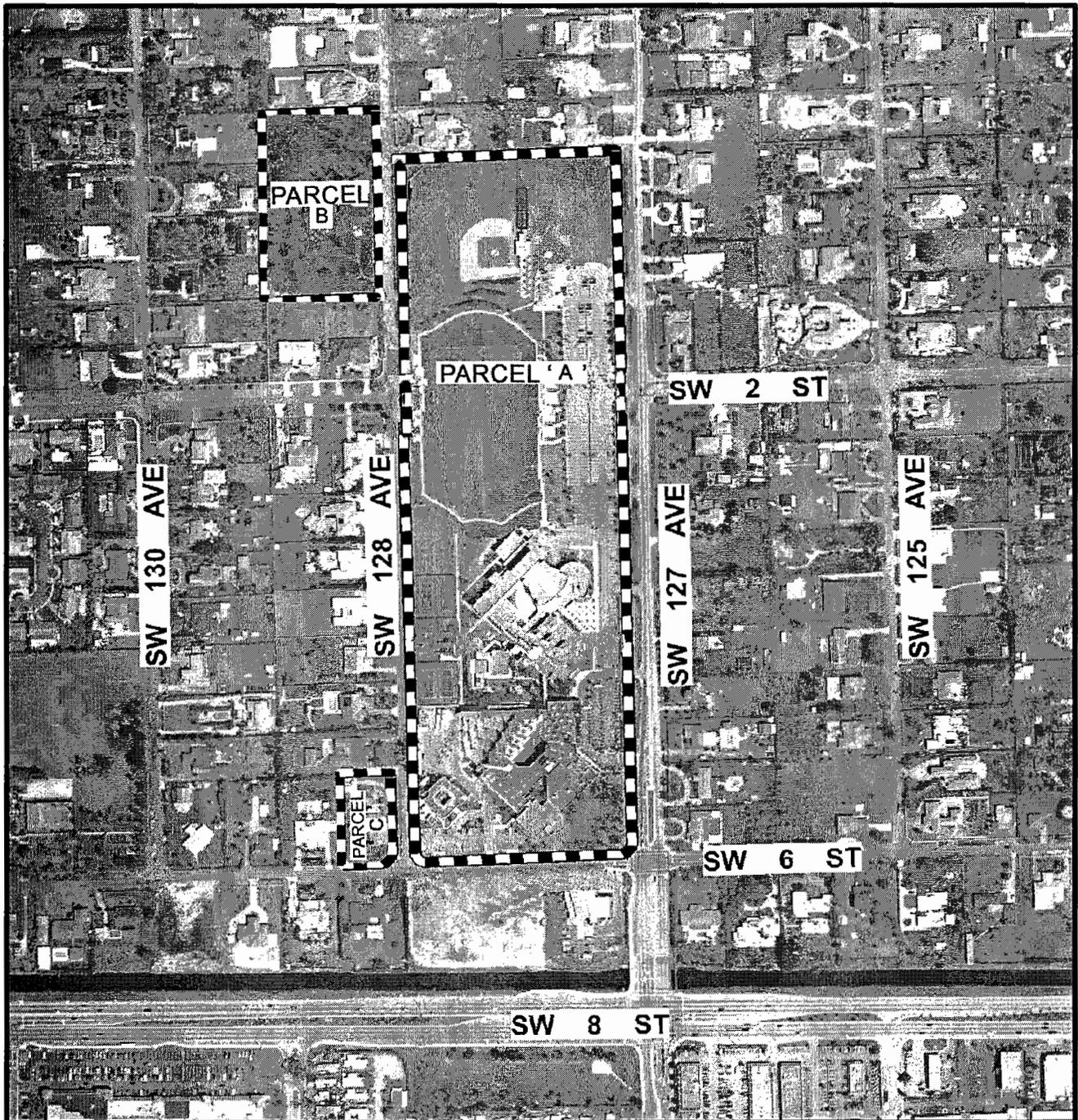


RADIUS: 2640'



53

REVISION	DATE	BY
Applicant Name Change	10/5/08	Jgud



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2008**

Section: 02 Township: 54 Range: 39

Applicant: BELEN JESUIT PREPARATORY SCHOOL, INC.

Zoning Board: C10

Commission District: 12

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**08-166**



SUBJECT PROPERTY



SKETCH CREATED ON: 09/05/08

REV	BY	DATE
1	Jgurd	10/1/08