# KITS

10-29-2008 Version # 1

MIAMI-DADE COUNTY

**BOARD OF COUNTY COMMISSIONERS**

**ZONING HEARINGS**

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

**111 NW 1 Street, Miami**

**Thursday, December 4, 2008 at 9:30 a.m.**

***CURRENT***

| | | | | | | | DISTRICT |
|---|---|---|---|---|---|---|---|
| 1. | 08-12-CC-1 | THOMAS & MICHELLE TORBERT | | 07-124 | 28-57-38 | N | 9 |
| 2. | 08-12-CC-2 | DREAM OF FIELDS GROUP, INC. | | 08-109 | 16-55-40 | N | 8 |
| 3. | 08-12-CC-3 | RIO'S PET SPA & BOARDING | | 08-125 | 09-52-42 | N | 4 |
| 4. | 08-12-CC-4 | MEADOW VIEW SHOPPING CENTER, LLC | (DEVELOPMENTAL IMPACT COMMITTEE) | 08-149 | 16-54-39 | N | 11 |
| 5. | 08-12-CC-5 | KENDALL GREENS PROPERTY, LLC | | 08-165 | 33-54-39 | N | 11 |
| 6. | 08-12-CC-6 | DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING | | 08-204 | 09-55-40 | N | 8 |

# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

**COUNTY COMMISSION MEETING OF THURSDAY, DECEMBER 4, 2008**

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

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

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

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

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

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

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

SWEARING IN OF WITNESSES

1. **THOMAS & MICHELLE TORBERT (08-12-CC-1/07-124)** **28-57-38**
**BCC/District 9**

Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in the determination that the property must be developed in accordance with the GU (Interim) zoning district regulations in lieu of a prior plat, entitled "Florida City Pines."

The purpose of this request is to allow the applicant to utilize a prior plat to develop the 65 acre property as 1 acre residential sites in lieu of the requiring 5 acres per building site.

LOCATION: The southwest corner of S.W. 344 Street and S.W. 207 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 65 Acres

Department of Planning and Zoning Recommendation: To be distributed at a later date.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **DREAM OF FIELDS GROUP, INC. (08-12-CC-2/08-109)** **16-55-40**
**BCC/District 8**

Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in the issuance of Building Permit No. 2008042872 without analyzing the permit plans under the Zoning Code's private school requirements.

The purpose of the request is to require the development of the gymnastic training facility on the subject property in accordance with the private school requirements of the Zoning Code.

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

SIZE OF PROPERTY: 0.53 Acre

Department of Planning and Zoning Recommendation: Denial with prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. **RIO'S PET SPA & BOARDING (08-12-CC-3/08-125)** **9-52-42**
**BCC/District 4**

(1) UNUSUAL USE to permit a dog kennel in conjunction with an existing pet grooming center.

(2) Applicant is requesting to permit a setback of 42'2" (12' maximum permitted) from the front (east) property line.

(3) Applicant is requesting to permit building height of 2 stories (3-stories minimum required).

(4) Applicant is requesting to waive the zoning regulations requiring the property to conform to street type parameters for a main street.

(5) Applicant is requesting to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area and the ground floor windowsills be placed a minimum of 24" above grade; to permit storefronts with 33.65% transparent clear glazed area and the windowsills be placed a minimum of 1'2" above grade.

(6) Applicant is requesting to permit parking in front of the building (none permitted).

(7) Applicant is requesting to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway.

(8) Applicant is requesting to permit 3 parking spaces (12 parking spaces required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2-#8 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Rio Pet Grooming Spa & Boarding," as prepared by Gollaville Krishna Rao, P. E., consisting of 2 sheets dated stamped received 7/9/08. Plans may be modified at public hearing.

LOCATION: 18170 West Dixie Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 104'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 5 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

This item was heard as a Recommendation by CZAB-2 on 9/25/08

4. **MEADOW VIEW SHOPPING CENTER L. L. C. (08-12-CC-4/08-149)** **16-54-39**
**BCC/District 11**

(1) SPECIAL EXCEPTION for a charter school.

(2) SPECIAL EXCEPTION to permit a senior high school within one mile of the UDB.

(3) MODIFICATION of Condition #2 of Resolution No. CZAB10-61-06, passed and adopted by Community Zoning Appeals Board #10 reading as follows:

FROM: "2. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'Park Meadow Retail Center,' prepared by RSC Group LC, consisting of sheets L-1, A-2, A-2.1, A-3.1, and A-4 through A-9 dated stamped received 3/17/06, and sheets A-1, A-1.1, A-3, A-4.1, A-6.1, A-6.2, A-6.3, A-8.0 and A-8.1, dated stamped received 10/13/06."

TO: "2. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'Pinecrest Academy Charter School West Campus,' as prepared by Civica Architecture & Urban Design, dated stamped received 9/29/08 and consisting of 9 sheets."

(4) DELETION of Condition #3 of Resolution No. CZAB10-61-06, passed and adopted by Community Zoning Appeals Board #10 reading as follows:

"3. That the main retail center building's second-story be limited to office use and parking only."

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 22345, Pages 1452-1460, last modified by a Modification of a Declaration of Restrictions, recorded in Official Record Book 26570, Pages 1781-1803.

The purpose of Requests #3 - #5 is to allow the applicant to submit new plans showing a charter school in lieu of the previously approved shopping center and to delete two covenants tying the site to the previously approved shopping center.

(6) Applicant is requesting to permit a one-way drive to be 11' in width (14' required)

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3-#5 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 request #6 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: 14901 S.W. 42 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.28 Acres

Developmental Impact Committee Recommendation: Approval with conditions as set forth in the Department of Planning and Zoning's recommendation and subject to the Board's acceptance of the proffered covenant.

Protests: 1 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. **KENDALL GREENS PROPERTY L. L. C. (08-12-CC-5/08-165)** **33-54-39**
**BCC/District 11**

Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in his interpretation of the language in a Declaration of Restriction, recorded in Official Record Book 21660, Pages 4050-4060, limiting the grade levels on the charter school site to kindergarten to 5 only.

The purpose of the above request is to reverse the Director's decision and to allow the expansion of the previously approved charter school to include grade levels up to the 8th grade.

LOCATION: 15130 S.W. 80 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.8 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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6. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-12-CC-6/08-204)** **9-55-40**
**BCC/District 8**

DELETION of a Declaration of Restrictions recorded in Official Record Book 23175, Pages 4420-4425.

The purpose of the request is to remove a previously recorded agreement that required the property to be developed with 6 residences in order to permit the site to be developed with a public library and park.

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

LOCATION: Lying on the northwest corner of S.W. 112 Street and S.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.42 Acres

| | |
|---|---|
| Department of Planning and Zoning Recommendation: | Approval of the application under Sections 33-311(A)(7) (generalized modification standards) or 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing), subject to two conditions. |
| Protests: 1 | Waivers: 0 |
| APPROVED: | DENIED WITH PREJUDICE: |
| DENIED WITHOUT PREJUDICE: | DEFERRED: |

THE END

NOTICE OF APPEAL RIGHTS

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

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

**1. THOMAS & MICHELLE TORBERT**
**(Applicant)**

**08-12-CC-1 (07-124)**
**BCC/District 9**
**Hearing Date: 12/4/08**

Property Owner (if different from applicant) **Thomas Torbert**

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

Disclosure of interest form attached? Yes ☐ No ☑

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| | | | | NONE |

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

PLANNING & ZONING RECOMMENDATION
WILL BE DISTRIBUTED AT A LATER DATE.

# EXHIBIT – 1

## Memorandum

MIAMI-DADE COUNTY

**Date:** October 12, 2006

**To:** Diane O'Quinn
Director
Planning Zoning Department

**From:** Esther L. Calas, P.E.
Director
Public Works Department

**Subject:** Florida City Pines Plat

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I have reviewed the available file and documentation concerning the referenced plat and based on my professional evaluation, it is my determination that said plat is not valid.

Should you have any questions or require additional information, please contact me at (305) 375-2960.

Thank you.

cc: Joni Armstrong-Coffey, Assistant County Attorney
Raul Pino, P.L.S., Chief, Land Development Division

RECEIVED
OCT 20 2006
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

# EXHIBIT – 2 (1 OF 7)

**SPECIAL SEARCH - APRIL 15, 2008**

**IN RE:** Lands Comprising "Florida City Pines".
PB-23/41

**Located in:** NW ¼ of Section 27-57-38 and
NE ¼ of Section 28-57-38

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This is a Special Search to determine if any lands conveyed within the subdivision known as "FLORIDA CITY PINES", according to the Plat thereof, recorded in Plat Book 23, at Page 41, of the Public Records of Miami-Dade County, Florida, have been conveyed according to the said Plat, or have been conveyed by metes and bounds descriptions.

A search of the Public Records of Miami-Dade County, Florida, from the filing of said "FLORIDA CITY PINES" to date finds that all conveyances, including dedications for Rights-of-Way, have been in the form of metes and bounds descriptions, and not as lots and blocks in said subdivision.

The chart below shows the complete lists of all conveyances, respectively, per folio number, of all conveyances.

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**Part 1 of 2: Lands in Section 27-57-38**

**NOTE:** The following folios numbers comprise the subject premises within said Section 27:

| | |
|---|---|
| 30-7827-000-0150 | (F-150) |
| 30-7827-000-0160 | (F-160) |
| 30-7827-000-0170 | (F-170) |
| 30-7827-000-0180 | (F-180) |
| 30-7827-000-0181 | (F-181) |
| 30-7827-000-0120 | (F-120) |

| Item No. | Instrument | Folio/Parcel No. Concerned |
|---|---|---|
| 01. | PB-23/41, "Florida City Pines" | (F-150, F-160, F-170, F-180, F-181 & F-120) |
| 02. | DB-946/223, filed 5/5/1926 | (F-150, F-160, F-170, F-180, F-181 & F-120) |
| 03. | DB-1377/448, filed 4/26/1930 | (F-150, F-160, F-170, F-180, F-181 & F-120) |
| 04. | DB-2282/325, filed 4/13/1943 | (F-150, F-160, F-170, F-180, F-181 & F-120) |

# EXHIBIT – 2 (2 OF 7)

***As to Folio Number 30-7827-000-0150 (F-150):***

| | | |
|---|---|---|
| 05. | DB-3572/14, filed 3/27/1952 | (F-150, F-160, F-170, F-180, & F181) |
| 06. | DB-3788/552, filed 7/10/1953 | (F-150, F-160, & F-170) |
| 07. | DB-4078/122, filed 4/20/1955 | (F-150, F-160 & F-170) |
| 08. | DB-4078/128, filed 4/20/1955 | (F-150) |
| 09. | DB-4110/39, filed 6/17/1955 | (F-150) |
| 10. | OR-15557/4230, filed 6/18/1992 | (F-150) |
| 11. | OR-16767/3533, filed 5/2/1995 | (F-150) |
| 12. | OR-17029/3825, filed 12/18/1995 (RWD) | (F-150) |
| 13. | OR-17029/4154, filed 12/18/1995 (Dedi. & Imprv. Agmt) | (F-150) |
| 14. | OR-17333/3125, filed 8/29/1996 | (F-150) |
| 15. | OR-18995/2390, filed 2/23/2000 | (F-150) |

***As to Folios Numbers 30-7827-000-0160 & 0170 (F-160 & F-170):***

**NOTE:** See Items 01 through 07, above.

| | | |
|---|---|---|
| 16. | DB-4110/35, filed 6/17/1955 | (F-160) |
| 17. | DB-4110/37, filed 6/17/1955 | (F-170) |
| 18. | OR-9323/171, filed 5/12/1976 | (F-160) |
| 19. | OR-9323/172, filed 5/12/1976 | (F170) |
| 20. | OR-12488/684, filed 4/25/1985 | (F-160 & F-170) |
| 21. | OR-16521/2036, filed 9/26/1994 | (F-160 & F-170) |

***As to Folio Number 30-7827-000-0180 (F-180):***

**NOTE:** See Items 01 through 05, above.

| | | |
|---|---|---|
| 22. | DB-3734/462, filed 3/20/1953 | (F-180 & F-181) |
| 23. | OR-5287/279, filed 11/28/1966 | (F-180 & F-181) |
| 24. | OR-10933/2608, filed 11/18/1980 | (F-180) |

| | | |
|---|---|---|
| 25. | OR-13496/2575, filed 12/4/1987 | (F-180) |
| 26. | OR-20514/1912, filed 7/9/2002 | (F-180) |
| 27. | OR-22224/4311, filed 4/20/2004 | (F-180) |
| 28. | OR-22760/1123, filed 10/25/2004 | (F-180) |
| 29. | OR-24964/484, filed 10/2/2006 | (F-180) |

***As to Folio Number 30-7827-000-0181 (F-181):***

**NOTE:** See Items 01 through 05, and Items 22 and 23.

| | | |
|---|---|---|
| 30. | OR-9883/1920, filed 11/18/1977 | (Part of F-181) |
| 31. | OR-13021/2354, filed 9/17/1986 | (F-181) |
| 32. | OR-13580/2804, filed 2/22/1988 | (F-181) |
| 33. | OR-13676/2828, filed 5/12/1988 | (F-181) |
| 34. | OR-16203/260, filed 1/5/1994 (Easement) | (F-181) |
| 35. | OR-16206/3243, filed 1/10/1994 (RWD) | (F-181) |

***As to Folio Number 30-7827-000-0120 (F-120):***

**NOTE:** See Items 01 through 04, above.

| | | |
|---|---|---|
| 36. | DB-3868/497, filed 1/15/1954 | (F-120) |
| 37. | DB-3868/498, filed 1/15/1954 | (F-120) |
| 38. | DB-4068/107, filed 3/31/1955 | (F-120) |
| 39. | DB-4068/108, filed 3/31/1955 | (F-120) |
| 40. | DB-4068/110, filed 3/31/1955 | (F-120) |
| 41. | DB-4272/478, filed 5/16/1956 | (F-120) |
| 42. | OR-10353/1783, filed 4/6/1979 | (F-120) |
| 43. | OR-11849/1297, filed 7/18/1983 | (F-120) |
| 44. | OR-11934/683, filed 10/11/1983 (Lis Pendens) | (F-120) |
| 45. | OR-12349/2453, filed 12/4/1984 (Judgment of Foreclosure) | (F-120) |

| | | |
|---|---|---|
| 46. | OR-13398/2842, filed 9/2/1987 (Judgment of Foreclosure) | (F-120) |
| 47. | OR-13445/241, filed 10/14/1987 (Certificate of Title) | (F-120) |
| 48. | OR-13522/3, filed 12/28/1987 (Certificate of Title) | (F-120) |
| 49. | OR-16155/6234, filed 12/6/1993 | (F-120) |

**Part 2 of 2: Lands in Section 28-57-38**

**NOTE:** The following folios numbers comprise the subject premises within said Section 28:

30-7828-000-0010 (F-010)
30-7828-000-0070 (F-070)
30-7828-000-0090 (F-090)
30-7828-000-0110 (F-110)

| Item No. | Instrument | Folio/Parcel No. Concerned |
|---|---|---|
| 50. | PB-23/41, "Florida City Pines" | (F-010, F-070, F-090, F-110) |
| 51. | DB-946/223, filed 5/5/1926 | (F-010, F-070, F-090, F-110) |
| 52. | DB-1377/448, filed 4/26/1930 | (F-010, F-070, F-090, F-110) |

***As to Folio Number 30-7828-000-0010 (F-010):***

**NOTE:** See Items Numbers 50 through 52, above.

| | | |
|---|---|---|
| 53. | DB-1920/469, filed 10/19/1938 | (F-070) |
| 54. | DB-2282/325, filed 4/13/1943 | (F-010) |
| 55. | Probate # 26534, filed 8/22/1951 | (F-070) |
| 56. | DB-3488/133, filed 9/11/1951 | (F-070) |
| 57. | LP-94/479, filed 10/23/1952 | (F-010) |
| 58. | DB-3735/454, filed 3/23/1953 | (F-070) |
| 59. | DB-3868/497, filed 1/15/1954 | (F010) |
| 60. | DB-3868/498, filed 1/15/1954 | (F-010) |

# EXHIBIT – 2 (5 OF 7)

| | | | |
|---|---|---|---|
| 61. | DB-4068/107, filed 3/31/1955 | | (F-010) |
| 62. | DB-4068/108, filed 3/31/1955 | | (F-010) |
| 63. | DB-4068/110, filed 3/31/1955 | | (F-010) |
| 64. | DB-4272/478, filed 5/16/1956 | | (F-010) |
| 65. | OR-3495/197, filed 1/18/1963 | | (F-010) |
| 66. | OR-3495/199, filed 1/18/1963 | | (F-010) |
| 67. | OR-8637/1454, filed 4/1/1974 | (Certificate of Death) | (F-010) |
| 68. | OR-10328/2827, filed 3/13/1979 | | (F-010) |
| 69. | OR-14111/2609, filed 3/18/1989 | | (F-010) |
| 70. | OR-15920/168, filed 5/19/1993 | | (F0010) |
| 71. | OR-15967/66, filed 6/29/1993 | | (F-010) |
| 72. | OR-16188/439, filed 12/27/1993 | | (F-010) |
| 73. | OR-17758/1403, filed 8/20/1992 | (Lis Pendens) | (F-010) |
| 74. | OR-17937/743, filed 1/7/1998 | (Order) | (F-010) |
| 75. | OR-18235/213, filed 8/18/1998 | (Order) | (F-010) |
| 76. | OR-18630/4843, filed 5/11/1999 | (Summary Judgment) | (F-010) |
| 77. | OR-19444/1138, filed 1/9/2001 | (Certificate of Title) | (F-010) |

***As to Folio Number 30-7828-000-0070 (F-070):***

**NOTE:** See Items Number 50 through 52, above.

| | | | |
|---|---|---|---|
| 78. | DB-1920/469, filed 10/19/1938 | | (F-070) |
| 79. | DB-3488/133, filed 9/11/1951 | | (F-070) |
| 80. | DB-3735/454, filed 3/23/1953 | | (F-070) |
| 81. | OR-6609/518, filed 10/17/1969 | (Afdvt. & Cert. of Death) | (F-070) |
| 82. | OR-6711/629, filed 1/8/1970 | | (F-070) |
| 83. | OR-13213/2702, filed 3/17/1987 | | (F-070) |

| | | |
|---|---|---|
| 84. | OR-20540/4574, filed 7/19/2002 | (F-070) |
| 85. | OR-21169/189, filed 4/11/2003 | (F-070) |
| 86. | OR-22950/1872, filed 12/29/2004 | (F-070) |

***As to Folios Numbers 30-7828-000-0090 (F-090) & 0110 (F-110):***

**NOTE:** See Items Number 50 through 52, above.

| | | |
|---|---|---|
| 87. | DB-1376/289, filed 4/22/1930 | (F-090 & F-110) |
| 88. | DB-1399/112, filed 8/20/1930 | (p/o F-110) |
| 89. | DB-1399/167, filed 8/21/1930 | (p/o F-110) |
| 90. | DB-2006/480, filed 10/18/1939 | (p/o F-110) |
| 91. | DB-2125/119, filed 1/14/1941 | (p/o F-110) |
| 92. | DB-2125/121, filed 1/14/1941 | (p/o F-110) |
| 93. | DB-2125/125, filed 1/14/1941 | (p/o F-110) |
| 94. | DB-2242/267, filed 7/21/1942 | (p/o F-110) |
| 95. | DB-2242/269, filed 7/21/1942 | (F-090) |
| 96. | DB-3596/159, filed 5/19/1952 | (p/o F-110) |
| 97. | DB-3658/1, filed 10/7/1952 | (p/o F-110) |
| 98. | DB-3717/533, filed 2/16/1953 | (p/o F-110) |
| 99. | DB-3782/148, filed 6/26/1953 | (p/o F-110) |
| 100. | DB-4024/34, filed 1/4/1955 | (F-110) |
| 101. | DB-4140/358, filed 8/19/1955 | (F-070) |
| 102. | OR-9543/1360, filed 12/30/1976 | (F-070 & F-110) |
| 103. | OR-11271/1332, filed 11/17/1981 | (F-070 & F-110 +) |
| 104. | OR-13972/2382, filed 1/25/1989 | (F-070 & F-110 +) |
| 105. | OR-14835/1872, filed 12/26/1990 | (F-070 & F-110 +) |

# EXHIBIT – 2 (7 OF 7)

106. OR-15629/2641, filed 8/20/1992 (F-070& F-110 +)

107. OR-14835/1874, filed 12/26/1990 (Affidavit) (F-070 & F-110 +)

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THIS SPECIAL SEARCH IS UP TO AND INCLUDING APRIL 15, 2008.

Rafael Rodriguez
Title Analyst

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

# EXHIBIT – 3 (1 OF 3)

County Attorney's Opinion No. 58-18

TO: Mr. John S. Greene
Senior Administrative
Assistant
County Manager's Office

DATE: February 14, 1958

SUBJECT: 5-274
Request for Legal Opinion
re Status of the Florida
City Pines Plat

FROM: Thomas C. Britton
County Attorney

We have your memorandum of February 8, 1958 with attachments asking us whether or not the streets and rights of way contained in the above captioned plat belong to the public.

The Tax Assessor in his memorandum of January 9, 1958 is of the opinion that the rights of way were never legally dedicated to public use. He advises as follows:

> "Prior to 1926, the subject land was deeded to John Frederickson using a U.S. Public Land description by M. R. Houston, who took back a first mortgage. Frederickson caused the land to be surveyed and platted. No lots were ever sold and Houston did not enter into the dedications as shown on the plat. Subsequently, Frederickson deeded the land to First Trust and Savings Bank who then deeded it back to Houston using the U.S. Public Land description, thus satisfying the mortgage.
>
> "No subsequent transaction has recognized the plat and no assessment has been against the land as platted, all assessments having been made in

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JUN 14 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & ZONING DEPT
BY

# EXHIBIT – 3 (2 OF 3)



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JUN 14 2007
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MIAMI-DADE PLANNING AND ZONING DEPT
BY

accordance with the U.S. Public Land descriptions. This was required to properly reflect a valid description for the Tax Collector and the Clerk of the Circuit Court in case of any delinquent certificates issued.

"In 1964, Mr. Charles Temple requested the Tax Assessor to remove value from Folio 30-7827 00 003 on the basis of a presumed dedication. It was determined in that instance that the original fee owner, M. R. Houston and wife, Lora A. Houston, never entered into the dedication of any portion of the subject lands for public use. Mr. Temple was made aware that his abstract would show the title to these lands was never described as lots and blocks."

The Public Works Department is of the contrary opinion basing the same upon the fact that "there appears to be no affirmative action to vacate the plat."

We are of the opinion that a court of competent jurisdiction would probably rule that the rights of way were never properly dedicated.

The platting of land and placing the same of record and dedicating the rights of way for public use constitutes an offer to dedicate which dedication must be accepted.

# EXHIBIT – 3 (3 OF 3)



10 Fla.Jur., Dedication, Section 12. It appears from the facts furnished that the rights of way were never opened or put to public use. Further, we have examined the plat and find that the offer to dedicate was not accepted until January 12, 1960 by Resolution 4406. This acceptance was obviously after the property was conveyed several times as acreage and back to the original owner and mortgagee thereby merging title in that individual. It is our opinion that the conveyance of the land by use of U. S. Public Land description rather than by lots and blocks showed Mr. Frederickson's intention to revoke the offer to dedicate which had not been accepted at that time.

In other words his dedication not being accepted, he conveyed all the property not just the lots. Thus, the lots and rights of way were conveyed unencumbered by the unaccepted dedication. This is supported by 10 Fla.Jur., Dedication, Section 22, which, inter alia, states:

> "What constitutes a revocation of an offer to dedicate depends largely upon the circumstances and is usually a question of fact, and it may be shown by acts inconsistent with the public use to which the land is offered to be dedicated, as by conveyance of the property, or by enclosing the land so as to exclude the public use, or by erecting buildings on the land offered to be dedicated as a street." (Emphasis added)

Thomas C. Britton
County Attorney

Prepared by:

St. Julien P. Rosemond
Assistant County Attorney

TCB/SJPR/cb

cc Mayor

Tax Assessor

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

# EXHIBIT – 4 (1 OF 3)

27-57-38/90-502

RESOLUTION NO. 4-ZAB-220-91

The following resolution was offered by Mavel Cruz seconded by Jose A. Losa and upon poll of members present, the vote was as follows:

| | | | |
|---|---|---|---|
| Humberto Amaro | aye | William Losner | aye |
| Mavel Cruz | aye | Scott Notowitz | aye |
| Gussie Davis | aye | Dean Oddy | aye |
| Colleen Griffin | aye | Kenneth Welt | aye |
| Jose A. Losa | aye | | |

WHEREAS, JAMES B. STRONG had applied for the following:

(1) NON-USE VARIANCE OF LOT FRONTAGE AND LOT AREA REQUIREMENTS to permit a proposed single family building site with a lot frontage of 89' (200' required) and a lot area of 2 acres gross (5 acres gross required) which creates a non-conforming building site to the Northwest of the subject property.

(2) NON-USE VARIANCE OF ZONING REGULATIONS requiring all accessory buildings to be placed behind the principal building; to waive same to permit the construction of a proposed two-story guesthouse prior to the future principal residence.

(3) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the aforementioned two-story guest house to setback 25' (30' required) from the side street (east) property line.

Plans are on file and may be examined in the Zoning Department entitled "Caretakers Cottage for Mr. J.B. Strong," as prepared by Arber & Associates, Consulting Engineers, consisting of three sheets, dated received 8-9-90 and survey as prepared by South Atlantic Services of Florida, Inc., dated June 30, 1990. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 1/4 of the north 1/3 of the west 3/4 of the NW 1/4, of the NW 1/4, of Section 27, Township 57 South, Range 38 East, LESS and excepting the north 203' of the west 141' thereof. Subject to any other dedications thereof.

A/K/A: The east 29' of Lots 5 and 14 and all of Lots 6, 7, 8, 9, 10, 11, 12 and 13, in Block 40; AND the east 29' of Lot 5, the east 29' of the north 36.77' of Lot 14, the north 36.77' of Lots 10, 11, 12 and 13, AND all of Lots 6, 7, 8 and 9, in Block 39, of FLORIDA CITY PINES, Plat book 23, Page 41, Together with that portion of 1st Avenue lying west of the east lines of Blocks 39 and 40 and east of the west lines of the east 29' of Lot 14, Block 40 and Lot 5, Block 39 projected, of said Plat, LESS and excepting the east 29' of Lot 5, the east 29' of the north 61.4' of Lot 14, the north 61.4' of Lots 12 and 13, the west 12' of Lot 8, the west 12' of the north 61.4' of Lot 11, all in Block 40, of said FLORIDA CITY PINES Plat.

# EXHIBIT – 4 (2 OF 3)



LOCATION: The Southwest corner of S.W. 344 Street (Palm Drive) and theoretical Seminole Street, Dade County, Florida, and

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

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested non-use variances would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Caretakers Cottage for Mr. J.B. Strong," as prepared by Arber & Associates, Consulting Engineers, consisting of three sheets, dated received 8-9-90 and survey as prepared by South Atlantic Services of Florida, Inc., dated June 30, 1990, as it pertains to the variance related construction. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.

# EXHIBIT – 4 (3 OF 3)



4. That the applicant comply with all conditions and requirements of the Public Works Department and the Department of Environmental Resources Management.

5. That the applicant submit a Declaration of Use agreement in recordable form which is acceptable to the Zoning Director that restricts this property to a single family use.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 24th day of July, 1991.

Hearing No. 91-7-44
Typed 8/1/91 bn

# EXHIBIT – 5

90-502
ZAB

DEPARTMENT: Public Works

CONCURRENCY REVIEW MEMORANDUM

Applicant's Name: JAMES B. STRONG

Application #: 90-502

Meets Traffic Concurrency Criteria Yes RDT No ____

Comments/Conditions:

PUBLIC HEARING REVIEW

Hearing Requirements:
This land must be platted any dedication or improvements of the streets will be accomplished by the recording of a record plat.

Show 40 feet on the plat for SW 344 St. (1/2 R/W).

Show 25 feet on the plat for Easterly Street.

R O'Kelly
Signature

5-17-91
Date

**Exhibit - 6 (1 OF 4)**

(Not on Agenda)

RESOLUTION NO. 4506

RESOLUTION ACCEPTING DEDICATIONS TO PUBLIC WITHIN UNINCORPORATED AREA NOT PREVIOUSLY ACCEPTED FORMALLY.

WHEREAS, many of the dedications of rights of way, parks and other public areas appearing upon recorded maps and plats of portions of the unincorporated area of the county have never been formally accepted by this Board, or the formal acceptance has not been noted upon the recorded map or plat; and

WHEREAS, it is the intent of the Board to evidence such acceptance by this Resolution, without committing Dade County to construct roads or other improvements upon such public areas until and unless the public interest and available funds warrant such construction,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. All dedications or offers to dedicate heretofore made to the public of land or water for public rights of way, parks, canals or other public purposes whatsoever as shown on maps or plats of the unincorporated area of Dade County heretofore admitted to record, or any amendments or revisions thereof, which have not previously been accepted, are approved and accepted.

Section 2. The foregoing approval and acceptance is without obligation to Dade County to maintain or improve such areas until and unless this Board finds and determines that the public interest

**Exhibit - 6 (2 OF 4)**

and available funds warrant such construction, improvement or maintenance.

Section 3. The Clerk of this Board is directed to evidence such acceptance and approval upon the public records by appropriate notation in accordance with Section 2, Chapter 27027 Laws of Florida 1951.

Section 4. The County Engineer is directed to furnish such assistance as is necessary or requested by the clerk in performing the provisions of the preceding paragraph.

The foregoing Resolution was offered by Commissioner Charles F. Hall, who moved its adoption. The motion was seconded by Commissioner Walter Weiss, and upon being put to a vote, the vote was as follows:

| | |
|---|---|
| Joseph A. Boyd, Jr. | Aye |
| Faris N. Cowart | Absent |
| Ralph A. Fossey | Absent |
| Alexander S. Gordon | Absent |
| Charles F. Hall | Aye |
| Robert M. Haverfield | Aye |
| A. C. Kittel, Jr. | Aye |
| John B. McLeod | Absent |
| Arthur H. Patten, Jr. | Absent |
| W. Weiss | Aye |
| Ben C. McGahey | Aye |

The Chairman thereupon declared the Resolution duly adopted and passed this 12th day of January, 1960.

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

By: BEN C. McGAHEY
Chairman

ATTEST:
E. B. LEATHERMAN, Clerk

By: EDWARD D. PHELAN
Deputy Clerk.

# Exhibit - 6 (3 OF 4)

STATE OF FLORIDA )
: SS
COUNTY OF DADE )

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 4406, adopted by the said Board of County Commissioners at its meeting held on January 12, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 13th day of January A. D. 1960.

E. B. LEATHERMAN, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By [signature]
Deputy Clerk

SEAL

State of Florida, County of Dade.
This instrument was filed for record the [illegible] day of Feb. 1960 at [illegible] P.M. and duly recorded in OFFICIAL RECORDS Book 1884 on Page [illegible] File #60R-[illegible]
E. B. LEATHERMAN
Clerk Circuit Court
By [illegible] D.C.

Board of County Commissioners
Dade County, Florida

20

STATE OF FLORIDA }
} SS
COUNTY OF DADE }

**Exhibit - 6 (4 OF 4)**

I, E. B. LEATHERMAN, Ex-Officio Clerk of the Board of County Commissioners of Dade County, Florida DO HEREBY CERTIFY that in accordance with Resolution No. 4406 adopted and passed on January 12, 1960 by the Board of County Commissioners of Dade County, Florida a certified copy of which is recorded in Official Records Book 1884, at Page 501, I have placed on the following listed Plats a certificate worded as follows:

Foregoing dedication duly accepted Jan. 12, 1960 by Dade County Res. No. 4406, recorded O. R. Bk. 1884, pg. 501, subject to conditions therein stated. E. B. Leatherman, Clerk (SEAL)

| | | | |
|---|---|---|---|
| Plat Book A | Pages 1 to 57 Inc. | Plat Book 27 | Pages 1 to 80 Inc. |
| Plat Book B | Pages 1 to 167 Inc. | Plat Book 28 | Pages 1 to 82 Inc. |
| Plat Book 1 | Pages 1 to 200 Inc. | Plat Book 29 | Pages 1 to 80 Inc. |
| Plat Book 2 | Pages 1 to 109 Inc. | Plat Book 30 | Pages 1 to 82 Inc. |
| Plat Book 3 | Pages 1 to 217 Inc. | Plat Book 31 | Pages 1 to 82 Inc. |
| Plat Book 4 | Pages 1 to 200 Inc. | Plat Book 32 | Pages 1 to 80 Inc. |
| Plat Book 5 | Pages 1 to 123 Inc. | Plat Book 33 | Pages 1 to 94 Inc. |
| Plat Book 6 | Pages 1 to 188 Inc. | Plat Book 34 | Pages 1 to 100 Inc. |
| Plat Book 7 | Pages A, 1 to 163 Inc. | Plat Book 35 | Pages 1 to 80 Inc. |
| Plat Book 8 | Pages 1 to 130 Inc. | Plat Book 36 | Page 79 only |
| Plat Book 9 | Pages 1 to 191 Inc. | Plat Book 38 | Pages 1 to 80 Inc. |
| Plat Book 10 | Pages 1 to 80 Inc. | Plat Book 39 | Pages 1 to 100 Inc. |
| Plat Book 11 | Pages 1 to 71 Inc. | Plat Book 40 | Pages 1 to 100 Inc. |
| Plat Book 12 | Pages 1 to 80 Inc. | Plat Book 41 | Pages 1 to 100 Inc. |
| Plat Book 13 | Pages 1 to 80 Inc. | Plat Book 42 | Pages 1 to 100 Inc. |
| Plat Book 14 | Pages 1 to 81 Inc. | Plat Book 43 | Pages 1 to 100 Inc. |
| Plat Book 15 | Pages 1 to 80 Inc. | Plat Book 44 | Pages 1 to 100 Inc. |
| Plat Book 16 | Pages 1 to 80 Inc. | Plat Book 45 | Pages 1 to 100 Inc. |
| Plat Book 17 | Pages 1 to 81 Inc. | Plat Book 46 | Pages 1 to 100 Inc. |
| Plat Book 18 | Pages 1 to 80 Inc. | Plat Book 47 | Pages 1 to 108 Inc. |
| Plat Book 19 | Pages 1 to 80 Inc. | Plat Book 48 | Pages 1 to 100 Inc. |
| Plat Book 20 | Pages 1 to 82 Inc. | Plat Book 49 | Pages 1 to 100 Inc. |
| Plat Book 21 | Pages 1 to 94 Inc. | Plat Book 50 | Pages 1 to 100 Inc. |
| Plat Book 22 | Pages 1 to 82 Inc. | Plat Book 51 | Pages 1 to 101 Inc. |
| Plat Book 23 | Pages 1 to 80 Inc. | Plat Book 52 | Pages 1 to 100 Inc. |
| Plat Book 24 | Pages 1 to 80 Inc. | Plat Book 53 | Pages 1 to 32 Inc. |
| Plat Book 25 | Pages 1 to 80 Inc. | Plat Book 53 | Page 37 |
| Plat Book 26 | Pages 1 to 82 Inc. | Plat Book 55 | Pages 1 to 54 Inc. |
| | | Plat Book 55 | Page 65 |

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 21st day of March, A. D. 1960.

E. B. LEATHERMAN, Ex-Officio Clerk of the Board of County Commissioners of Dade County, Florida.

CLERK CIRCUIT COURT DADE COUNTY, FLORIDA

State of Florida, County of Dade.
This instrument was filed for record the 24 day of Mar.
1960 at 12:16 P.M. and duly recorded in OFFICIAL RECORDS
Book 1964 on Page 4 File #60R-52454

E. B. LEATHERMAN
Clerk Circuit Court
By [illegible] D.C.

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 6, 2008

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

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

**Subject:** C-14 #Z2007000124-Revised
Thomas and Michelle Torbert
Southwest Corner of S.W. 344th Street and S.W. 207th Avenue
Appeal of an Administrative Decision
(GU) (65 Acres)
28-57-38

---

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.

Water Supply
Public water is not available to the subject properties. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters and any other source of contamination.

Wastewater Disposal
Public sanitary sewers are not located within feasible distance for connection to the subject properties. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residences or duplexes served by septic tanks would not exceed the maximum allowable sewage loading for the subject properties.

Stormwater Management
The subject properties are located outside of the Urban Development Boundary, where flood protection requirements were not established. Cut & Fill requirements will be required for flood protection, prior to platting or seeking building permits.

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

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

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

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

Wetlands
The subject properties do not contain jurisdictional wetlands as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation
There are no tree resources issues on the properties; therefore, no tree permits will be required.

Enforcement History
DERM has found no open or closed enforcement records for the subject properties.

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 discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:THOMAS & MICHELLE TORBERT

This Department objects to this application.

This Department supports the determination that the plat of "Florida City Pines", as recorded in Plat Book 23, at Page 41 was never considered valid for the following reasons:

All interest holders of property being subdivided must execute and consent to land being platted in the manner prescribed. The original dedications on the plat did not include the proper execution by the mortgagee, who took back a first mortgage on that land. This would have been required to make the offer of the plat to the official governmental body legally binding.

Subsequent sales transactions of the land, after the plat was recorded, did not convey the property by referring to the lot and block designations, as shown on said recorded plat, rather, the conveyances occurred utilizing the U.S. Public Land Description System. This would confirm the intent to revoke the original offer of the land to be subdivided as shown on the plat.

The official resolution by the Board of County Commissioners purporting to accept the dedications of rights-of-ways, as shown on the plat, did not occur until January 12, 1960, well after certain actions were required to have been able to consider the plat legitimate. The presentation of this resolution seems to also confirm that no official acceptance of the rights-of-ways occurred by the governing body at the time the plat was recorded.

In 1964, the owner of the land at the time requested, and was granted by the Tax Assessor's Office, the assessment of the land ruling out the existence of the land as platted.

The legal opinion presented by the County Attorney's Office to County Manager's Office on February 14, 1968, indicates that the offer of dedication was revoked before it could have been accepted by the Board of County Commissioner¿s resolution; therefore, without this acceptance, the plat could not have been considered valid.

This application does not generate any new additional daily peak

hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
25-NOV-08

REVISION 1

# Memorandum

**Date:** 09-JUN-08

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

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

**Subject:** Z2007000124

## Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements at this stage.

## Service Impact/Demand:

Development for the above Z2007000124
located at THE SOUTHWEST CORNER OF S.W. 344 STREET AND S.W. 207 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2711 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A (residential) | dwelling units | N/A (industrial) | square feet |
| N/A (Office) | square feet | N/A (institutional) | square feet |
| N/A (Retail) | square feet | N/A (nursing home/hospitals) | square feet |

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 9:30 minutes

## Existing services:

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

Station 65 - East Homestead - 1350 SE 24 Street
Rescue

## Planned Service Expansions:

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

Station 72 - Florida City - Vicinity of SW 344 Street & 193 Avenue

## Fire Planning Additional Comments:

Not applicable to service impact analysis at this stage.

DATE: 08/20/08
REVISION 1

# TEAM METRO

## ENFORCEMENT HISTORY

| | |
|---|---|
| THOMAS & MICHELLE TORBERT | THE SOUTHWEST CORNER OF S.W. 344 STREET AND S.W. 207 AVENUE, MIAMI-DADE COUNTY, FLORIDA. |
| **APPLICANT** | **ADDRESS** |

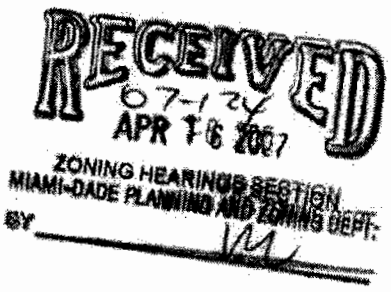
Z2007000124

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200801005178 was opened based on enforcement history request and inspected on 8-13-08.
No violations were observed and case was closed.

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION




*AMOUNT OF FEE $855.00

Total including surcharge $923.40

Additional Radius Fee $_____

Imaging Fee $60.00

See fee information and amounts on next page.

FOLIO # 30-7828-000-0010 BY _____
Date Receipt Stamp

Appeal to be heard by
County Commission_____

Sec 28 Twp. 575 Rge. 38E RADIUS ASSIGNED

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

1 Name of Applicant (PRINT) THOMAS TORBERT

2. Mailing Address 17777 S.W. 285th Street Tel No (305) 281-3007
Homestead, Florida 33030

3. Contact Person Perry M. Adair, Esq. c/o Becker & Poliakoff, P.A.

4. Mailing Address 121 Alhambra Plaza, 10th Floor Tel. No. (305) 260-1016
Coral Gables, Florida 33134

E-mail Address of Contact Person padair@becker-poliakoff.com

5 Name of Property Owner Thomas and Michelle Torbert

6. Owner's Address 17777 S.W. 285th Street
Homestead, Florida 33030 Tel No. (305) 281-3007

7 LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION (If subdivided, lot, block, complete name of subdivision, plat book and page number.) (If metes and bounds description – complete description, including section, township and range.)
See attached Exhibit "A"

8. Address or location S.W. Corner of S.W. 344th Street and S.W. 207th Avenue

9. Size of Property _____ ft. x _____ ft Acres 65

10 Administrative Decision appealed: (State in brief and concise language.)
Applicant is appealing the determination of development rights as set forth in the letter attached hereto marked Exhibit "B", (dated 2/14/07 but mailed 3/28/07).

11. Section and paragraph of regulations if applicable: (Copy regulations in detail)
**Miami-Dade County Code Sec. 33-196. (Copy attached hereto as Exhibit "C").**

12. Alleged error in the order, requirement, decision or determination made by administrative official in interpretation or enforcement of regulation:
**The determination was based upon the incorrect premise that the Florida City Pines Plat is not valid.**

13. Reason why the decision should be reversed:
**The determination is incorrect as it concludes that development of the property is limited to one home per five acres. The property was platted prior to 1974. Therefore, the property is developable at a minimum density of one home per acre.**

AFFIDAVIT

I, **Thomas Torbert**, being first duly sworn, depose and say that I am the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct and honest to the best of my knowledge and belief.

SIGNATURE

Sworn and Subscribed before me

This 9 day of April

NOTARY PUBLIC

NOTARY PUBLIC - STATE OF FLORIDA
Sharon Frost
Commission #DD647325
Expires: APR. 02, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

***NOTE: AN 8% SURCHARGE WILL BE ADDED TO ALL FEES EXCEPT DERM AND CONCURRENCY AND WILL BE IN EFFECT FROM 10/1/03 THROUGH 9/30/08. ADDITIONAL RADIUS FEES WILL BE CHARGED AT TIME OF FILING, IF AVAILABLE, OR WILL BE ASSESSED AND BILLED TO YOU AT A LATER DATE, IF APPLICABLE.**

**A WEB IMAGING FEE OF $60.00 IS DUE AT TIME OF FILING.**

Rev. 9/30/03; 9/28/06

RECEIVED
APR 1 6 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

**EXHIBIT "A"**

The NE ¼ of the NE ¼ and the N ½ of the SE ¼ of the NE ¼ and the N ¼ of the S ½ of the SE ¼ of the NE ¼ of Section 28 Township 57 South, Range 38 East lying and being in Miami Dade County, Florida.

a/k/a Blocks 1 through 8 and 23 through 30 of Florida City Pines according to the Plat thereof as recorded in Plat Book 23, Page 41 of the Public Records of Miami-Dade County, Florida.

RECEIVED
APR 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

MIAMI-DADE COUNTY

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

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

**miamidade.gov**

February 14, 2007

Perry M. Adair, Esq.
Becker & Poliakoff, P.A.
121 Alhambra Plaza, 10th Floor
Coral Gables, Florida 33134

Re: Thomas Torbert Parcel (Folio No. 30-7828-000-0010)
Florida City Pines Plat

Dear Mr. Adair:

The purpose of this letter is to supplement my letter to you dated January 18th, 2007 pertaining to the subject Florida City Pines Plat (the Plat). This letter is intended to provide you with a formal written determination of your client's zoning development rights.

As you are aware based upon the letter dated January 18th, the Public Works Department determined that the Plat is not valid. Hence, your client may not rely on the Plat for the purpose of compliance with the applicable land development regulations, grandfathering, and development.

Please be further advised that based upon the current underlying zoning of the property, (GU) Interim District, the property may be developed with single-family residences at a maximum density of one single-family residence per 5 gross acres of land.

I trust that this information further clarifies the land development regulations that are applicable to your client's property. If I may be of further assistance to you regarding this matter, please do not hesitate to contact me at (305) 375-2600.

Sincerely,

Alberto J. Torres
Assistant Director for Zoning

AJT/sp

C: Diane O'Quinn Williams, Director, DP&Z

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EXHIBIT
tabbies 3

Sec. 33-196. Standard for determining regulations to be applied.

If a neighborhood in the GU District is predominantly one (1) classification of usage, the Director shall be governed by the regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties within the GU District which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting his evaluation to separate geographic areas which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full- and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 33-311 of the Code. If no trend of development has been established in the GU neighborhood, minimum standards of the EU-2 District shall be applied.

Notwithstanding the foregoing, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the EU-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the EU-1 District. Those lots shall include only those lots indicated on:

(a) plats recorded prior to April 12, 1974; and

(b) tentative plats approved as of April 12, 1974 and finally approved and recorded within ninety (90) days after such approval; and

(c) a tentative plat for single family residential lots approved prior to April 12, 1974, if each lot in the approved tentative plat met the minimum standards of the EU-1 District, provided that no final plat or other tentative plat for the subject property was approved after April 12, 1974, and that as of December 31, 2003, a majority of the lots indicated on the tentative plat had been improved with residences pursuant to building permit in accordance with the tentative plat's provisions; and

Parcels, other than the aforementioned platted lots or tentatively approved plat lots, that prior to April 12, 1974 were purchased under a contract for deed or deeded and met the minimum requirements of the EU-1 District shall be qualified for those uses permitted in the EU-1 District. However, if such deeded parcels were contiguous to and under the same ownership on April 12, 1974, and such deeded contiguous parcels are less than the five acre minimum site size of the EU-2 District, but exceed the minimum standards of the EU-1 District, such property shall be considered as one parcel of land and cannot be divided or used except as one lot.

(Ord. No. 57-19, § 6(B), 10-22-57, Ord. No. 74-17, § 1, 4-2-74, Ord. No. 77-65, § 1, 9-20-77; Ord. No. 04-63, § 1, 3-16-04)

MIA DB 998401 1

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2014
APR 16 P 1:17
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY:

EXHIBIT
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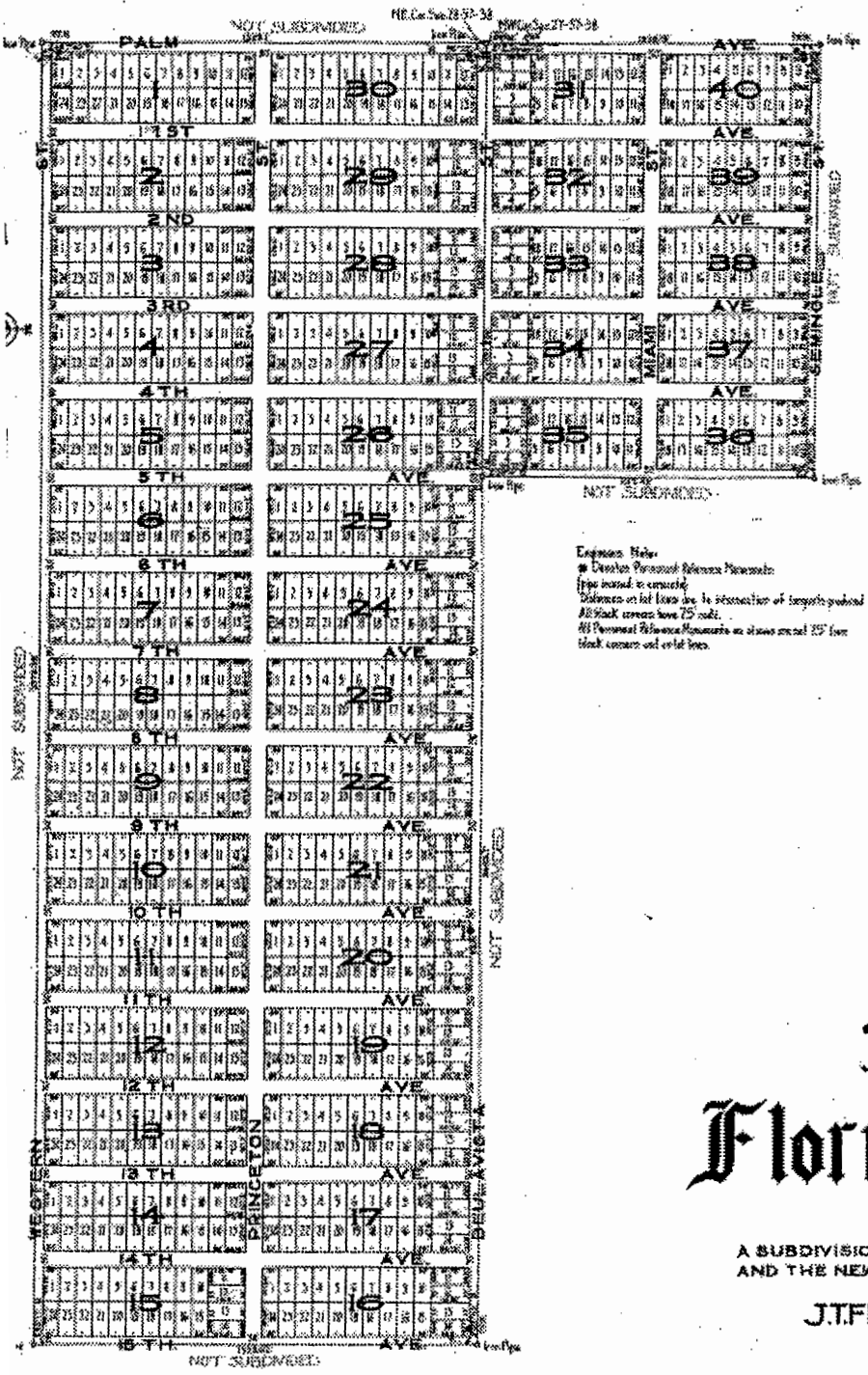



Engineers Note:
⊕ Denotes Permanent Reference Monuments
(type inserted in concrete)
Dimensions on lot lines are to intersection of tangents produced
All block corners have 25' radii.
All Permanent Reference Monuments are shown except 25' from block corners and at lot lines.

KNOW ALL MEN BY THESE PRESENTS:

That John T. Fredericksen and Betty M. Fredericksen, his wife, also J. H. Clark and Ivy Collard Clark, his wife, have caused to be made the attached plat of "FLORIDA CITY PINES" the same being a subdivision of the west three quarters (W¾) of the north west quarter (NW¼) of the northeast quarter (NW¼) of section twenty-seven (27) township fifty-seven south (57S) range thirty-eight east (38E) and the east half (E½) of the northeast quarter (NE¼) also the northwest quarter (NW¼) of the southeast quarter (SE¼) of section twenty-eight (28) township fifty-seven south (57S) range thirty-eight east (38E) being situate in Dade County, Florida.

Said land being subdivided into Blocks and Lots, the streets and avenues as shown are hereby dedicated to the perpetual use of the public for proper purposes, reserving however to ourselves, our heirs, administrators, executors and assigns, the reversion or reversions thereof, wherever closed or vacated in accordance with law.

In witness whereof we have hereunto set our hands and seals at Miami, Dade County, Florida, this 11th day of June A.D. 1926

In the presence of:

Geo. Clark

W. Bentley

John T. Fredericksen

Betty M. Fredericksen

J. H. Clark

Ivy Collard Clark

STATE OF FLORIDA }
COUNTY OF DADE } ss

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, John T. Fredericksen and Betty M. Fredericksen, his wife, also J. H. Clark and Ivy Collard Clark, his wife, known to me to be the persons described in and who executed the foregoing dedication and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

And I further certify that the said Betty M. Fredericksen and Ivy Collard Clark, known to me to be the wives of the said John T. Fredericksen and J. H. Clark, on a separate and private examination made by and before me, separately and apart from their said husbands, did acknowledge that they made themselves a party to the said dedication for the purpose of renouncing, relinquishing and conveying all their right title and interest whether dower, homestead or of separate property, thereby or appurtenant to and to the said streets and avenues therein dedicated and that they executed the same freely and voluntarily and without any compulsion, apprehension, constraint or fear of or from their said husbands.

Witness my hand and official seal at Miami, Dade County, Florida, this 11th day of June A.D. 1926

My commission expires: October 3 1926

Notary Public, State of Florida at Large

We hereby certify that the attached plat of "FLORIDA CITY PINES" is a true and correct plat of said properties recently surveyed and platted under our direction and that concrete monuments were placed as shown.

ROLLER & MOORE, ENGRS.

By [illegible]
Registered Engr. State of Florida No. 1250

Approved for record: [illegible]
County Engineer

Filed for record 27th day of June A.D. 1926 and duly recorded in Plat Book 2-3 of Plats, Page 127

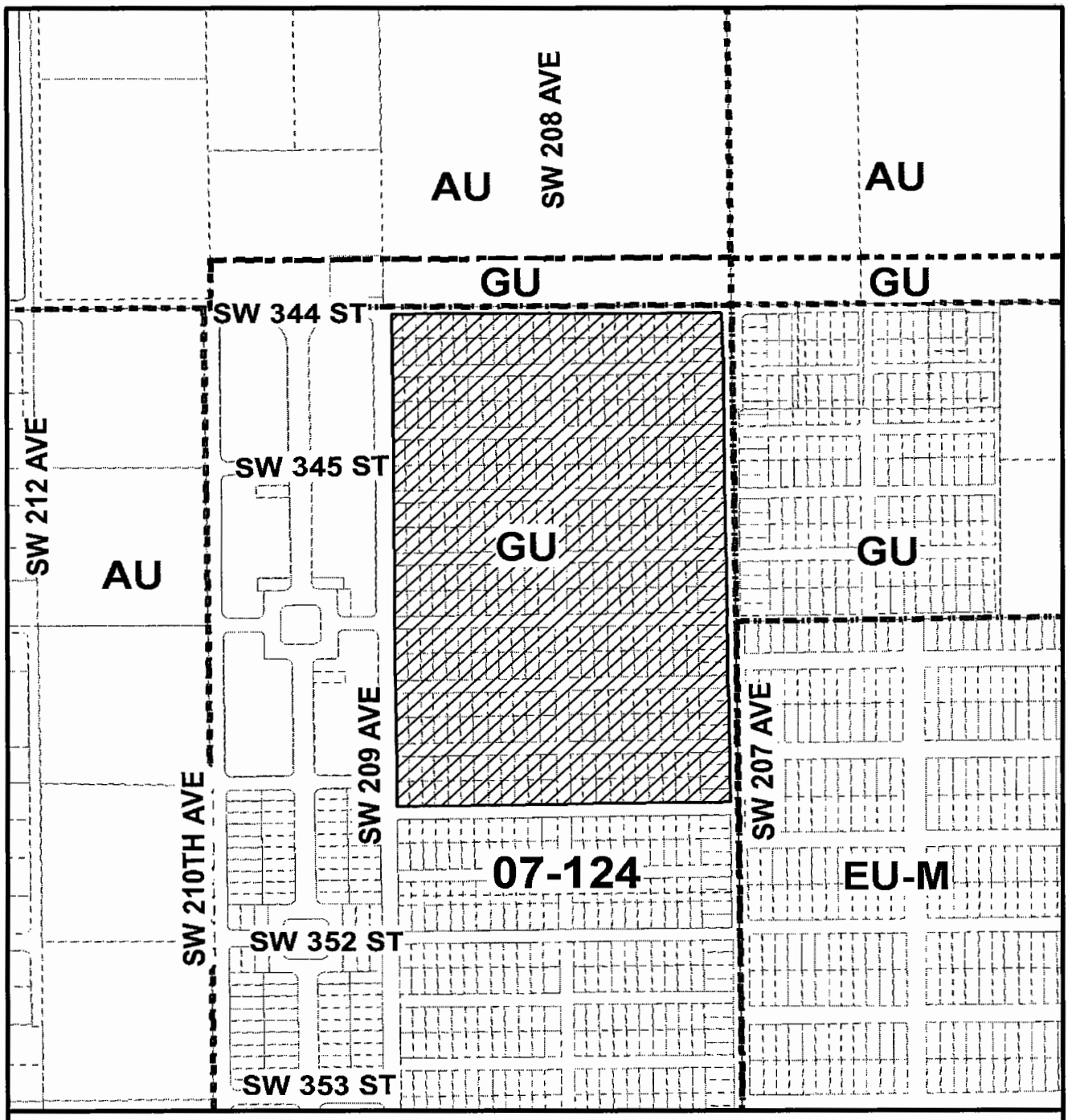
Public Records of Dade County, Florida

[illegible] Clerk of Circuit Court
By [illegible] Deputy Clerk

# Florida City Pines

DADE COUNTY, FLA.
A SUBDIVISION IN THE NW¼ OF SEC. 27, TWP. 57S, RGE. 38E
AND THE NE¼ AND THE SE¼ OF SEC. 28 TWP. 57S, RGE. 38E
FOR
J. T. FREDERICKSEN & J. H. CLARK

Scale 1"=100' ROLLER & MOORE, ENGRS. HIALEAH AVE. MIAMI, FLA. Jan. 1926




MIAMI-DADE COUNTY

**HEARING MAP**

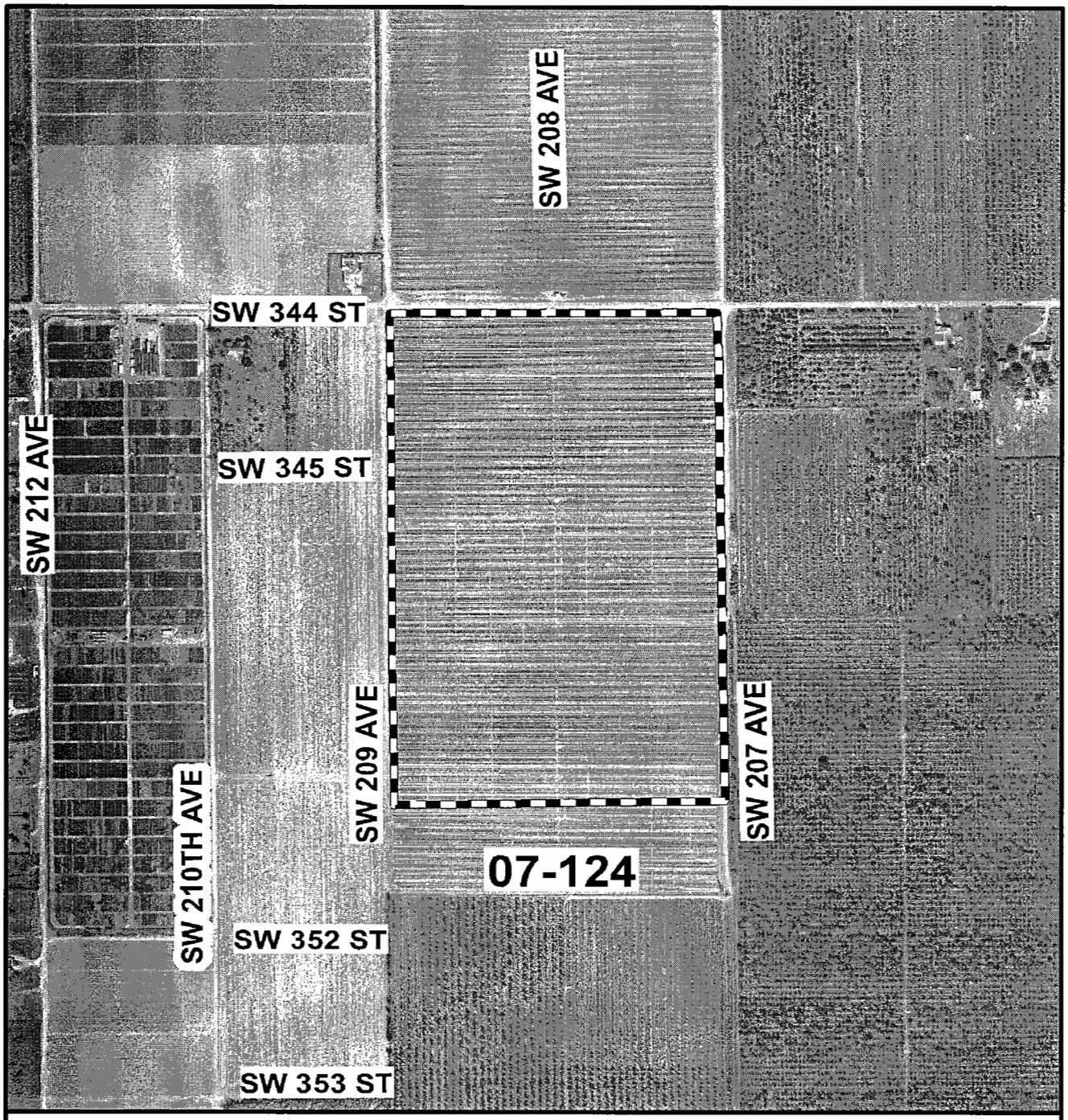
S C A L E
0 NTS
N

SUBJECT PROPERTY

**Section: 28 Township: 57 Range: 38**
**Process Number: 07-124**
**Applicant: THOMAS TORBERT**
**Zoning Board: C14**
**District Number: 09**
**Cadastral: ALFREDO**
**Scale: NTS**

MIAMI-DADE COUNTY

GEOMATICS 07-124 04/18/07.AFT




MIAMI-DADE COUNTY
**AERIAL**

S C A L E
0 NTS
N

SUBJECT PROPERTY

**Section: 28 Township: 57 Range: 38**
**Process Number: 07-124**
**Applicant: THOMAS TORBERT**
**Zoning Board: C14**
**District Number: 09**
**Cadastral: ALFREDO**
**Scale: NTS**

MIAMI-DADE COUNTY

GEOMATICS 07-124 04/18/07.AFT

**2. DREAM OF FIELDS GROUP, INC.**
**(Applicant)**

**08-12-CC-2 (08-109)**
**BCC/District 8**
**Hearing Date: 12/4/08**

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

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

Disclosure of interest form attached? Yes ☐ No ☑

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1969 | Truly Nolen Trees, Inc. | - Variance of height requirements on fence.<br>- Unusual Use outdoor display of campers, trailers, & equipment. | ZAB | Approved w/conds. |
| 1999 | Florida Gymnastics Training Center | Appeal of an Administrative Decision that the Director erred in his decision in parking. | CZAB-12 | Approved |
| 2008 | Dream of Fields Group, Inc. | Appeal of an Administrative Decision that the Department erred in the issuance of the building permit. | BCC | Appeal denied, application denied. |

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

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

**APPLICANT:** Dream of Fields Group, Inc. **PH:** Z08-109 (08-12-CC-2)

**SECTION:** 16-55-40 **DATE:** December 4, 2008

**COMMISSION DISTRICT:** 8 **ITEM NO.:** 2

==========

## A. INTRODUCTION

### o REQUEST:

Applicant is appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit No. 2008042872 without analyzing the permit plans under the Zoning Code's private school requirements.

The purpose of the request is to require the development of the gymnastic training facility on the subject property in accordance with the private school requirements of the Zoning Code.

### o SUMMARY OF REQUEST:

The appellant, Dream of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing an Administrative Decision on the property located at 13115 S.W. 89 Avenue alleging that the Director erred in the issuance of Building Permit #2008042872 by not analyzing the permit plans under the Zoning Code's private school requirements.

### o LOCATION:

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

### o SIZE: 0.53 Acre

## B. ZONING HEARING HISTORY:

In 1999, Community Zoning Appeals Board #12 passed Resolution #CZAB12-23-99 (zoning hearing application Z1998000337) which approved an appeal of an administrative decision and concurred with the applicant that the Director erred in the decision to require 1 parking space for each 100 sq. ft. of classroom area for a gymnastics training center. The Resolution allowed the center's parking to be calculated as a school which requires that parking be calculated in accordance with the number of teachers. Staff notes that the 1999 application was never appealed. In 2008, a request appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit #2008042872 by not restricting the development of the site to a plan submitted in conjunction with zoning hearing application #Z1998000337 which showed the proposed number of students to be 21, was denied without prejudice by this Board, the Board of County Commissioners (BCC), pursuant to Resolution #Z-15-08.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

## D. NEIGHBORHOOD CHARACTERISTICS:

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

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

**E. SITE AND BUILDINGS:**

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

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

2. **Section 33-151.11. Applicability and definitions.** As used in this article, the term "private school" or "nonpublic educational facility" shall mean an institution which provides child care and/or instruction from the infant level through the college level and which does not come under the direct operation and administration of the Miami-Dade County School Board or the State of Florida; only such uses are intended to be controlled by this article and include, but are not limited to, the following:

   (a) *Day nurseries:* Child care for infants and children up to and including age six (6).

   (b) *Kindergartens:* Child care and preschool programs for children ages four (4) through six (6).

   (c) *After-school care:* Child care and recreation for children above the age of five (5) when no formal schooling program is conducted and where the care provided is generally after school, on weekends, school holidays and vacations.

   (d) *Babysitting service for shoppers:* Child care for limited time periods (maximum three (3) hours) provided within a shopping center solely for the convenience of the patrons, and limited to not more than forty (40) children at any one (1) time.

(e) *Private college/university:* An institution of higher learning beyond the high school level.

(f) *Family day care homes:* Child care and recreation with a maximum of five (5) children including the day care operator's own children.

(g) *Private school:* This term as used herein refers to any private institution providing child care and/or instruction at any level from infants through the college level.

3. **Section 33-151.15. Required information.**

All nonpublic educational facilities, as defined in this article, shall submit the following applicable information to the Department for review by the Department.

(A) *Written information.*

(1) Total size of the site;

(2) Maximum number of students to be served;

(3) Number of teachers and administrative and clerical personnel;

(4) Number of classrooms and total square footage of classroom space;

(5) Total square footage of nonclassroom space;

(6) Amount of exterior recreational/play area in square footage;

(7) Number and type of vehicles that will be used in conjunction with the operation of the facility;

(8) Number of parking spaces provided for staff, visitors, and transportation vehicles, and justification that those spaces are sufficient for this facility;

(9) Grades or age groups that will be served;

(10) Days and hours of operations;

(11) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any federal guidelines applicable to the specific application.

**G. NEIGHBORHOOD SERVICES:**

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

## H. ANALYSIS:

The subject 0.53-acre property is a gymnastics training center located north of "The Falls" Shopping Center at 13115 S.W. 89th Avenue, formerly known as 13111 SW 89 Avenue in an area characterized by warehouses and shopping centers. The appellant, Dream of Fields Group, Inc., which is located across the street from the subject property at 12986 SW 89 Avenue, is appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit #2008042872 by not analyzing the permit plans under the Zoning Code's private school requirements. In 1999, an Appeal of an Administrative Decision which dealt with the parking requirements for the gymnastics training center was approved, pursuant to Resolution #CZAB12-23-99, by Community Zoning Appeals Board 12 (CZAB-12). Staff notes that the 1999 application was never appealed. A prior Appeal of an Administrative Decision filed by Dream of Fields Group, Inc. alleged that the Director erred in the issuance of Building Permit #2008042872 (the same building permit that is the subject of the current Appeal) by not restricting the development of the site to a plan which showed the proposed number of students to be 21. Said plan was shown in the 1999 zoning hearing application. In agreement with the Department's recommendation, this Board denied the appeal and determined that the use of the property was not limited to 21 students. The appeal was denied pursuant to Resolution #Z-15-08, on June 5th of this year. In this current application, the appellant alleges that the site plan shown in conjunction with the 1999 hearing was for a school, and that the school requirements of Section 33-151 of the Zoning Code, which addresses requirements for private educational and child care facilities, should have been applied when reviewing and approving the building permit.

In 1999, the Community Zoning Appeals Board #12 approved the Appeal of an Administrative Decision concurring with the (then) applicant, Florida Gymnastics Training Center, that the Director erred in a determination requiring one parking space for each 100 sq. ft. of area for the gymnastics training center. With this decision, the CZAB #12 allowed the parking to be calculated in accordance with the requirements for private schools, which requires parking to be calculated for this facility taking into consideration the combined total of both personnel and transportation vehicles. As indicated by the County Attorney at the 1999 zoning hearing on pages 32 and 33 of the transcript (see Exhibit A attached), the "technical issue" before the Board at that time was whether or not the Director abused his discretion when he said that the proper category for the calculation of the required parking for the gymnastic school was the category that included dance, karate and aerobic schools and health/exercise studios as has been used by the Department in the past, or if the parking should have been calculated as a day nursery, kindergarten, elementary school or a junior high school as the appellant claimed. Staff notes that the aforementioned manner in which the Department calculated the parking for these uses was the sole issue before the CZAB-12 in 1999 and not the manner in which the site plan and the use were evaluated.

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

The appellant, Dream of Fields Group, Inc., again claims in this appeal that the Director erred in the issuance of Building Permit #2008042872 by not applying the Zoning Code's private school criteria requiring square footage of classroom and square footage of outdoor recreation area. Although in 1999 the CZAB #12 agreed that the "parking calculations" for this facility would be made in accordance with the parking required for a school use, the CZAB #12's 1999 decision was on the sole and narrow issue of "parking." As agreed by this Board in April of this year, the 1999 decision did not extend beyond the scope of the technical issue of the manner in which parking is calculated. The CZAB #12 not only did not tie the use to a site plan but did not intend to have this facility treated as a school use with all its required classroom and outdoor area calculations. As such, staff opines that the issuance of Building Permit #2008042872 for this facility is not bound to the private school requirements.

Additionally, staff opines that the claim found in this application could have been joined in the Appeal of Administrative Decision application #Z2007000339 heard earlier this year by this Board because both appeals refer to the same building permit and could have been included in the prior appeal. In staff's opinion, the applicant had a full and fair opportunity to join the current issue with the earlier one as both dealt with the issuance of said building permit and both pertained to the zoning review for same. Furthermore, staff notes that the use approved on the property is the same as in the prior Appeal of an Administrative Decision, and that no circumstances have changed in the area since April of 2008. Based on the foregoing, staff is of the opinion that this application is substantially similar to the prior application. As such, the Doctrine of Administrative Res Judicata would apply in this instance to this application and does not warrant the reconsideration of same.

Based on all of the aforementioned, staff recommends that this Appeal of an Administrative Decision be denied with prejudice.

I. **RECOMMENDATION:** Denial with prejudice

J. **CONDITIONS:** None

**DATE INSPECTED:** 01/14/08
**DATE TYPED:** 10/16/08
**DATE REVISED:** 10/21/08; 10/23/08; 10/27/08; 10/29/08; 11/04/08; 11/24/08
**DATE FINALIZED:** 11/24/08
MCL:MTF:LVT:JV

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 9, 2008

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

**Subject:** #Z2008000109
Dream of Fields Group Inc.
13115 S.W. 89th Avenue
Appeal of an Administrative Decision
(IU-1) (0.53 Acres)
16-55-40

---

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

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

Concurrency Review Summary

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

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

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

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

PH# Z2008000109
CZAB - BCC

**PUBLIC WORKS DEPARTMENT COMMENTS**

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

This Department has no objections to this application.

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

Raul A Pino, P.L.S.
28-AUG-08

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION

*AMOUNT OF FEE $855.00

Total Including surcharge $923.40

Additional Radius Fee $ _____

Imaging Fee $60.00

See fee information and amounts on next page.

RECEIVED
208-109
JUN 17 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

FOLIO # 3050160090360

BY _____
Date Receipt Stamp

Appeal to be heard by
BCC# _____

Sec. 16 Twp. 55 Rge. 40

RADIUS ASSIGNED

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

1. Name of Applicant (PRINT) DREAM OF FIELDS GROUP INC.
2. Mailing Address 12986 SW 89th Ave. Miami Tel No. 786-256-1206
   Please send all mailings to 1555 Rada Lane, North Port FL 34288
3. Contact Person Rodney Mandelstam Esq.
4. Mailing Address 5151 SW 60th PL. Tel. No. 305-667-5990
   Miami FL 33155 Fax No. 305-667-5990
   E-mail Address of Contact Person _____
5. Name of Property Owner K&B investments
6. Owner's Address 11925 SW 128th Street Miami FL 33186
   _____ Tel. No. 305-238-1866
7. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION (If subdivided, lot, block, complete name of subdivision, plat book and page number.) (If metes and bounds description – complete description, including section, township and range.)
   Lot 12, Block 7 South Kendall Industrial No. 2
   Platbook 68, Page 97
8. Address or location 13115 SW 89th Ave. or 13111 SW 89th Ave. Miami
9. Size of Property 165 ft. x 139 ft. Acres .53
10. Administrative Decision appealed: (State in brief and concise language.)
    In the recently approved Floor and Site plans (Permit # 2008042872) for this facility, the Planning and Zoning Dept. (Director) disregarded instead of enforced Miami Dade County's Zoning regulations.

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208-109
JUN 17 2008
ZONING HEARINGS SECTION
PRINCE GEORGE'S COUNTY PLANNING AND ZONING DEPT.
BY



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

The Fire Dept's determination of an occupancy of 239 (SEE FLOOR PLAN) triggered Sec 33-17 which requires certain set backs not met. Not enforced. As stated in approved SITE PLAN use is school, jurisdiction of which is in Sec. 33-151.1 which in turn triggered Sec. 33-151.18 which includes substantial outdoor recreational space. Not enforced. Compliance required with all EDUCATIONAL AND CHILD CARE FACILITIES, NONPUBLIC listed in the Code

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

See section 11 above. The Director erred by not enforcing the set-back requirements pursuant to Sec 33-17, the Director erred by not enforcing Sec 33-151.18, which includes outdoor recreational space. Compliance required with all EDUCATIONAL AND CHILD CARE FACILITIES, NONPUBLIC listed in the Code

13. Reason why the decision should be reversed:

The lack of enforcement with regards to these issues allows the facility to operate in violation of the county's Zoning Code and on the other hand constitutes a lack of enforcement by the County of it's own zoning regulations. The decision should be reversed whereby the County requires compliance with it's own zoning regulations.

AFFIDAVIT

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

Michael J. Fields
**SIGNATURE**
PRES. DREAM OF FIELDS GROUP INC.

**Sworn and Subscribed before me**
**This** 10th **day of** June 2008

Nicole Gorordo
**NOTARY PUBLIC**

NICOLE GORORDO
MY COMMISSION # DD 772129
EXPIRES: March 25, 2012
Bonded Thru Notary Public Underwriters

**Approved:** _____ **Mayor**

**Veto:** _____

**Override:** _____

**RESOLUTION NO. Z-15-08**

*WHEREAS,* **DREAM OF FIELDS GROUP, INC.** applied for the following:

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

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

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

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

*WHEREAS,* a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS,* after reviewing the decision of the Director of the Department of Planning and Zoning, and after having given an opportunity for all interested parties to be heard, it is the opinion of this Board that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the administrative decision, and that the Director did not err in the issuance of Building Permit No. 2008042872 by not restricting the development of the site to a plan submitted in conjunction with Zoning Hearing Application Z1998000337, and that the appeal should be denied, and that the decision of the Director of the Department of Planning and Zoning should be sustained, and

12

*WHEREAS*, a motion to deny the appeal and sustain the Director's decision was offered by Commissioner Katy Sorenson, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

| | | | |
|---|---|---|---|
| Jose "Pepe" Diaz | aye | Dennis C. Moss | absent |
| Audrey M. Edmonson | aye | Dorrin D. Rolle | aye |
| Carlos A. Gimmenez | absent | Natacha Seijas | absent |
| Sally A. Heyman | absent | Katy Sorenson | aye |
| Barbara J. Jordan | aye | Rebecca Sosa | aye |
| Joe A. Martinez | absent | Sen. Javier D. Souto | aye |

Bruno A. Barreiro aye

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal of the administration decision be and the same is hereby denied without prejudice and that the interpretation of the Director of the Department of Planning and Zoning, be and the same is hereby sustained.

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

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** **this 5th day of June, 2008, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.**

**No. 08-4-CC-1**
**ej**

**HARVEY RUVIN, Clerk**
**Board of County Commissioners**
**Miami-Dade County, Florida**
**By:** KAY SULLIVAN
**Deputy Clerk**

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF JUNE, 2008.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-15-08 adopted by said Board of County Commissioners at its meeting held on the 5th day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 12th day of June, 2008.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

**SEAL**

REVISION 1

# Memorandum

**Date:** 10-SEP-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000109

## Fire Prevention Unit:

The documents related to this Zoning Hearing submission are not applicable to the Fire Engineering & Water Supply Bureau site requirements. The Fire Engineering Bureau reviews zoning applications for FD access to proposed sites of which this zoning hearing does not contain and is not at issue.
Furthermore, the Fire Engineering Bureau has no objection to the occupant load calculations established for Florida Gymnastics Training Center referenced on the approved plans for building permit number 2008042872.

## Service Impact/Demand:

Development for the above Z2008000109
located at 13115 S.W. 89 AVENUE, FKA 13111 SW 89 Ave, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1994 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:19 minutes

## Existing services:

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

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

## Planned Service Expansions:

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

None.

## Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 07/10/08

# TEAM METRO

**ENFORCEMENT HISTORY**

| | |
|---|---|
| DREAM OF FIELDS GROUP, INC. | 13115 S.W. 89 AVENUE, FKA 13111 SW 89 Ave, MIAMI-DADE COUNTY, FLORIDA. |
| **APPLICANT** | **ADDRESS** |

Z2008000109

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

No violations observed on 07-09-08.

Previous cases are closed.
200702011159 warning issued for unauthorized uses. Case Closed.

Jose Lopez

Applicants Dream of Fulda Group, Inc. address is: 12986 SW 89th Ave. Miami 33176

**DISCLOSURE OF INTEREST***

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

CORPORATION NAME: Dream of Fulda Group, Inc.

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

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

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percent of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____

_____

_____

_____

_____

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

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

Signature: Michael J. Fulda
(Applicant)

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

_____
(Notary Public)

My commission expires 7/21/09

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

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

## PROJECT DATA

OCCUPANCY — GROUP "A-3"

GROSS FLOOR AREA — 18,330 Sq. Ft.

OCCUPANCY LOAD

AREA @ 15 per Class (3 classes @ 2 time) — 30 average occupants

MAX load 201 people — 176 INSTRUCTORS

TOTAL 206 occupants

PLUMBING FIXTURE design function

ASSEMBLY (A-3) — Area = 18,330 sq. ft. / Tenant Space = 30 avg Occupants (Max 201 at one time)

PLUMBING FIXTURES:
• 201 Occupants Total (104 MALE/104 FEMALE)

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

PLUMBING FIXTURE REQUIREMENTS PER FBC - PLUMBING CHAPTER 4, SECTION 403 "TABLE 403"

WATER COOLER TO HAVE A CLEAR FLOOR SPACE OF 30 x 48" AND SHALL COMPLY W/ FBC 11-5

## BUILDING DEPT. NOTES

THIS APPLICANT OR TO EXTENT WORK HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING GOVERNING AUTHORITIES:

A) SOUTH FLORIDA BUILDING CODE - 1994 EDITION WITH JUNE '95 REV.
B) REGULATIONS OF LOCAL AUTHORITIES HAVING JURISDICTION
C) THE AMERICAN WITH DISABILITIES ACT
D) NATIONAL ELECTRICAL CODE - LATEST EDITION
E) OSHA REGULATIONS
F) BUILDING OWNERS REQUIREMENTS

1. EXECUTE ALL WORK IN ACCORDANCE WITH LOCAL AND FEDERAL CODES, MANUFACTURERS RECOMMENDATIONS, TRADE AND INDUSTRY STANDARDS, INCLUDING BUT NOT LIMITED TO NFPA, NEC, OSHA AND AMERICAN WITH DISABILITIES ACT - LATEST EDITIONS

BUILDING DESCRIPTION

| | |
|---|---|
| OCCUPANCY | GROUP "A-3" |
| CONSTRUCTION TYPE | TYPE II |
| NO. OF STORIES | 1 STORY |
| FIRE SUPPRESSION | N/A |
| 1ST TENANT AREA | 18,330 SF |
| FIRE/SMOKE WALLS | YES |
| FIRE ALARM | N/A |

NONCONFORMING RESISTANCE

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

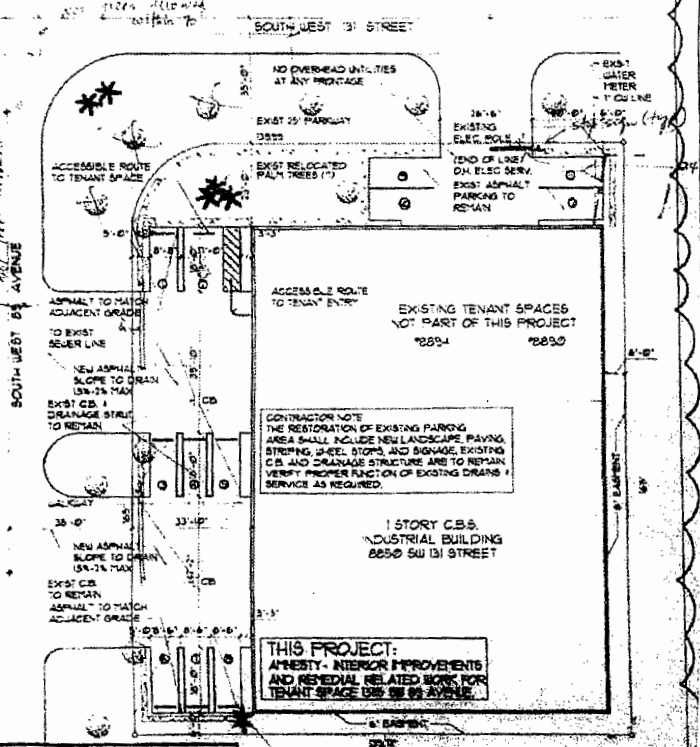
PARKING SUMMARY

| USE | AREA | PARKING RATIO | REQ'D. | PROVIDED |
|---|---|---|---|---|
| GYMNASIUM | 18,330 SF | 1/25 STAFF (4) | 6 | 6 |
| ACCESSIBLE PARKING | N/A | 1/25 | (1) | (1) |
| TENANT AREA - SUITE 18854 & 18834 | 2800 SF | 1/1000 | 4 | 4 |
| TOTAL PARKING PER RESOLUTION NO. CZAB2-33-99 | | | 9 | 9 |

| SYMBOL USED ON PLAN | EXIST. | PLANT NAME BOTANIC | COMMON | NATIVE SPECIES YES | NO | CALIPER INSTALLED | HEIGHT INSTALLED | ESTIMATED AT MATURITY | CANOPY DIAMETER ESTIMATED AT MATURITY | QUANTITY PROV. |
|---|---|---|---|---|---|---|---|---|---|---|
| | X | QUERCUS VIRGINIANA | LIVE OAK | X | | MIN 2" | 12' MIN | 40 | 35 | 8 |
| | X | REVENALA MADAGASCARIENSIS | TRAVELERS PALM | X | | — | — | 40-50 | | 2 |
| | X | ARCHONTOPHOENIX ALEXANDRAE & R. ALEXANDRAE | ALEXANDRA PALM | X | | — | — | 40-45 | | 9 |
| | X | CHRYSOBALANUS ICACO 'RED TIP' | COCOPLUM (HEDGE) | X | | — | 24" OC SPACING MIN 36" H | | | 100+ |

## ZONING NOTE:

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

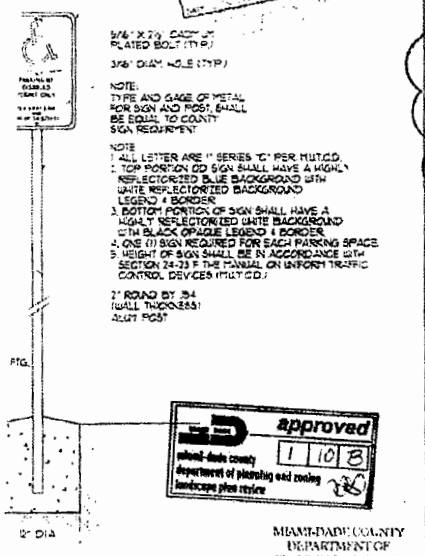



LANDSCAPE NOTE:
LANDSCAPING SHALL COMPLY WITH METRO-DADE COUNTY ORDINANCE 93-13 (LANDSCAPE CODE CHAPTER 18A) SEE PLANTING DETAILS SHEET A-4. IRRIGATION PROVIDED BY WATER HOSE.

SITE PLAN — SCALE: 1/30"

PARKING SPACE DETAIL

PARKING SPACES AND ACCESS AISLES L WITH SURFACE SLOPES NOT EXCEED 1/4 DIRECTIONS.

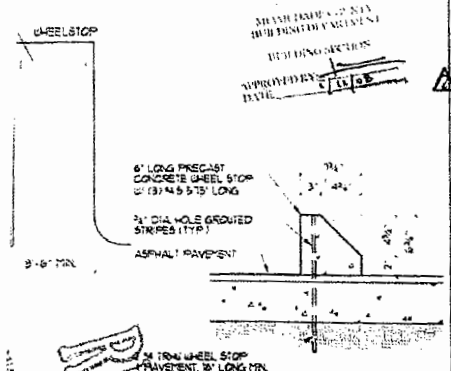



KING SIGN DETAIL — N.T.S.

DICAP SIGNAGE SPECIFICATIONS

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING & ZONING
ZONING PLANS PROCESSING
APPROVED BY: EL
DATE: 1/7/00

MIAMI-DADE COUNTY FIRE DEPARTMENT
BUILDING SECTION
APPROVED BY:
DATE: 1/10/8




CONCRETE WHEEL STOP (PAVEMENT, 10' LONG MIN. (ASPHALT COATED)

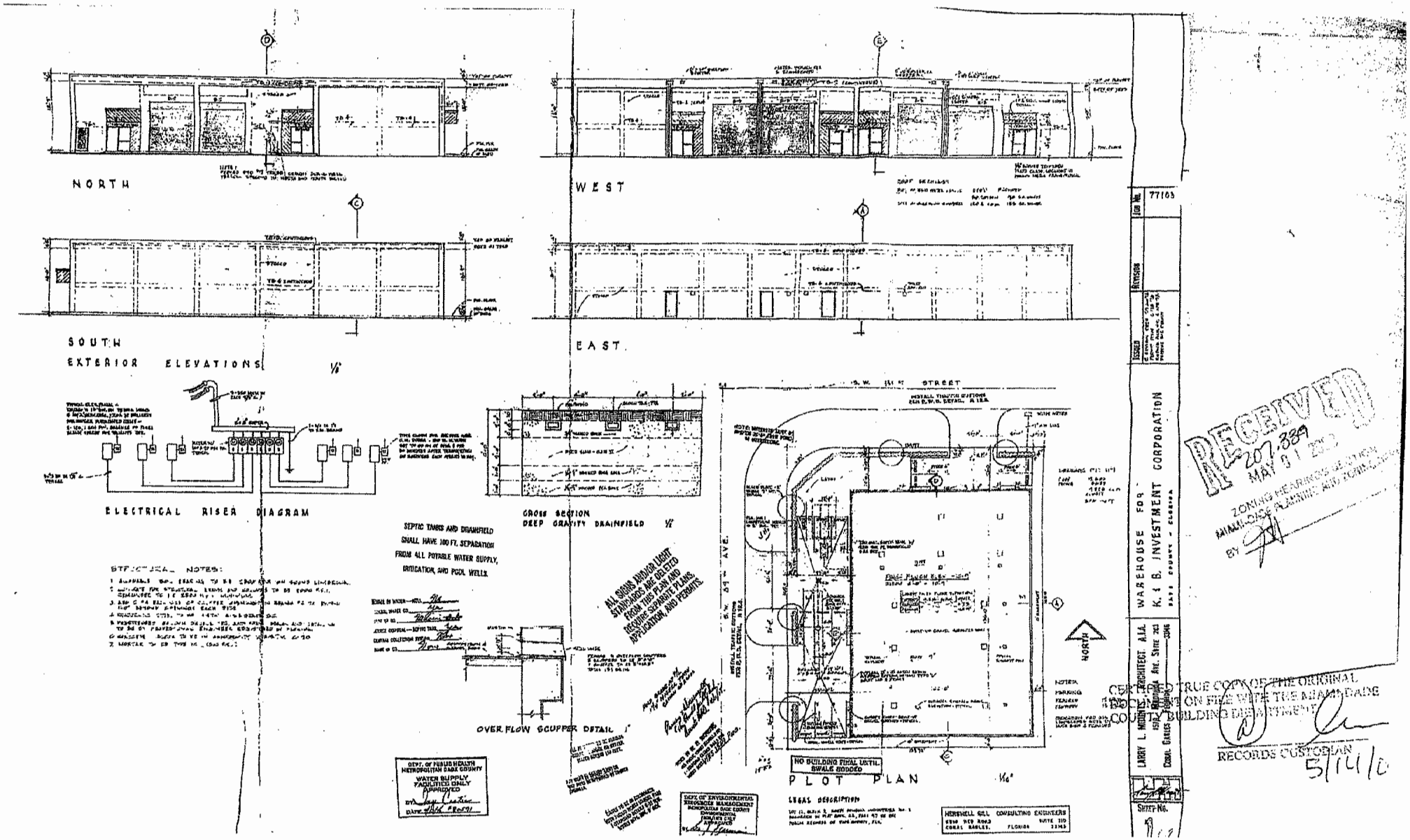
N.T.S. — WHEEL STOP DETAIL — N.T.S.

ZONING APPROVED 1/10/00

SEPTEMBER 13, 2007

19

20


NORTH
WEST
SOUTH
EAST
EXTERIOR ELEVATIONS 1/8"
ELECTRICAL RISER DIAGRAM
CROSS SECTION
DEEP GRAVITY DRAINFIELD 1/2"
SEPTIC TANKS AND DRAINFIELD SHALL HAVE 100 FT. SEPARATION FROM ALL POTABLE WATER SUPPLY, IRRIGATION, AND POOL WELLS.
ALL SIGNS AND/OR LIGHT STANDARDS ARE DELETED FROM THIS PLAN AND REQUIRE SEPARATE PLANS, APPLICATION, AND PERMITS.
OVER FLOW SCUPPER DETAIL
PLOT PLAN 1/16"
NO BUILDING FINAL UNTIL SWALE BODDED
LEGAL DESCRIPTION
STRUCTURAL NOTES:
DEPT. OF PUBLIC HEALTH METROPOLITAN DADE COUNTY WATER SUPPLY FACILITIES ONLY APPROVED
DEPT. OF ENVIRONMENTAL RESOURCES MANAGEMENT METROPOLITAN DADE COUNTY ENVIRONMENTAL FACILITIES ONLY APPROVED
HERSHELL GILL CONSULTING ENGINEERS
WAREHOUSE FOR
K. & B. INVESTMENT CORPORATION
DADE COUNTY - FLORIDA
LARRY L. MOUNTS, ARCHITECT, A.I.A.
SHEET No.
77103
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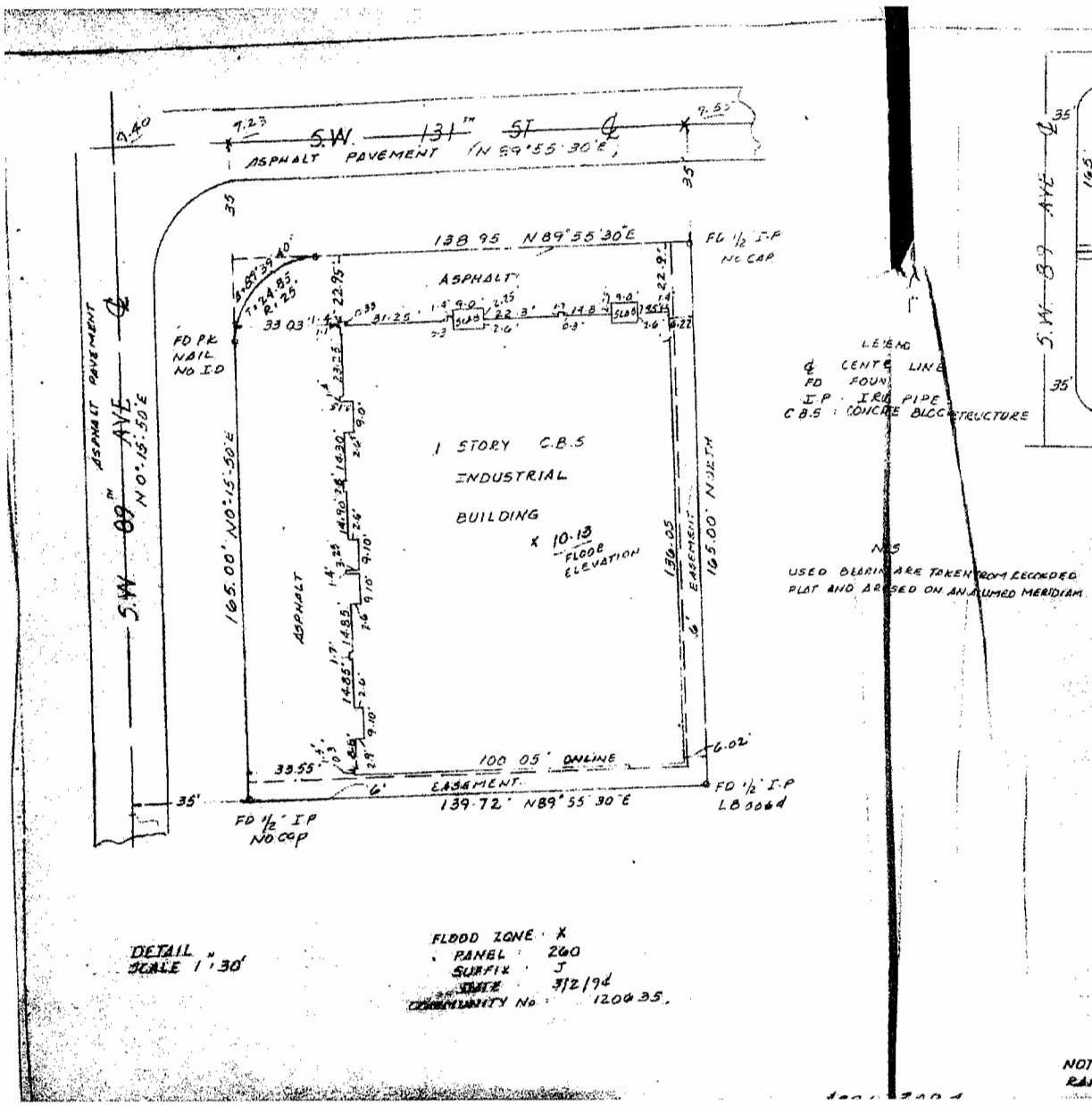
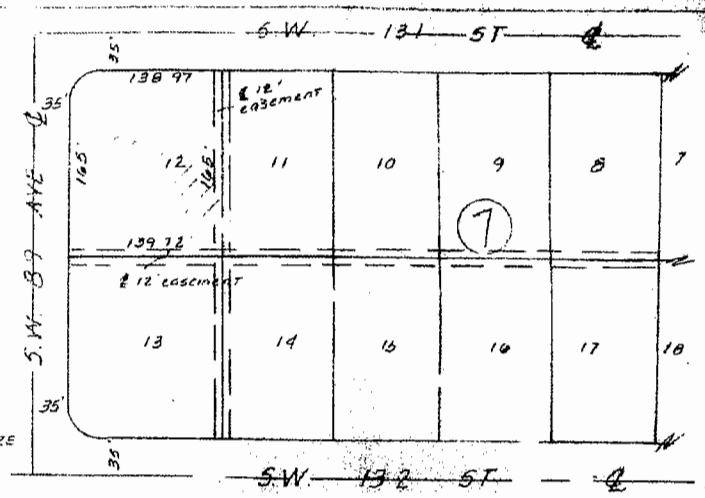
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING
BY
CERTIFIED TRUE COPY OF THE ORIGINAL DOCUMENT ON FILE WITH THE MIAMI-DADE COUNTY BUILDING DEPARTMENT
RECORDS CUSTODIAN
5/14/0




LEGEND
℄ CENTER LINE
FD FOUND
I.P. IRON PIPE
C.B.S. CONCRETE BLOCK STRUCTURE

NOTES
USED BEARINGS ARE TAKEN FROM RECORDED PLAT AND ARE USED ON AN ASSUMED MERIDIAN




LOCATION
SKETCH OF SURVEY
BOUNDARY OF SURVEY
OF
LOT 12 - BLOCK 7

SOUTH KENDALL INDUSTRIAL No 2
MIAMI-DADE COUNTY, FLORIDA
As recorded in Plat Book 68 at Page 97 of the Public Records of Miami-Dade County, Florida

Professional Land Surveyors, pursuant to section 472.027, Florida Statutes

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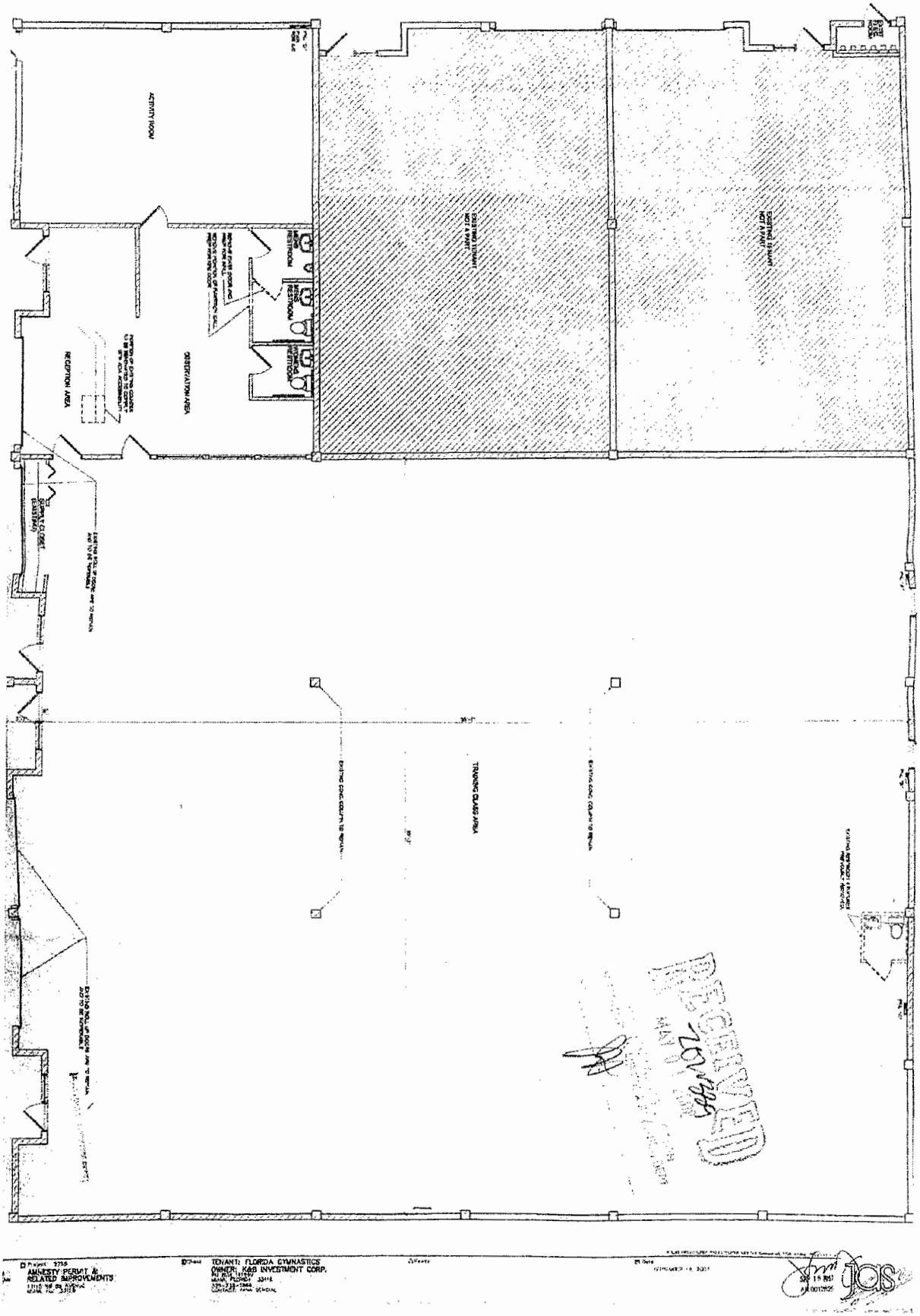
MAY 01
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING

WENCESLAO ORTEGA
PROFESSIONAL SURVEYOR AND MAPPER No 2001
STATE OF FLORIDA
931 A SW 87 AVE
MIAMI FLORIDA 33174
NOT VALID WITHOUTH THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

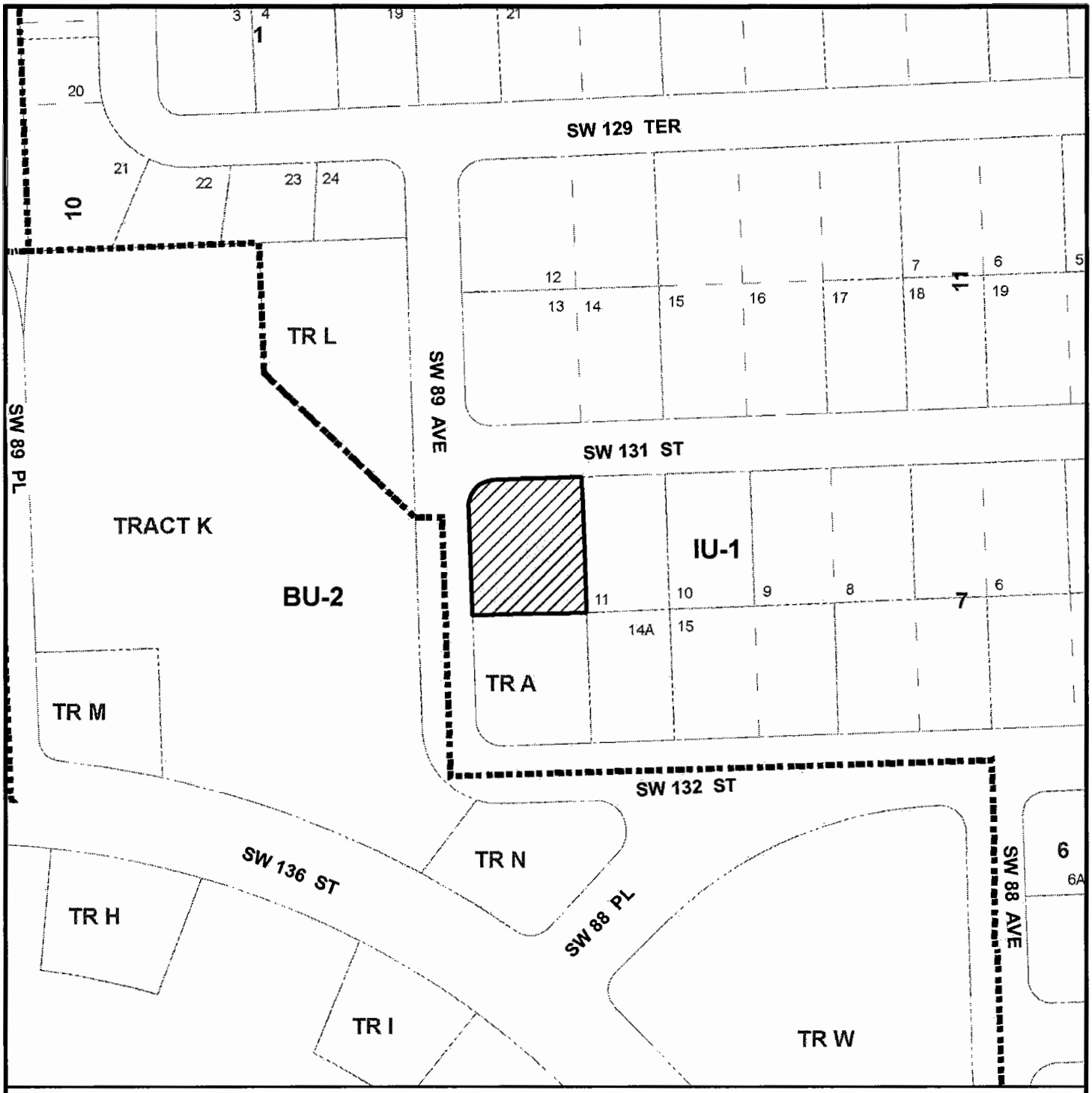



Project 2735
AMNESTY PERMIT & RELATED IMPROVEMENTS
11115 NW 88 AVENUE
MIAMI, FL 33178

TENANT: FLORIDA GYMNASTICS
OWNER: K&B INVESTMENT CORP.
PO BOX 1818
MIAMI, FLORIDA 33116
305-238-1844
CONTACT: FAHA SENIAL

Date
SEP 19 2007
AN 0012925

22




# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**
**08-109**

N
W E
S

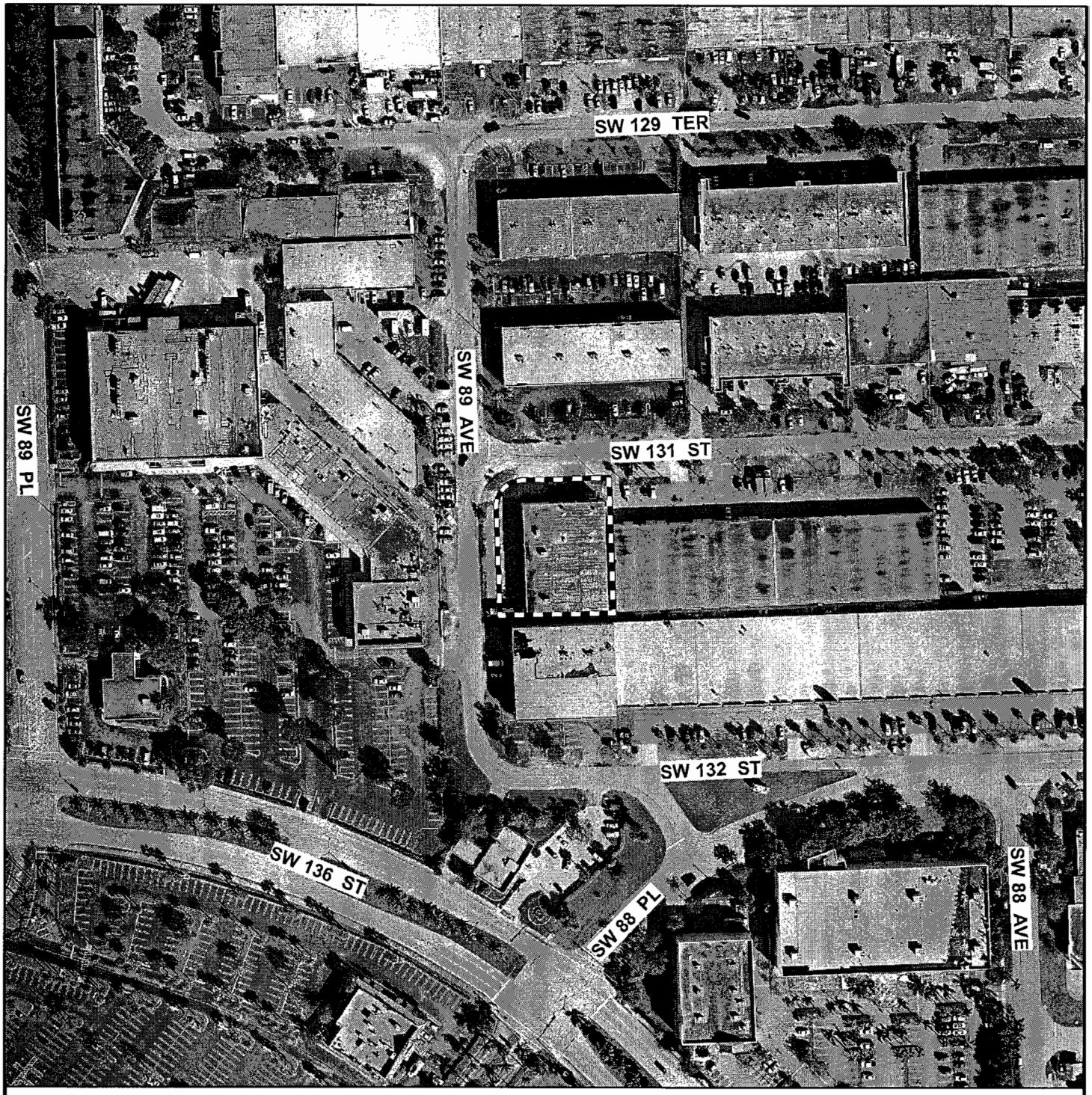
SUBJECT PROPERTY

**Section: 16 Township: 55 Range: 40**
**Applicant: DREAM FIELDS GROUP, INC.**
**Zoning Board: BCC**
**District Number: 08**
**Drafter ID: ALFREDO**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 07/03/08

| REVISION | DATE | BY |
|---|---|---|
| | | 23 |




# MIAMI-DADE COUNTY
AERIAL

Process Number
**08-109**

N
W E
S

SUBJECT PROPERTY

**Section: 16 Township: 55 Range: 40**
**Applicant: DREAM FIELDS GROUP, INC.**
**Zoning Board: BCC**
**District Number: 08**
**Drafter ID: ALFREDO**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 07/03/08

| REVISION | DATE | BY |
|---|---|---|
| | | |

**3. RIO'S PET SPA & BOARDING** **08-12-CC-3 (08-125)**
**(Applicant)** **BCC/District 4**
**Hearing Date: 12/4/08**

Property Owner (if different from applicant) **Georgia Pantelis**

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

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1998 | Leah Enterprises, Inc. | Non-Use variance of parking.<br>Unusual Use to permit parking. | CZAB-2 | Approved w/conds. |
| 2000 | Georgia Pantelis | - Modification of one condition of a previous resolution.<br>- Non-Use variance of setback.<br>- Non-use variance parking,<br>- Non-Use variance of floor ratio. | CZAB-2 | Approved w/conds. |
| 2007 | Director of the Department of Planning & Zoning | Zone change from multiple zoning districts to OUAD (Ojus Urban Area District). | BCC | Approved |

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

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

**APPLICANT:** Rio's Pet Spa and Boarding **PH:** Z08-125 (08-12-CC-3)

**SECTION:** 9-52-42 **DATE:** December 4, 2008

**COMMISSION DISTRICT:** 4 **ITEM NO.:** 3

==========

## A. INTRODUCTION

### o REQUESTS:

In accordance with Section 33-314(c)(14) this application was heard by the Community Zoning Appeals Board #2 on September 25, 2008, in order for the Board to make a "recommendation" to the Board of County Commissioners:

(1) UNUSUAL USE to permit a dog kennel in conjunction with an existing pet grooming center.

(2) Applicant is requesting to permit a setback of 42'2" (12' maximum permitted) from the front (east) property line.

(3) Applicant is requesting to permit a building height of 2-stories (3-story minimum required).

(4) Applicant is requesting to waive the zoning regulations requiring the property to conform to street type parameters for a main street.

(5) Applicant is requesting to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area, and the ground floor windowsills be placed a minimum of 24" above grade: to permit a storefront with 33.65% transparent clear glazed area and the windowsills be placed a minimum of 1'2" above grade.

(6) Applicant is requesting to permit parking in front of the building (parking required in the rear of the building).

(7) Applicant is requesting to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway.

(8) Applicant is requesting to permit 3 parking spaces (12 parking spaces required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #8 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Rio Pet Grooming Spa & Boarding," as prepared by Gollaville Krishna Rao, P. E., consisting of 2 sheets dated stamped received 07/09/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant is seeking to permit a dog kennel on the subject property. Additional requests are being sought because the existing building on the site does not meet the new zoning regulations for the Ojus Urban Area District (OUAD) adopted by this Board on June 6, 2006, pursuant to Ordinance #06-86. These requests include the following: to permit an existing building to setback more than required from the front property line, to permit said building with fewer stories than required, to waive the zoning regulations requiring the property to conform to street type parameters for a main street, to permit a storefront with a lesser transparent clear glazed area, to permit parking in front of the building, to waive the requirement for designated bicycle lanes along West Dixie Highway, and to permit fewer parking spaces than required.

- **LOCATION:**

  18170 West Dixie Highway, Miami-Dade County, Florida.

- **SIZE:** 50' X 104'

- **IMPACT:**

  The approval of this application will allow a dog kennel use on the subject property, which will provide an additional service to pet owners in the community. However, the subject property is located in the Ojus Urban Area District (OUAD), which restricts the development of the property to the zoning regulations adopted in order to implement the general intent and purpose of the Ojus Urban Center Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Ojus located in northern Miami-Dade County. Approval of this application will not conform with the spirit and intent of the area studies and the Code for the OUAD area.

## B. ZONING HEARINGS HISTORY:

In 1998, an Unusual Use request to permit parking in a zone more restrictive than the use it serves and a request to permit 3 parking spaces (11 spaces required) were approved, pursuant to Resolution #CZAB2-15-98. Additionally, in 2000, a modification of the previously approved plans along with several requests for setback, parking, floor area ratio, lot coverage and landscaping were approved on the site, pursuant to Resolution #CZAB2-1-00. On March 8, 2007, the subject property was part of a larger parcel of land (337 acres) that was rezoned to Ojus Urban Area District (OUAD), pursuant to Resolution #Z-3-07.

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

**Urban Centers**

Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban

structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas, which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.

The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternative to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in this center, but the Community Centers shall contain primarily moderate and smaller sized businesses, which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The county will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at this center over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

**Uses and Activities**

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

**Radius**

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

**Street and Public Spaces**

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all

significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens, and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space might be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

**Parking**

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

**Buildings**

Building and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, awnings, canopies, arcades and colonnades should provide weather protection.

**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. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| OUAD; commercial building | Mixed-use Corridor: Residential, Businesses and Offices (Max. 36 units per net acre) |
| **Surrounding Properties:** | |
| **NORTH:** OUAD; commercial building | Mixed-use Corridor: Residential, Businesses and Offices (Max. 36 units per net acre) |
| **SOUTH:** OUAD; commercial building | Mixed-use Corridor: Residential, Businesses and Offices (Max. 36 units per net acre) |
| **EAST:** GU; right-of-way | Ojus Metropolitan Urban Center |
| **WEST:** OUAD; duplex residences | Residential Modified: Duplex, urban villa, row-house and live-work dwellings (Max. 18 units per net acre) |

The subject property is located at 18170 West Dixie Highway in the Ojus area of Miami-Dade County. The abutting area is characterized by a mixture of uses including commercial buildings and duplex residences.

## E. SITE AND BUILDINGS:

| | |
|---|---|
| **Site Plan Review:** | (Site plan submitted.) |
| Scale/Utilization of Site: | **Unacceptable** |
| Location of Buildings: | **Unacceptable** |
| Compatibility: | **Unacceptable** |
| Landscape Treatment: | **Unacceptable** |
| Open Space: | **Unacceptable** |
| Buffering: | **Unacceptable** |
| Access: | **Acceptable** |
| Parking Layout/Circulation: | **Unacceptable** |
| Visibility/Visual Screening: | **Unacceptable** |
| Energy Considerations: | **N/A** |
| Roof Installations: | **N/A** |
| Service Areas: | **N/A** |
| Signage: | **N/A** |
| Urban Design: | **Unacceptable** |

## F. PERTINENT REQUIREMENTS/STANDARDS:

**Section 33-311(A)(3) Special Exceptions, Unusual 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 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.

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

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

**Section 33-284.99.22. Non-conforming Structures, Uses, and Occupancies.** Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, or occupancy in the OUAD that either (1) was existing as of the date of the district boundary change on the property to OUAD or (2) on or before said date, had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit. However,

any structure, use, or occupancy in the OUAD that is discontinued for a period of at least six months, or is superseded by a lawful structure, use or occupancy permitted under this chapter, or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code. However, a lawfully existing single-family home use that is discontinued for a period of at least six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(c) of this code.

**Section 33-314(C)(14). Direct applications and appeals to the County Commission.** Applications for development approval or modifications thereof for projects located within the Core sub-district of the Naranja Community Urban Center District and all other Urban Center zoning districts after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the project.

## G. NEIGHBORHOOD SERVICES:

| | |
|---|---|
| DERM | **No objection*** |
| Public Works | **Objects** |
| Parks | **No objection** |
| MDT | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |

*Subject to the conditions indicated in their memorandum.

## H. ANALYSIS:

Staff notes that Section 33-314(C)(14) of the Zoning Code indicates that applications for development approval or modifications thereof for projects located within the Core sub-district of the Urban Center zoning districts after hearing and recommendation by the Community Zoning Appeals Board must be heard before the Board of County Commissioners (BCC). This application was heard by the Community Zoning Appeals Board #2 (CZAB #2) on September 25, 2008, which recommended to this Board that the application be approved subject to conditions, pursuant to Resolution #CZAB2-2-08. Therefore, this application must be heard before this Board.

The subject property is located at 18170 West Dixie Highway in the Ojus area of Miami-Dade County. A mixture of uses including commercial buildings and duplex residences characterizes the abutting area. The applicant is seeking to permit a dog kennel (request #1) with a building setback of 42'2" (12' maximum permitted) from the front (east) property line (request #2) and with a height of 2 stories (3-story minimum required) (request #3). Additional requests are being sought to waive the zoning regulations requiring the property to conform to street type parameters for a main street (request #4); to waive the zoning regulation requiring that storefronts on the 1st floor have a minimum of 70% transparent clear glazed area and that ground floor windowsills be placed a minimum of 24" above grade in order to permit a storefront with 33.65% transparent clear glazed area and windowsills placed a minimum of 1'2" above grade (request #5); to permit parking in front of the building (parking required in the rear of the building) (request #6); to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway (request #7); and to permit 3 parking spaces (12 parking spaces required) (request #8).

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to the request to permit fewer parking spaces than required. The Miami-Dade Fire Rescue Department **(MDFRD)** has **no objection** to this application and MDFRD has indicated that the average response time for this site is **5:28** minutes.

The approval of this application will allow a dog kennel use on the subject property which will provide an additional service to pet owners within the community. The subject property lies within the **Ojus Metropolitan Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components has been created to promote create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved Ojus Urban Area District Ordinance, are regulated by plans and descriptive standards described in Ordinance #06-086. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment.

Although the existing structure was built in accordance with the prior BU-2 zoning on the property, grandfathering provisions do not apply to a "new" use, and the applicant must either build in accordance to the newly adopted OUAD standards or seek relief through a public hearing. Although a dog kennel use would be compatible with other uses along this commercial corridor, the use is **inconsistent** with the CDMP 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. The dog kennel use as proposed with several variances of the adopted development standards for this area to permit an existing building to setback more than required from the front property line, to permit said building with fewer stories than required, to waive the zoning regulations requiring the property to conform to street type parameters for a main street, to permit a storefront with a lesser transparent clear glazed area, to permit parking in front of the building, to waive the requirement for designated bicycle lanes along West Dixie Highway and to permit fewer parking spaces than required is not supported by staff because it does not maintain the basic intent and purpose of the Ojus Urban Center Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Ojus in northern Miami-Dade County. Therefore, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3), Unusual Use.

When requests #2 through #8 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the

neighborhood, and would negatively affect the appearance of the community. Approval of request #2, to permit a setback of 42'2" (12' maximum permitted) from the front (east) property line; request #3, to permit a building height of 2 stories (3-story minimum required); request #4, to waive the zoning regulations requiring the property to conform to street type parameters for a main street; request #5, to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area and that ground floor windowsills be placed a minimum of 24" above grade in order to permit a storefront with 33.65% transparent clear glazed area and that the windowsills be placed a minimum of 1'2" above grade; request #6, to permit parking in front of the building (parking required in the rear of the building); request #7, to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway; and request #8, to permit 3 parking spaces (12 parking spaces required), are, in staff's opinion, out of character with the planned development of the area under the Ojus Metropolitan Urban Center guidelines and could set a precedent for similar requests of this type in the area and would not allow this community to be developed as envisioned. Additionally, the Department of Public Works object to this application and indicates that approval of same could cause an overflow of vehicles and traffic congestion on and around the subject site and on the swales or rights-of-way. Staff opines that these requests do not maintain the basic intent and purpose of the zoning regulations, will not be compatible with the surrounding land uses and will be detrimental to the community. Therefore, requests #2 through #8 should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

As previously mentioned, in accordance with the zoning regulations, this application was heard by the CZAB #2 on September 25, 2008, at which time they recommended to this Board that this application be approved subject to conditions, including the following: that the dog kennel use be restricted to a maximum of 15 dogs on the premises at any one time, and that the building or the portion of the building used for the kennel be soundproofed (see attached exhibit A).

Notwithstanding the aforementioned, staff recommends denial without prejudice of this application.

## I. RECOMMENDATION:

Denial without prejudice.

**J. CONDITIONS**: None.

**DATE INSPECTED:** 05/12/08
**DATE TYPED:** 06/06/08
**DATE REVISED:** 06/09/08; 06/10/08, 06/13/08; 07/07/08; 08/07/08; 08/11/08; 10/15/08; 10/20/08; 10/27/08; 11/06/08
**DATE FINALIZED:** 11/06/08
MCL:MTF:LVT:JV

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 22, 2008

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

**Subject:** C-02 #Z2008000125
Rio's Pet Spa & Boarding
18170 W. Dixie Highway
Unusual Use to Permit a Dog Kennel
Request to Permit Less Building Height and Parking Spaces than Required
Request to Permit a Greater Setback than Allowed
Request to Waive Miscellaneous Zoning Regulations
(OUAD) (2.26 Acres)
04-52-42

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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

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

Existing public water 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.

Wastewater Disposal

The closest public sanitary sewer is a 36-inch force main located approximately 290 feet from the subject property; therefore, the subject property is served by a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste if the proposed land use generates liquid waste other than domestic sewage or if the property is within feasible distance for connection to the public sanitary sewer system.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only

be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-13(4) of the Code.
The property owner has obtained variances from the above-noted code requirements for a dog grooming parlor on the subject property, served by public water and a septic tank, from the Environmental Quality Control Board (EQCB), subject to the conditions stated in Board Order 06-20. The proposed dog kennel is a use generally associated with a dog grooming parlor and does not generate a significant increase in water usage. The DERM Office of Plan Review Services has determined that the subject request will not exceed the maximum sewage loading allowed by Section 24-43.1(4)(b) of the Code; therefore, the same may be approved by DERM.

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 will require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

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

Tree Preservation
According to the site plan submitted with this zoning application, the proposal to permit a dog kennel will not impact tree resources. Therefore, DERM has no objection to this zoning application; however, please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History
DERM has found one open enforcement record for the subject property. The following is a summary of the enforcement case:

Folio No. 30-2204-009-0920
18170 W. Dixie Hwy., Miami-Dade County, FL
On September 28, 2007, a Notice of Violation (NOV) was issued to Rio's Pet Spa & Boarding for violations of groundwater standards from sample taken from an on-site monitoring well. Submittal of a Site Assessment Report (SAR), which was required by the NOV, remains pending.

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.

PH# Z2008000125
CZAB - C02

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:PATRICIA BASTOS

This Department objects to this application.

This Department objects to the request to permit less parking than required. Fewer parking spaces will result with vehicles parking within the right-of-way where it is not permitted.

Driveway to West Dixie Highway must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

Raul A Pino, P.L.S.
21-JUL-08

Exhibit "A"

**RESOLUTION NO. CZAB2-2-08**

*WHEREAS,* **RIO'S PET SPA & BOARDING** applied for the following:

(1) UNUSUAL USE to permit a dog kennel.

(2) Applicant is requesting to permit a setback of 42'2" (12' maximum permitted) from the front (east) property line.

(3) Applicant is requesting to permit building height of 2 stories (3-story minimum required).

(4) Applicant is requesting to waive the zoning regulations requiring the property to conform to street type parameters for a main street.

(5) Applicant is requesting to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area and the ground floor windowsills be placed a minimum of 24" above grade: to permit a storefront with 33.65% transparent clear glazed area and the windowsills be placed a minimum of 1'2" above grade.

(6) Applicant is requesting to permit parking in front of the building (parking required in the rear of the building).

(7) Applicant is requesting to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway.

(8) Applicant is requesting to permit 3 parking spaces (12 parking spaces required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 through #8 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Rio Pet Grooming Spa & Boarding 18170 West Dixie Hwy Miami, Fl 33160," as prepared by Gollaville Krishna Rao, P. E., consisting of 2 sheets: Sheet "A-02" dated stamped received 2/11/08 and the remaining sheet dated stamped received 3/14/08. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 5 and 6, Block 9, OJUS PARK, Plat book 14, Page 47.

LOCATION: 18170 West Dixie Highway, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of the Miami-Dade County Community Zoning Appeals Board 2 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS,* this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS,* upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use to permit a dog kennel (Item #1), to permit a setback of 42'2" from the front (east) property line (Item #2), to permit building height of 2 stories (Item #3), to waive the zoning regulations requiring the property to conform to street type parameters for a main street, (Item #4), to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area and the ground floor windowsills be placed a minimum of 24" above grade: to permit a storefront with 33.65% transparent clear glazed area and the windowsills be placed a minimum of 1'2" above grade (Item #5), to permit parking in front of the building (Item #6), to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway (Item #7), and to permit 3 parking spaces (Item #8) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use (Item #1) would not have an adverse impact upon the public interest and should be recommended for approval, and

*WHEREAS,* a motion to recommend to the Board of County Commissioners approval of Items #1 through 8 was offered by Kenneth Friedman, seconded by Adrienne F. Promoff, and upon a poll of the members present, the vote was as follows:

| | | | |
|---|---|---|---|
| Lonna Cohen | aye | Caryn Montague | aye |
| Chaim Druin | absent | Adrienne F. Promoff | aye |
| Kenneth Friedman | aye | Peggy A. Stroker | aye |

Patrick J. Gannon Jr. aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 2, that the Board recommends to the Board of County Commissioners approval of the requested unusual use to permit a dog kennel (Item #1), to permit a setback of 42'2" from the front (east) property line (Item #2), to permit building height of 2 stories (Item #3), to waive the zoning regulations requiring the property to conform to street type parameters for a main street, (Item #4), to waive the zoning regulation requiring storefronts on the 1st floor to have a minimum of 70% transparent clear glazed area and the ground floor windowsills be placed a minimum of 24" above grade: to permit a storefront with 33.65% transparent clear glazed area and the windowsills be placed a minimum of 1'2" above grade (Item #5), to permit parking in front of the building (Item #6), to waive the zoning regulation requiring designated bicycle lanes along West Dixie Highway (Item #7), and to permit 3 parking spaces (Item #8) be and the same are hereby recommended for approval, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not limited thereto, location of structure or structures, kennel runs, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Rio Pet Grooming Spa & Boarding," as prepared by Gollaville Krishna Rao, P.E., consisting of 2 sheets dated stamped received 07/09/08.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department 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 Certificate of Use.

5. That the maximum of fifteen (15) dogs be permitted on the premises at any one time.

6. That the building, or the portion of the building used for the kennel, be soundproofed.

7. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

8. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

9. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

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

*PASSED AND ADOPTED* this 25th day of September, 2008.

Hearing No. 08-7-CZ2-1
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 6TH DAY OF OCTOBER, 2008.**

**STATE OF FLORIDA**

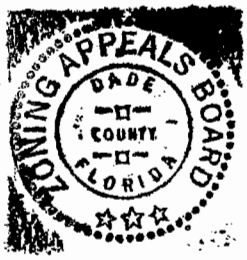
**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 2, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB2-2-08 adopted by said Community Zoning Appeals Board at its meeting held on the 25th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of October, 2008.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

**SEAL**



# Memorandum

**Date:** 29-JUL-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000125

## Fire Prevention Unit:

No objection to plans date stamped July 9, 2008.

## Service Impact/Demand:

Development for the above Z2008000125
located at 18170 WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 5196 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:06 minutes

## Existing services:

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

Station 33 - Aventura - 2601 Point East Drive
Rescue

## Planned Service Expansions:

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

None.

## Fire Planning Additional Comments:

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

| RIO'S PET SPA & BOARDING | 18170 WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA. |
|---|---|
| **APPLICANT** | **ADDRESS** |
| 9/9/2008 | Z2008000125 |
| **DATE** | **HEARING NUMBER** |

**CURRENT ENFORCEMENT HISTORY:**

December 08, 2000 Warning letter for graffiti on CBS wall was mailed to property owner. December 27, 2000 Graffiti was removed by property owner. Case closed. January 31, 2002 Warning letter issued to property owner for display signs. February 07, 2002 Display signs were removed by property owner. Case closed. January 31, 2002 Warning letter issued to property owner for banner. February 13, 2002. Banner was removed by property owner. Case closed. September 09, 2002 Warning letter issued to property owner for banner. September 23, 2002 Banner was removed by property owner. Case closed. April 03, 2003 Citation #909590 was mailed to property owner for illegal Sign. April 04, 2003 Inspection conducted revealed sign removed by property owner. April 18, 2003 Property owner filed for an appeal. June 11, 2003 An Administrative Hearing was scheduled June 11, 2003. Property owner was a no show. Hearing Officer Carol Moss found property owner guilty and assessed a fine of $210.00 and a $75.00 court cost. August 08, 2003 Citation 909590 was paid by property owner. August 12, 2003 Case closed by Officer Juan Diaz. September 17, 2003 Warning letter was issued to tenant for a non-permitted signage. September 27, 2003 Tenant removed non-permitted signage. Case closed. March 09, 2006 Warning letter was issued to tenant for junk and trash. March 09, 2006 Research and phone call to Solid Waste revealed an illegal dumping case was opened of junk and trash at the location. March 29, 2006 Trash was removed. Case closed. April 21, 2006 Warning letter was issued to tenant for non-permitted signage. May 05, 2006 Tenant removed non-permitted signage. Case closed. July 19, 2006 Inspection was conducted by Officer Russ Brunetto and found no evidence of boarding dogs Case closed. November 20, 2006 Warning letter was issued to property owner and tenant for establishing a new and usual use with a Public Hearing and no Certificate of Use for dog kennel. November 20, 2006 Officer Russ Brunetto made contact with the Certificate of Use Office and discovered no Certificate of Use approved on file for dog kennel/boarding use. December 27, 2006 Property owner and tenant requested an extension to apply for a Certificate of Use. An extension was granted by Neighborhood Compliance Supervisor Wanda Anthony until February 22, 2007. February 26, 2007 Inspection and research conducted by

Officer Russ Brunetto revealed no Certificate of Use on file. Citations #993368 - #993369 were issued to property owner and tenant for no compliance. March 30, 2007 Tenant filed for an Administrative Hearing with the Clerk of Courts. May 10, 2007 An Administrative Hearing was scheduled on May 10, 2007. Tenant was found guilty; a fine of $510.00 and $75.00 court cost was assessed by the Hearing Officer O. Grey. Property owner did not appeal citation. June 1, 2007 Citation# 993368 (tenant) was paid. June 18, 2007 Warning letter mailed to property owner to maintain swale. July 20, 2007 Inspection conducted by Officer Russ Brunetto revealed swale was mowed and cleared by property owner. Case closed. August 06, 2007 Warning letter was mailed to property owner to maintain swale. October 05, 2007 Inspection conducted by Officer Russ Brunetto revealed violation was corrected. Case closed. March 21, 2008 Condition remains the same. Property owner applied for a Public Hearing.

**VIOLATOR:**

Inspected by NCO Russ Burnnetto.

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-125
DATE: JUL 09 2008
BY: SDE

**DISCLOSURE OF INTEREST***

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock [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: Rio's Pet Spa & Boarding Inc.

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| Patricia Bastos (President) | 100 % |
| | |
| | |
| | |
| | |
| | |

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

TRUST/ESTATE NAME: N/A

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percent of Ownership |
|---|---|
| N/A | |
| | |
| | |
| | |
| | |

RECEIVED
MIAMI-DADE COUNTY
PROGRESS #: Z08-125
DATE: JUL 09 2008
BY: SDE

If this 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: N/A

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

Date of contract: _____

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

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

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

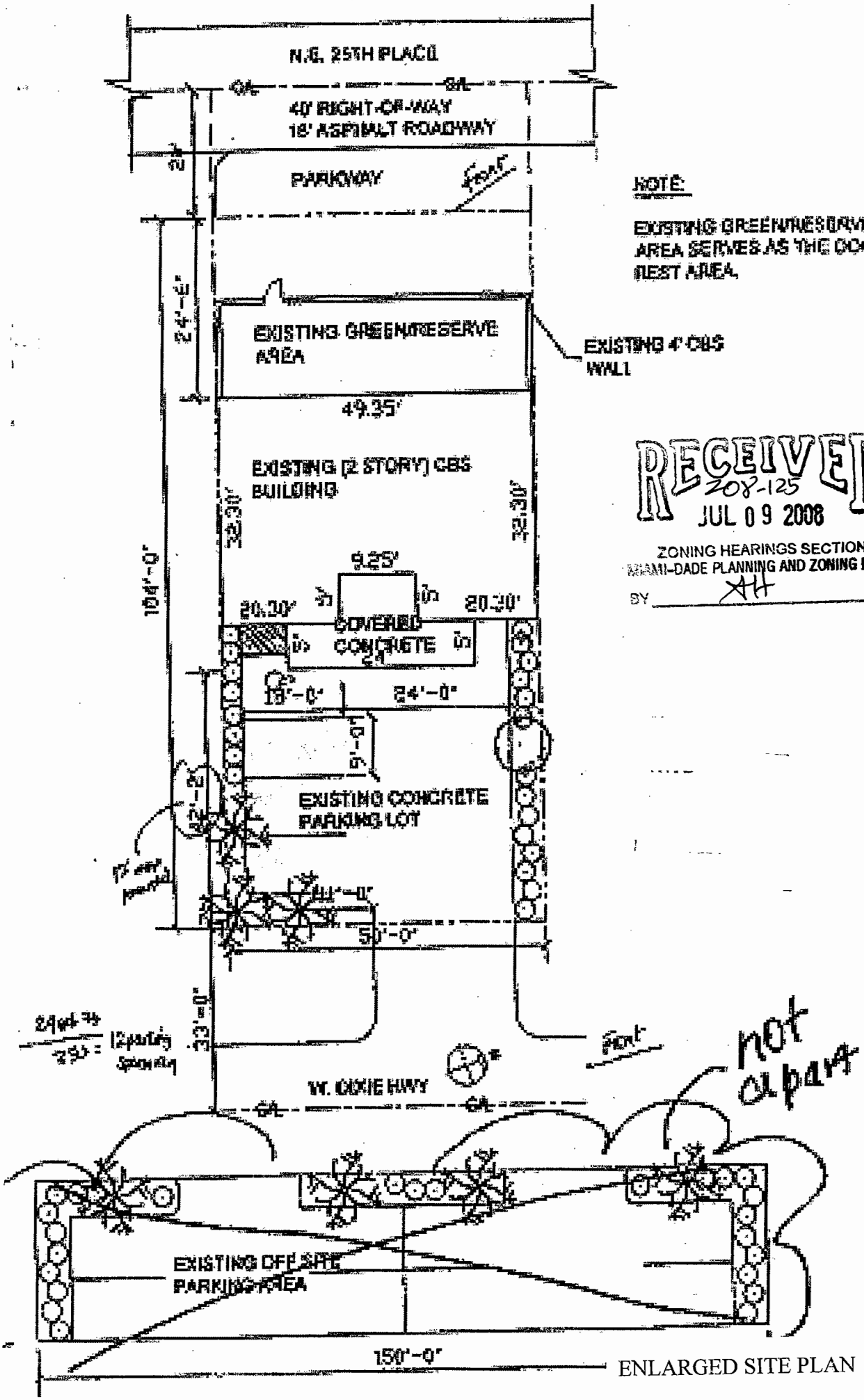
Signature: _____ (Applicant)

Sworn to and subscribed before me this ___ day of July, _____. Affiant is personally known to me or has produced _____ as identification.

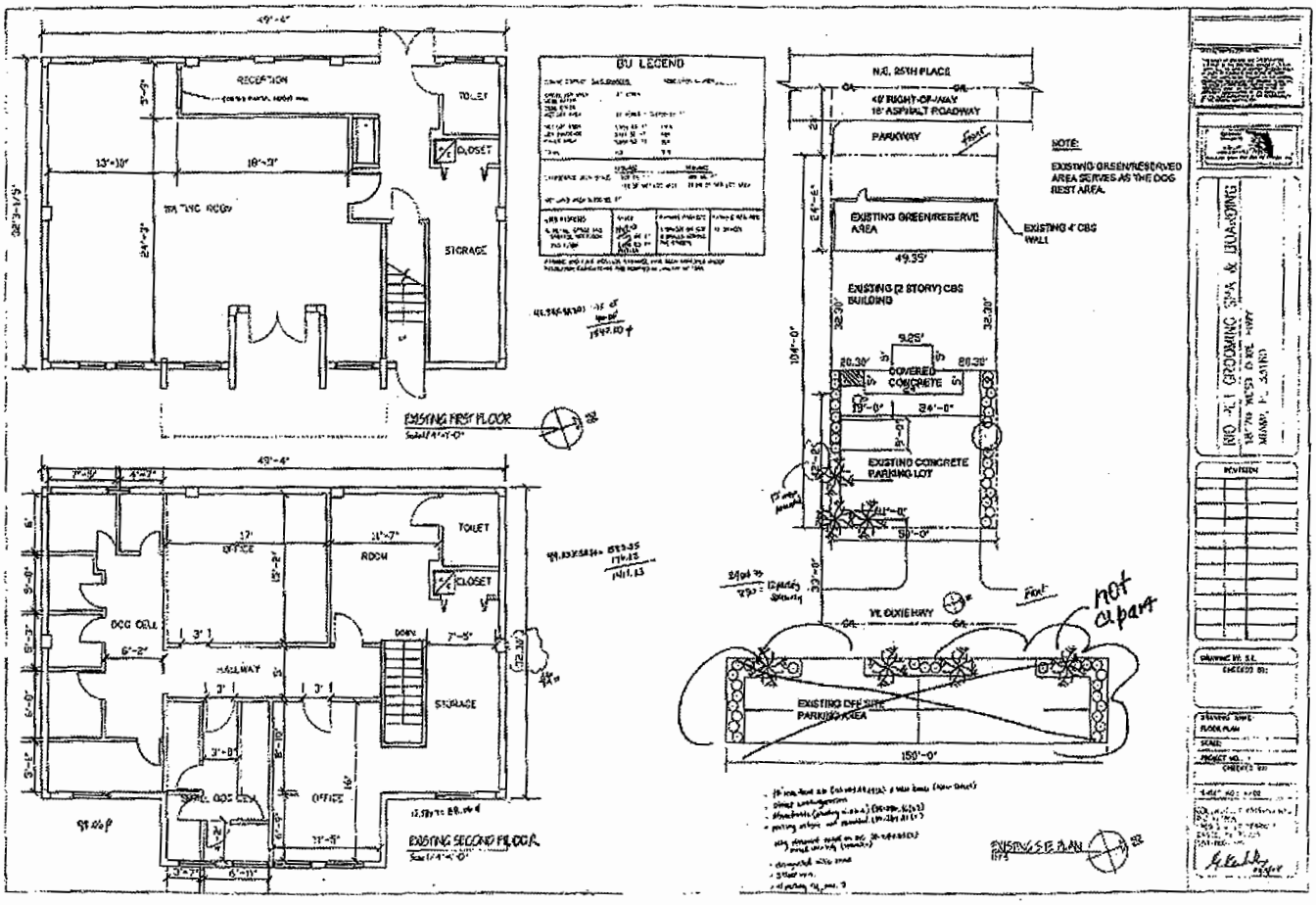
_____ (Notary Public)

My commission expires _____

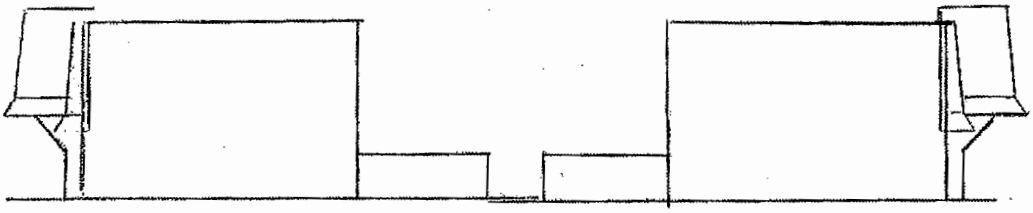
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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




ENLARGED SITE PLAN

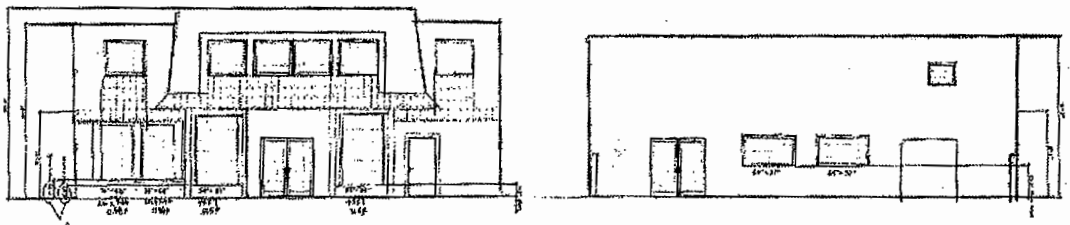


BU LEGEND
RECEPTION
TOILET
CLOSET
STORAGE
EXISTING FIRST FLOOR
OFFICE
ROOM
DOG CELL
HALLWAY
EXISTING SECOND FLOOR
N.E. 25TH PLACE
PARKWAY
NOTE:
EXISTING GREEN/RESERVED AREA SERVES AS THE DOG REST AREA.
EXISTING GREEN/RESERVE AREA
EXISTING 4' CBS WALL
EXISTING (2 STORY) CBS BUILDING
COVERED CONCRETE
EXISTING CONCRETE PARKING LOT
W. DIXIE HWY
not apart
EXISTING OFF SITE PARKING AREA
EXISTING S.E. PLAN



Existing Right Side Elevation

Existing Left Side Elevation



Existing Front Elevation

Existing Rear Elevation

RIO PET GROOMING SPA & BOARDING
18170 WEST DIXIE HWY
MIAMI, FL 33160

REVISION

DRAWING NAME:
LANDSCAPE DETAILS

SCALE: 1"= 1/4"

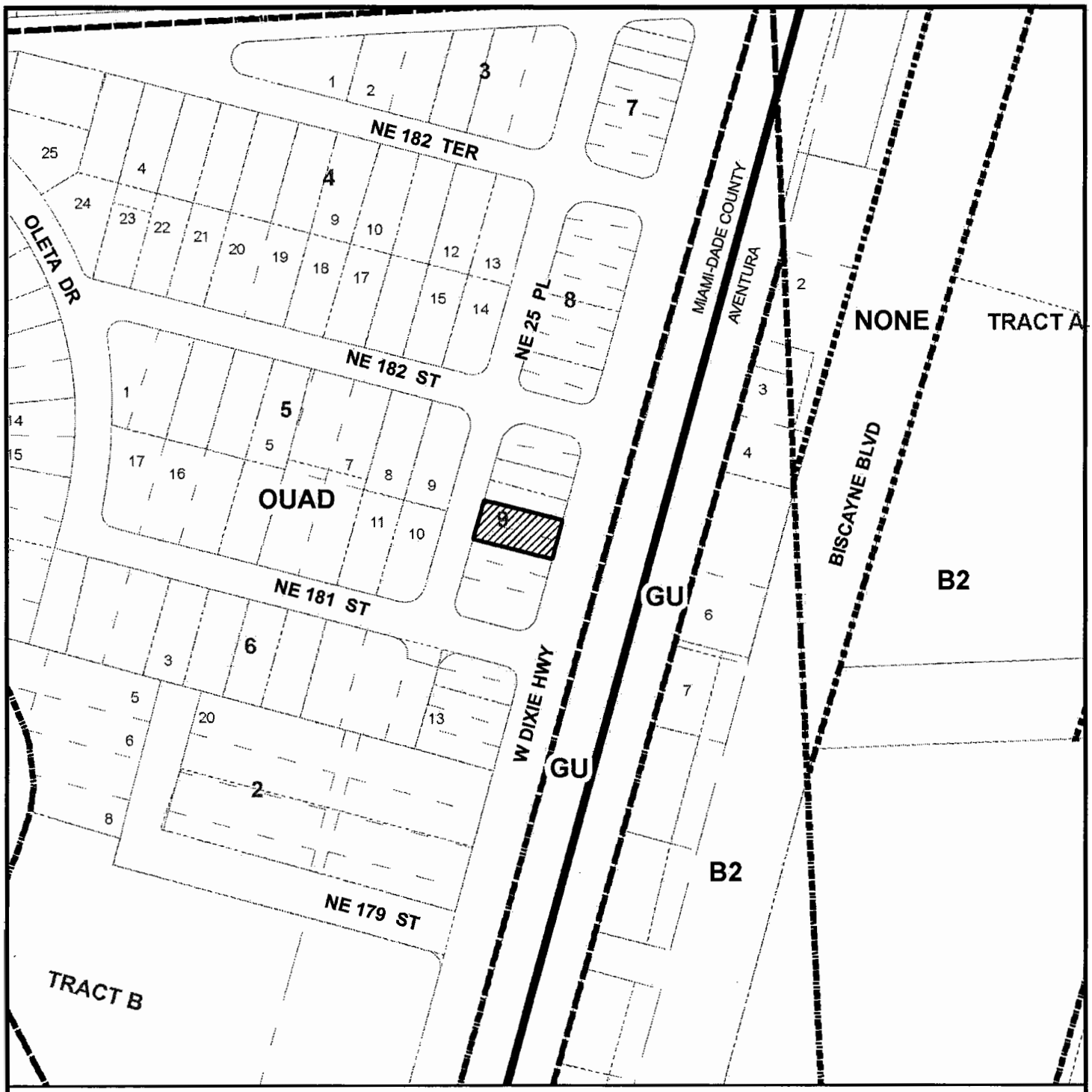
PROJECT NO: -

DRAWN BY:

CHECKED BY:

SHEET NO.:

28




# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**
**08-125**

**Section: 09 Township: 52 Range: 42**
**Applicant: RIOS'S PET SPA & BOARDING**
**Zoning Board: C02**
**Commission District: 04**
**Drafter ID: ALFREDO**
**Scale: NTS**
**---------- Zoning**

**SUBJECT PROPERTY**

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/11/08

| REVISION | DATE | BY |
|---|---|---|
| | | 29 |

# MIAMI-DADE COUNTY
## AERIAL YEAR 2008

**Section: 09 Township: 52 Range: 42**
**Applicant:** RIOS'S PET SPA & BOARDING
**Zoning Board:** C02
**Commission District:** 04
**Drafter ID:** ALFREDO
**Scale:** NTS
---------- Zoning

**Process Number**
**08-125**

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/11/08

| REVISION | DATE | BY |
|---|---|---|
| | | |

**4. MEADOW VIEW SHOPPING CENTER, LLC** **08-12-CC-4 (08-149)**
**(Applicant)** **BCC/District 11**
**Hearing Date: 12/4/08**

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

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

If so, who are the interested parties? School Development HC, LLC

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1987 | Dannifra S.A. | - Zone change from GU to BU-1A.<br>- Special exception zero lot line development.<br>- Non-Use variances. | BCC | Approved |
| 2004 | 149 Bird, LLC | - Zone change from BU-1A to RU-3M.<br>- Deletion of the Declaration of Restrictions. | BCC | Approved w/conds. |
| 2006 | Meadow View Shopping Center LLC | - Modification of Declaration of Restrictions.<br>- Non-Use variances. | CZAB-10 | Approved |

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** December 4, 2008

**To:** Board of County Commissioners

**From:** Developmental Impact Committee
Executive Council

**Subject:** Developmental Impact Committee Recommendation

---

**APPLICANT:** Meadow View Shopping Center, Inc. (Z08-149)

**SUMMARY OF REQUESTS:**

The applicant, Meadow View Shopping Center L.L.C., is requesting a special exception to permit a charter school from grades Kindergarten through 12th. In conjunction with this request, the applicant is seeking a modification and deletion of conditions of a previously approved 2006 Resolution and the deletion of two Declarations of Restrictions in order to submit new site plans that reflect a charter school in lieu of a shopping center. Additionally, the applicant is requesting to permit a one-way drive to be of less width than required.

**LOCATION:** 14901 S.W. 42 Street, Miami-Dade County, Florida.

**COMMENTS:**

This application went before the Developmental Impact Committee because the applicant is requesting approval of a charter school application. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

**DIC RECOMMENDATION:**

**Approval with Conditions** as set forth in the Department of Planning and Zoning's recommendation and subject to the Board's acceptance of the proffered covenant.

The Executive Council found that the proposed application is in keeping with the Comprehensive Development Master Plan Land Use map designation for the subject parcel and is in compliance with Article XI -Public Charter School facilities of Chapter 33 of the Code of Miami-Dade County. In relation to the present and future development of the area, the Executive Council finds that the approval of the charter school site, with the applied conditions and the acceptance of the proffered covenant, will permit a development which is consistent with the Comprehensive Development Master Plan (CDMP), and will not be contrary to the public interest. In addition, the Council also finds that the proposed development will be compatible with the surrounding area and would not detrimentally impact same.

APPLICATION NO. Z08-149
MEADOW VIEW SHOPPING CENTER, LLC

Respectfully Submited,

DIC Executive Council
November 19, 2008

Susanne M. Torriente
Assistant County Manager — Absent

Manny Mena, Assistant Fire Chief
Miami-Dade Fire Rescue Department — AYE

Irma San Roman, Deputy Director
Metropolitan Planning Organization Secretariat — AYE

Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning — Absent

Esther Calas, P.E., Director
Public Works Department — AYE

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt — AYE

Jorge S. Rodriguez, P.E., Assistant Director
Miami-Dade Water and Sewer Department — AYE

**DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE**

**APPLICANT:** Meadow View Shopping Center L.L.C. **PH:** Z08-149 (08-12-BCC)

**SECTION:** 16-54-39 **DATE:** November 19, 2008

**COMMISSION DISTRICT:** 11

==========

## A. INTRODUCTION

- **REQUESTS:**

(1) SPECIAL EXCEPTION for a charter school.

(2) SPECIAL EXCEPTION to permit a senior high school within one mile of the UDB.

(3) MODIFICATION of Condition #2 of Resolution No. CZAB10-61-06, passed and adopted by Community Zoning Appeals Board #10, reading as follows:

FROM: "2. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'Park Meadow Retail Center,' prepared by RSC Group LC, consisting of sheets L-1, A-2, A-3.1, and A-4 through A-9 dated stamped received 3/17/06, and sheets A-1, A-1.1, A-3, A-4.1, A-6.1, A-6.2, A-6.3, A-8.0 and A-8.1, dated stamped received 10/13/06.

TO: "2. That the use be established and maintained in accordance with the approved plans submitted for hearing entitled 'Pinecrest Academy Charter School West Campus,' as prepared by Civica Architecture & Urban Design, dated stamped received 9/18/08 and consisting of 9 sheets."

(4) DELETION of Condition #3 of Resolution No. CZAB10-61-06, passed and adopted by Community Zoning Appeals Board #10, reading as follows:

"3. That the main retail center building's second-story be limited to office use and parking only."

(5) DELETION of a Declaration of Restrictions entitled as follows: #1. "Modification of Declaration of Restrictions Recorded at Official Record Book 22345, Pages 1452-1460," and #2 "Declaration of Restrictions, Recorded in Official Record Book 22345, Pages 1452-1460".

The purpose of Requests #3 - #5 is to allow the applicant to submit new plans showing a charter school in lieu of the previously approved shopping center and to delete two covenants tying the site to the previously approved shopping center plans.

(6) Applicant is requesting to permit a one-way drive to be 11' in width (14' required).

Upon a demonstration that the applicable standards have been satisfied, approval of Requests #3 - #5 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 request #6 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.

- **SUMMARY OF REQUESTS:**

  The applicant, Meadow View Shopping Center L.L.C., is requesting a special exception to permit a charter school from grades Kindergarten through 12th. In conjunction with this request, the applicant is seeking a modification and deletion of conditions of a previously approved 2006 Resolution and the deletion of two Declarations of Restrictions in order to submit new site plans that reflect a charter school in lieu of a shopping center. Additionally, the applicant is requesting to permit a one-way drive to be of less width than required.

- **LOCATION**: 14901 S.W. 42 Street, Miami-Dade County, Florida.

- **SIZE:** 3.28 Acres

- **IMPACT**: This application would allow the applicant to establish a charter school on the subject site which will allow the applicant to provide additional student stations and a service to the community. However, the school may create traffic congestion during school arrival and dismissal times.

## B. ZONING HEARINGS HISTORY:

In 1987, pursuant to Resolution #Z-12-87, the Board of County Commissioners (BCC) approved a zone change on a portion of the subject property from GU, Interim District, to BU-1A, Limited Business District, approved a zone change from GU, Interim District, to RU-1, Single Family Residential District, on another portion of the subject property and a special exception for a zero lot line development with several non-use variances. In 2004, pursuant to Resolution #Z-12-04, the BCC approved a zone change on a portion of the subject property from BU-1A, Limited Business District, to RU-3M, Minimum Apartment House District, and a deletion of a recorded Declaration of Restrictions. In 2006, pursuant to Resolution # CZAB10-61-06, CZAB-10 granted a modification of a Declaration of Restrictions to allow the applicant to submit a new site plan showing a second story addition for the previously approved commercial development and a setback variance.

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

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **.88 miles east of and within the Urban Development Boundary for Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.

2. **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.

3. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

4. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.

5. **Policy EDU-1C.** Cooperate with the Miami-Dade County Public School System in their efforts to develop and implement alternative educational facilities such as primary learning centers which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.

6. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

7. **Policy EDU-2A.** It is the policy of Miami-Dade County that the Miami-Dade County Public School System shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ miles inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

8. **Policy EDU-2D.** When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services

9. **Institutions, Utilities and Communications**. Neighborhood or community-serving institutional uses, cell towers and utilities including **schools,** libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas, however. When considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| Subject Property: | |
| BU-1A; under construction | Business and Office |
| Surrounding Properties: | |
| NORTH: RU-3M; townhouses | Business and Office |
| SOUTH: RU-1; single-family residences | Low Density Residential, 2.5 to 6 dua |
| EAST: RU-1(M)(a); single-family residences | Office/Residential |
| WEST: BU-1A; bank, shopping center | Business and Office |

The subject property consists of 3.28 acres located at 14901 S.W. 42 Street, Miami-Dade County. Shopping centers, single-family residences and townhouses characterize the area where the subject property lies.

## E. SITE AND BUILDINGS:

| | |
|---|---|
| **Site Plan Review:** | (site plan submitted) |
| Scale/Utilization of Site: | **Acceptable** |
| Location of Buildings: | **Acceptable** |
| Compatibility: | **Acceptable** |
| Landscape Treatment: | **Acceptable** |
| Open Space: | **Acceptable** |
| Buffering: | **Acceptable** |
| Access: | **Acceptable** |
| Parking Layout/Circulation: | **Acceptable** |
| Visibility/Visual Screening: | **N/A** |
| Urban Design: | **Acceptable** |

## F. PERTINENT REQUIREMENTS/STANDARDS:

**Section 33-314** of the Code of Miami-Dade County:

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County

Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

**Section 33-311(A)(3). Special exceptions, unusual 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 regulation 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.

**Section 33-153. Public hearing required in all districts**

The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration or restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.

**Section 33-154. Limitations on the siting of public charter school facilities**

(a) New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.

(b) Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:

(1) Kindergarten, Elementary school: at least ¼ mile inside the UDB
(2) Middle school: at least ½ mile inside the UDB
(3) Senior high school: at least one mile inside the UDB.

(c) A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:

(1) that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and

(2) there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.

Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.

**Section 33-157** **Physical standards.** All charter school facilities shall meet the minimum requirements included herein.

(a) Outdoor areas. Outdoor recreation/play areas are not required. Where same are provided the outdoor recreation/play area shall, wherever possible, be located so that the recreation/play area is not immediately adjacent to single family residences or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall, fence and/or landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership.

(b) Signs. Signs shall comply with district regulations as contained in Chapter 33 of the Miami-Dade County Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.

(c) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two (2) automobiles for charter schools with twenty (20) to forty (40) children; schools with forty- one (41) to sixty (60) children shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

(d) Parking requirements. Parking requirements shall be as provided in section 33-124(1) of this code.

(e) Height. The structure height shall not exceed the height permitted for that site by the existing underlying zoning district.

(f) Trees. Landscaping and trees shall be provided in accordance with Chapter 18A of this code.

(g) Charter school facilities as described herein shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of eighteen (18) inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of forty-eight (48) inches in height and shall comply with the following standards.

(1) Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the area is without adult supervision.

(2) All safety barriers shall be constructed in accordance with the standards established in section 33-12, except that screen enclosures shall not constitute a safety barrier for these purposes.

(h) Lot coverage and floor area ratio. The charter school facility shall not exceed the lot coverage and floor area ratio allowed by the underlying zoning district.

(i) Building setbacks. The charter school facility shall comply with the setbacks established in sections 33-17 and 33-18 (a) and (b) of this code for buildings of public assemblage.

**Section 33-158. Cessation of charter school operation.**

The owners of property where a charter school facility is proposed to be located shall, at time of public hearing application, submit a document in a form approved by the Director suitable for recording in the public records and assuring the following:

If the charter school facility is constructed but fails to begin operation and/or the charter school fails after establishment, that the property owner, within 36 months of the facility's failure to begin operation or closure shall cause:

(a) the facility to be in full compliance with all zoning regulations applicable to the property on which the charter school is located and allowing a use other than the charter school use, or

(b) the operation of the charter school facility to be transferred to another charter school operator or the School Board, approved through applicable processes of the Miami-Dade County School Board, or

(c) the charter school facility to be converted to an allowable use within the zoning district, provided said allowable use has first been authorized through the issuance of the appropriate permits, or

(d) authorization to be obtained at public hearing by the appropriate zoning board to convert the charter school facility to a use not otherwise allowable within the zoning district.

**Section 33-159. Plan review standards**

(a) Scale. The scale of proposed public charter school facilities shall be compatible with the scale of surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.

(b) Compatibility. The design of public charter school facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.

(c) Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.

(d) Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this code.

(e) Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.

(f) Noise. Effective measures shall be provided to keep noise at acceptable levels.

(g) Service areas. Wherever service areas are provided, they shall be screened and so located as to be compatible with the adjacent properties.

(h) Parking areas. Parking areas shall be screened and so located as to be compatible with the adjacent properties.

(i) Operating time. The operational hours of a public charter school facility shall be compatible with the activities of other adjacent properties.

(j) Industrial and commercial. Where schools are proposed in or adjacent to, industrial or commercial areas, it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques and/or operational modifications.

(k) Fences and walls. Outdoor recreation and/or play areas shall be enclosed with fences and/or walls.

**Section 33-311(A)(7) (Generalized Modification Standards).** The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, 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 or Covenants After Public Hearing).** The Community Zoning Appeals shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and 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 of this section have 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 for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES**:

| | |
|---|---|
| DERM | **No objection*** |
| Public Works | **No objection*** |
| Parks | **No comment** |
| MDT | **No objection** |
| WASD | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No comment** |
| Schools | **No objection** |
| Aviation | **No objection** |

*Subject to conditions indicated in their memoranda.

**H. ANALYSIS**

The subject property is a 3.28-acre parcel of land located at 14901 SW 42nd Street. The site was originally approved to be developed as a shopping center. The applicant is seeking special exceptions for a charter school (request #1) and to permit a senior high school within one mile of the Urban Development Boundary (UDB) (request #2). The modification of Condition #2 (request #3), and the deletion of Condition #3 of Resolution No. CZAB10-61-06 (request #4) are also being sought. The applicant is also requesting the deletion of two Declaration of Restrictions (request #5). Additionally, the applicant is requesting to permit a one-way drive to be 11' in width (14' required). The purpose of requests #3 through #5 is to allow the applicant to submit new plans showing a charter school in lieu of the previously approved retail building and to delete two covenants tying the site to the previously approved site plans for the retail shopping center and restricting the uses on the second floor. The applicant is proposing a Kindergarten through 12th grade charter school with 800 students. The site plan consists of an L-shaped parcel with two two-story buildings. The proposed high school is located at the southeastern portion of the subject property. Parking for the charter school is located on both the first and second floors and consists of a total of 138 parking spaces for both staff and visitors. The site plan contains a 23,450 square foot recreational area that is located within the L-shaped parcel and abuts Bird Road, but is buffered by fencing and landscaping. The applicant has proffered a covenant restricting the development of the site to the submitted plans and, pursuant to Section 33-158 (Cessation of Charter School Operations) which ensures, among other things, the compliance with zoning regulations, allowing a use other than the charter school if operations are discontinued, the transfer of the operations to the School Board or another operator if there is a cessation of operation by the applicant, and for authorization to be obtained at public hearing if the charter school is converted to a use not otherwise allowed within the zoning district.

The subject property is designated **Business and Office Use** on the adopted 2015 and 2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP)

and is located approximately .88 miles from the Urban Development Boundary. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes entertainment and cultural facilities, amusements and commercial recreation establishments. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. Staff notes that the interpretative text of the Business and Office LUP map designation allows service facilities which is what the school provides. The CDMP provides that neighborhood or community-serving institutional uses and utilities **including schools** be approved where compatible **in all urban land use categories,** in keeping with any conditions specified in the applicable category.

Staff notes that an existing two-story structure is to be retrofitted to accommodate the charter school on what was previously a retail shopping center. To the north are townhouses, to the south and east are single-family residences and to the west is a bank and shopping center. In staff's opinion, the conversion of this retail center into a charter school use with 2-story buildings housing classrooms, administration offices and parking is in keeping with the established intensity and uses that currently are near the site. The subject property is adequately buffered from adjacent residential communities to the south and east by, among other things, Live Oak trees, palms and shrubs. Additionally, the subject property is zoned BU-1A and the zoning code allows schools as a matter of right in any Business District. Based on all the aforementioned, staff opines that the proposed special exception to permit a charter school use on the subject property is **compatible** with the surrounding area and **consistent** with the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objection** to this application. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum. Additionally, the Public Works Department **(PWD) does not object** to the application provided the applicant adheres to the conditions listed in their memorandum which includes amending the traffic impact analysis. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objection** to this application. The **Miami-Dade Fire Rescue Department (MDFR) also has no objection** to this application. Their memorandum indicates that the estimated travel response time would be **6.78** minutes which complies with the performance objective of national industry. The Miami-Dade County Public School **(MDCPS)** indicates that the public schools in the surrounding area have an overall surplus

of student stations in the elementary, middle and senior high levels of 421, 1,693 and 1,889 respectively.

When analyzing request #1 under Section 33-311(A)(3), Standards for **Special Exceptions,** Unusual Uses and New Uses, and under the Section 33-159, Plan Review standards for Charter Schools, staff is of the opinion that the proposed charter school will 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 in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. The proposed charter school is requesting to provide grades Kindergarten through 12$^{th}$ grade (K-12) and will provide an educational alternative to the residents of the community and help to mitigate the student impact generated by the surrounding residential community. The school will be located on a parcel served by S.W 42 Street (Bird Road) and S.W. 149 Avenue. Since S.W. 42 Street is a major arterial roadway, it is meets the criteria stated in Section 33-311(A)(3) that special exception requests should be accessible by private or public roads, streets or highways. While the students are in school, traffic will be negligible as further evidenced by the memorandum from Public Works. Traffic, staff notes, will be prevalent during the morning and afternoon hours when the children are being dropped off and picked up. To relieve congestion during arrival and dismissal times, staff is requesting staggered shifts of arrival and dismissal for students at the charter school. As previously mentioned, the site plan consists of a 23,450 square foot recreational area located within the L-shaped parcel and abutting S.W 42 Street. Staff notes that under Section 33-157 Physical Standards, recreation/play areas should not be immediately adjacent to single-family residences or section line roads, nor create incompatible impacts on other immediately adjacent properties. However, the applicant has provided adequate buffering by providing double rows of trees, hedges, fencing and a deceleration right-turn bay along S.W. 42 Street. In staff's opinion, the applicant has adequately accommodated the charter school on the site and the buildings are to scale and **compatible** with the adjacent neighborhood. Staff opines that the proposed charter school will not burden County services such as water and sewer and will not negatively impact the surrounding areas. As such, staff recommends approval with conditions of request #1 of this application under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses).

Section 33-154(c) of the Zoning Code and Policy EDU-2A of the CDMP require that, when a charter high school is to be located closer than one mile from the Urban Development Boundary (UDB), it must be demonstrated that within a half-mile radius of the outer boundaries of the proposed new school or expansion that: (1) the majority of the lots lying within the radius are developed or are approved for development, and (2) there are no other lots within the radius that are available for development that meet the requirements of a minimum distance of one mile from the UDB. Also, the Zoning Code also requires that the majority of the site, the proposed buildings' ground floor square footage and the building and entrances into the buildings are required to be located as far as practicably possible from the

UDB. The applicant has located the high school on this site in a structure that is furthest from the UDB as practically possible. The Special Purpose Survey submitted by the applicant indicates that the high school is located .88 miles from the UDB. The submitted plans indicate that the location of the elementary and middle schools meet the distance requirements for charter schools from the UDB. However, staff notes that the entrances into the high school are also located as far as functionally possible from the UDB in compliance with the CDMP. The applicant has submitted documentation indicating that there are no other sites suitable for the charter school use within a ½ mile radius of the proposal. There are four parcels of land, comprised of 17 lots, which remain undeveloped within a half-mile of the subject property. The majority of the lots within a half-mile radius are developed as residential and commercial properties. Of the four undeveloped parcels, none meet the spacing requirements of a mile from the UDB. Therefore, staff opines that the request #2 to permit a charter high school within one-mile of the UDB meets the requirements of Section 33-154(c) for allowing charter high schools within a mile of the UDB and recommends approval with conditions under same.

When request #3, to permit the modification of Condition #2 to permit the submittal of revised plans for the charter school use, request #4, to delete Condition #3 of Resolution #CZAB10-61-06 restricting the use of the second-story of an existing building to office and parking only, and request #5, to permit the deletion of two Declaration of Restrictions which restricted the development of the site to the shopping center, are analyzed under the General Modification Standards, Section 33-311(A)(7), staff is of the opinion that the requests will not generate excessive noise, will not provoke excessive overcrowding of people, nor tend to provoke a nuisance, as the proposed charter school will be **compatible** with the area, and will not be contrary to the public interest. The purpose of requests #3 through #5 is to allow the applicant to submit new plans showing a charter school in lieu of the previously approved retail buildings and to delete the two covenants that tie the site to the previously approved retail buildings. Request #3 would allow the applicant to submit new plans for the proposed charter school while request #4 would delete Condition #3 that the main retail center building's second-story be limited to office use and parking. Staff is recommending approval of the charter school and, therefore, the previous covenants recorded on the property would no longer be applicable. The applicant has proffered a new covenant governing the development and operation of the proposed charter school. Therefore, staff recommends approval with conditions of requests #3, #4 and #5 subject to the Board's approval of the proffered covenant 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. Due to the lack of information, staff is unable to analyze requests #3 - #5 under said standards and, as such, these requests should be denied without prejudice under same.

In analyzing request #6, to permit a one-way drive to be 11' in width (14' required), under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that this request will not affect the stability and appearance of the area, nor is it intensive or

burdensome to the area. The request would not generate a negative impact on the aesthetic character of the surrounding properties nor would the approval of this request be out of character with the surrounding area. As previously mentioned, the subject property is an existing shopping center that is being retrofitted to accommodate the proposed charter school. The one-way drive is located at the southeastern portion of the subject property near the visitors' parking lot. In staff's opinion, allowing the one-way drive to be less than the required 14' will not impede the traffic circulation on the site. Additionally, the Miami-Dade Fire and Rescue Department, as evidenced by their memorandum, does not object to this request. Based on the aforementioned, staff opines that request #6 should be approved, with conditions under the NUV Standards.

When request #6 is analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standard (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the zoning regulations and prior approvals on the site, staff is of the opinion that request #6 cannot be approved under Section 33-311(A)(4)(c) and should be denied without prejudice under the ANUV Standards.

Accordingly, staff recommends approval of requests #1 and #2 with conditions, approval of requests #3, #4 and #5 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing); approval of request #6 with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same ANUV standards.

## I. RECOMMENDATION:

Approval of requests #1 and #2 with conditions, approval of requests #3, #4 and #5 under Section 33-311(A)(7) (Generalized Modification Standards); and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing); approval of request #6 with conditions under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice of same under Section 33-311(A)(4)(c) (Alternative Non-Use Variance).

## J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That the conditions of Resolution #CZAB10-61-06 remain in full force and effect except as herein modified.

3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled: 'Pinecrest Academy Charter School West Campus,' as prepared by Civica Architecture & Urban Design, dated stamped received 9/18/08 and consisting of 9 sheets.

4. That the use be established and maintained in accordance with the approved plan.

5. 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 Certificate of Use.

6. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

7. That no outside speakers shall be permitted on the property.

8. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.

9. That the school gates be opened at least 30 minutes prior to the arrival and dismissal times.

10. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students.

11. That there be three staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

    7:30 a.m. – 2:30 p.m.- Kindergarten – 5th grade
    8:00 a.m. – 3:00 p.m.- 6th – 8th grade
    8:30 a.m. – 3:30 p.m. – 9th- 12th grade.

12. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

DATE INSPECTED: 10/02/08
DATE TYPED: 10/01/08
DATE REVISED: 10/02/08, 10/10/08, 10/20/08, 10/21/08, 10/24/08, 10/28/08
DATE FINALIZED:

MCL:MTF:LT:NN:CI

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 25, 2008

**To:** Nicholas D. Nitti
Educational Facilities Coordinator
Department of Planning and Zoning

**From:** Harvey Bernstein for
Jeff Cohen, P.E., Assistant Chief
Traffic Engineering Division
Public Works Department

**Subject:** Recommendations for Pinecreast Academy Charter School West Campus
Process No.: Z2008000149

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The Public Works Department recommends approval, if and only if, all conditions listed below are strictly adhered to, and upon receipt and review, an amended "Traffic Impact Analysis" with all related improvements is found to be acceptable.

The following is a list of recommendations and comments on the Site Plans, dated September 16, 2008, and the submitted "Traffic Impact Analysis," dated July, 2008, submitted to the P&Z Department September 18, 2008, for the proposed facility located at SW 42nd Street and SW 149th Avenue:

Site Specific Comments:

- Site Plan Review

  Site plan, as submitted, is acceptable.

- Traffic Impact Review

  The current "Traffic Impact Analysis" is required to be amended to include the following:

  1. Intersection analysis at the following locations:
     a. SW 42nd Street and SW 152nd Avenue, (including examination of U-turn movements)
     b. SW 42nd Street and SW 147th Avenue
     c. Site driveways to determine turn lane requirements

  2. Pinecrest Academy Charter School East Campus, located at 14301 SW 42nd Street, shall be used as the surrogate school for accumulation assessments.

- Project Requirements

  1. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along SW 42nd Street and SW 149th Avenue.
  2. Proposed schedule of arrival and dismissal times including grade level and number of students, as indicated in Table 3 of the "Traffic Impact Analysis," are required to be provided in a covenant and/or "Letter of Intent" for this facility.
  3. As indicated in the conclusion of the "Traffic Impact Analysis," trained personnel should be provided to manage traffic operations during arrival and dismissal periods.

4. Provide a maintenance of traffic (MOT) operation plan, including provision of any traffic control devices (e.g. – cones, delineators) for arrival and dismissal periods in a covenant for this facility.
5. Any additional items as may be required due to a review and assessment of the amended "Traffic Impact Analysis."

- Standard Comments:

1. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian (ADA) ramps where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.

2. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

5. The Public Works Department reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

Should you need additional information or clarification on this matter, please contact me at (305) 375-2030.

cc: Esther Calas, P.E., Director
Muhammed M. Hasan, P.E., Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division

# Memorandum

MIAMI-DADE COUNTY

**Date:** August 20, 2008

**To:** Marc C. LaFerrier, Director
Department of Planning & Zoning

**From:** Sunil Harman, Director, Aviation Planning, Land-Use & Grants
Aviation Department

**Subject:** DIC Application #08-149
Meadow View Shopping Center, LLC

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As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-149, Meadow View Shopping Center, LLC. The applicant is requesting Special Exceptions to permit Pinecrest Academy Charter School West Campus serving grades K through 12 and to permit a senior high school within one mile of the Urban Development Boundary. In addition, the applicant is seeking a Modification of Conditions of a previous resolution to limit the main center building's second-story to school use and parking and a modification of the Declaration of Restrictions to include the charter school's plans. The subject property is approximately 3.28 acres and is located at the northwest corner intersection of SW 149 Avenue and SW 42 Street (a/k/a 14901 SW 42 Street), in Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from Kendall-Tamiami Executive Airport.

SH/rb

C: Max Fajardo, E.I., Deputy Aviation Director
José Ramos, R.A., Chief, Aviation Planning

# Memorandum

**Date:** September 12, 2008

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

**Subject:** DIC No. Z2008000149
Meadow View Shopping Center, LLC
14901 S.W. 42nd Street
Special Exception to Permit a Charter School and to Permit a Senior High School Within One Mile of the Urban Development Boundary
Modification of Resolution CZAB10-61-06 and Declaration of Restrictions to Permit a School Use
(BU-1A) (3.28 Acres)
16-54-39

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

Wellfield Protection

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

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

Potable Water Service

The subject property is located within the franchised water service area of the Miami-Dade County Water and Sewer Department (MDWASD). The closest public water is an 8-inch water main abutting the subject property, along S.W. 149th Avenue. Connection of the proposed development to the public water supply system shall be required in accordance with Code requirements. The estimated demand for this project is 12,720 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Alexander Orr Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

Existing public water 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 that adequate system capacity is available for this project, DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the Florida Building Code in order to more efficiently use the Southeast Florida water resources.

It is recommended that the landscaping conform to xeriscape concepts. Included in these concepts is the use of drought tolerant plants, which reduce the use of turf grass together with efficient irrigation system design. Details of xeriscape concepts are set forth in the "Xeriscape Plant Guide II" from the South Florida Water Management District.

Wastewater Disposal

The subject property is located within the franchised sewer service area of the MDWASD. The closest public sanitary sewer is an 8-inch gravity main abutting the subject property, along S.W. 149th Avenue. Also abutting the property is an 8-inch force main along S.W. 149th Avenue. The gravity main conveys downstream flow to pump station 30-0206, next, flow is carried by two force mains abutting the subject property, to either pump station 30-0536 or 30-0559. Both pump stations direct flow to pump station 30-TANDEM and finally to the South District Treatment Plant, which has adequate capacity to meet projected demands from this project. Connection of the proposed development to the public sanitary *sewer system shall be required in accordance with Code requirements.*

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may be 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.

Operating Permits

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

Stormwater Management

The following permits are in effect for the subject property:

1. Cut and Fill Permit No. 357. Full compliance with all conditions set forth in said approval is required prior to platting or seeking building permits.

2. Surface Water Management Individual Permit No. 13-01312-p-03, from the South Florida Water Management District

3. Class II Permit No. Of-05018

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

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

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

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

Wetlands
The subject property is located within the Bird Drive Basin, and is a jurisdictional wetland area as defined by Section 24-5 of the Code. However, this application is part of a Class IV Wetland Permit FW04-060 issued to 149 Bird, LLC and Sorrento Townhomes, LLC, for the filling of 9.76 acres of jurisdictional wetlands, of which, 3.23 acres are for commercial use and 6.53 acres are for a multi-family residential development. The permit expired on March 23, 2008. However, a final inspection performed by DERM staff on December 5, 2007 revealed that the permitted filling had been completed to the limits of the project boundary.

Therefore, DERM has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site. Any additional work in jurisdictional wetlands will require a new 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
There are no tree resources issues on the subject property.

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

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

for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 30, 2008

**To:** Marc C. LaFerrier, Director
Department of Planning & Zoning

**From:** Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

**Subject:** DIC # 2008000149 Meadow View Shopping Center, LLC.
14901 SW 42 Street, Miami-Dade County, FL
Revision 1

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately 60 fire and rescue calls annually.

(B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2007, the average travel time to the vicinity of the proposed development was **6.78** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

| STATION | ADDRESS | EQUIPMENT | STAFF |
|---|---|---|---|
| 37 | 4200 SW 142 Avenue | Rescue, ALS Engine | 7 |
| 61 | 15155 SW 10 Street | ALS Engine | 4 |
| 58 | 12700 SW 6 Street | Rescue, ALS Engine | 7 |
| 56 | 16250 SW 72 Street | Rescue, ALS Engine (Haz Mat) | 7 |

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the proffered plans entitled 'Pinecrest Academy Charter School West Campus,' as prepared by Civica Architects, Inc., dated stamp received September 18, 2008.

(B) Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact the Planning Section at 786-331-4540.

HL:ch:jce

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 9, 2008

**To:** Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

**From:** John Garcia
Principal Planner
Miami-Dade Transit - Planning & Development Division

**Subject:** Review of DIC Project No. 08-149 (Meadow View Shopping Center, LLC)

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## Project Description

The applicant is requesting special exceptions to permit Pinecrest Academy Charter School West Campus serving grades K through 12 and to permit a senior high school within one mile of the Urban Development Boundary. In addition, the applicant is seeking a Modification of Conditions of a previous resolution to limit the main center building's second story to school use and parking and a modification of the Declaration of Restrictions to include the charter school's plans. The subject property is approximately 3.28 acres and is located at the northwest corner intersection of SW 149th Avenue and SW 42nd Street (Bird Road) in Miami-Dade County, Florida.

## Current Transit Service

There is no direct transit service to the proposed site. The closest transit service is provided by Metrobus Route 40 along SW 147th Avenue at Bird Road which is approximately one quarter mile from the eastern boundary of the application site. The Route 240/Bird Road MAX also serves the application site by operating along Bird Road with stops at SW 147th Avenue and at SW 152nd Avenue. The service headways for the Routes 40 and 240/Bird Road MAX (in minutes) are as follows:

**Metrobus Route Service Summary**
**Meadow View Shopping Center, LLC Application Site**

| Route(s) | Service Headways (in minutes) | | | | | | Proximity to Bus Route (miles) | Type of Service |
|---|---|---|---|---|---|---|---|---|
| | Peak (AM/PM) | Off-Peak (middays) | Evenings (after 8pm) | Overnight | Saturday | Sunday | | |
| 40 | 30 | 60 | 60 | N/A | 60 | 60 | 0.2 | F |
| 240/Bird Road MAX | 24 | N/A | N/A | N/A | N/A | N/A | 0.2 | E |

*Notes:* *L means Metrobus local route service*
*F means Metrobus feeder service to Metrorail*
*E means Limited-Stop or Express Metrobus service*

**Future Transportation/Transit Improvements**

Currently, the 2009 Transportation Improvement Plan (TIP) shows under the Road Impact Fee section the roadway widening project from 2 lanes to 4 lanes on SW 42nd Street (Bird Road) from SW 149th Avenue to SW 150th Avenue. The 2030 Long Range Transportation Plan (LRTP) identifies the same improvement listed in the 2009 TIP

The draft 2008 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners does not show any programmed or planned improvements for the route illustrated above or for new service within the immediate area of the application

**MDT Comments/Recommendations**

Even though Miami-Dade Transit (MDT) does not currently provide local bus service to the proposed school or a stop along the alignment of the Bird Road MAX adjacent to this application; MDT requests that easement rights be granted so that sufficient space will exist for a bus bay pull-out for westbound travel. Future service demands may require a transit expansion further west along the Bird Road corridor.

The desire for a pull-out bus bay as opposed to a roadway bus stop would reduce the impact on westbound afternoon peak period roadway traffic at the proposed school's location. MDT also requests easement rights are granted so that sufficient space will exist for a covered bus shelter compliant with any and all Americans with Disabilities Act (ADA) requirements to be installed at this bus stop. The applicant could also construct their own covered bus shelter consistent with the architectural look of the school.

Based on the information presented and transit's request's being approved, MDT has no objections to this project.

**Concurrency**

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

MTF

# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**
*Rudolph F. Crew, Ed.D.*

**Miami-Dade County School Board**
*Agustin J. Barrera, Chair*
*Perla Tabares Hantman, Vice Chair*
*Renier Diaz de la Portilla*
*Evelyn Langlieb Greer*
*Dr. Wilbert "Tee" Holloway*
*Dr. Martin Karp*
*Ana Rivas Logan*
*Dr. Marta Pérez*
*Dr. Solomon C. Stinson*

September 3, 2008

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

Received by
Zoning Agenda Coordinator
SEP 16 2008

RE: **08-149, Meadow View Shopping Center, LLC**
**14901 SW 42 Street**

Dear Mr. LaFerrier:

In response to your Department's request seeking information regarding traditional public and charter schools in the general area of the above-referenced charter school application, please see the attached Public School Projected Capacity Analysis (Attachment A).

As you will note under Attachment A, Greenglade Elementary, Lamar Louise Curry Middle, Zelda Glazer Middle (recently opened) and G. Holmes Braddock Senior High are currently designated as the schools to serve the area of this application. In addition, the analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the elementary, middle and senior high levels of 421, 1,693 and 1,889 respectively.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L-094
Attachments

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Ms. Corina S. Esquijarosa
Ms. Maria-Teresa Fojo
Mr. Nick Nitti

RECEIVED
SEP 15 2008
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE

*Facilities Planning*
*Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132*
*305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net*

**ATTACHMENT "A"**
**PUBLIC SCHOOL PROJECTED ANALYSIS**
September 2, 2008

**APPLICATION:** 08-149, Meadow View Shopping Center, LLC

**SCHOOLS SERVING AREA OF APPLICATION**

**ELEMENTARY:** Greenglade Elementary – 3060 SW 127 Avenue

**MIDDLE:** Lamar Louise Curry – 15750 SW 47 Street
Zelda Glazer Middle * - 15015 SW 24 Street

**SENIOR:** G. Holmes Braddock Senior High – 3601 SW 147 Avenue

* Recently opened

All schools are located in South Central and South Regional Centers.

**The following student population and available facility capacity data is based on student enrollment projections for the 2008-2009 school year as of June 2008:**

**Elementary Schools**

| | STUDENT POPULATION | FISH DESIGN CAPACITY PERMANENT | % UTILIZATION FISH DESIGN CAPACITY PERMANENT | NUMBER OF PORTABLE STUDENT STATIONS | % UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE | DEFICIT OR SURPLUS CAPACITY |
|---|---|---|---|---|---|---|
| Greenglade Elementary | 702 | 528 | 133% | 18 | 129% | -156 |
| Village Green Elementary | 454 | 470 | 97% | 36 | 90% | 52 |
| Wesley Matthews Elementary | 610 | 693 | 88% | 18 | 86% | 101 |
| Bent Tree Elementary | 599 | 623 | 96% | 0 | 96% | 24 |
| Zora Neale Hurston Elementary | 723 | 1,039 | 70% | 0 | 70% | 316 |
| Joe Hall Elementary | 740 | 627 | 118% | 18 | 115% | -95 |
| Royal Green Elementary | 774 | 722 | 107% | 22 | 104% | -30 |
| Ethel Koger Beckham Elementary | 696 | 749 | 93% | 0 | 93% | 53 |
| | | | | | AVAILABLE STUDENT STATIONS | 421 |

## Middle Schools

| | | | | | | |
|---|---|---|---|---|---|---|
| Lamar Louise Curry Middle | 1,440 | 1,038 | 139% | 0 | 139% | -402 |
| Zelda Glazer Middle | 330 | 1,488 | 22% | 0 | 22% | 1,158 |
| W.R. Thomas Middle | 879 | 919 | 96% | 0 | 96% | 40 |
| Howard A. Doolin Middle | 861 | 1,031 | 84% | 79 | 78% | 249 |
| Jane S. Roberts K-8 Center | 1,180 | 1,239 | 95% | 184 | 83% | 243 |
| Paul Bell Middle | 1,043 | 1,027 | 102% | 0 | 102% | -16 |
| Hammocks Middle | 1,247 | 1,450 | 86% | 218 | 75% | 421 |
| | | | | | AVAILABLE STUDENT STATIONS | **1,693** |

### Senior High Schools

| | STUDENT POPULATION | FISH DESIGN CAPACITY PERMANENT | % UTILIZATION FISH DESIGN CAPACITY PERMANENT | NUMBER OF PORTABLE STUDENT STATIONS | % UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE | DEFICIT OR SURPLUS CAPACITY |
|---|---|---|---|---|---|---|
| G. Holmes Braddock Senior | 3,642 | 2,859 | 127% | 926 | 96% | 143 |
| John A. Ferguson Senior | 4,073 | 3,776 | 108% | 0 | 108% | -297 |
| Miami Sunset Senior | 2,706 | 2,421 | 112% | 428 | 95% | 143 |
| S/S HHH1 (New Senior)* | 0 | 1,900 | 0% | 0 | 0% | 1,900 |
| | | | | | AVAILABLE STUDENT STATIONS | **1,889** |

* Currently Under Design

# Memorandum

MIAMI-DADE COUNTY

**Date:** August 27, 2008

**To:** Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

**From:** Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

**Subject:** Meadow View Shopping Center, LLC - DIC Application #-Z2008000149

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Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** Meadow View Shopping Center, LLC

**Proposed Development:** Requesting to permit a senior high school within one mile of the Urban Development Boundary.

**Project Location:** Northwest corner intersection of SW 149th Avenue & SW 42nd Street in Miami-Dade County Florida.

**Water:** The subject project is located within MDWASD's service area. The nearest points of connection for water is either an existing eight (8)-inch water main along SW 149th Avenue or a twenty (20)-inch water main along SW 42nd Street, both abutting the property. The source of water for this project is the Alexander Orr Water Treatment Plant. The plant is currently operating under a 20-year water use permit issued by the South Florida Water Management District on November 15, 2007. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Sewer:** The subject project is located within MDWASD's service area. The nearest point of connection for sewer is an existing (8)-inch gravity sewer line along SW 149th Avenue. The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.
- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required,

depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

**Water Conservation:**

All future development for the subject area will be required to comply with the water use efficiency Ordinance 08-14 as amended by first reading on May 20, 2008. The Ordinance stipulates water conservation measures for new development(s) to achieve higher water use savings. Said Ordinance amendment clarifies certain standards for plumbing fixtures and changes the effective date to January 1, 2009. The amended Ordinance is scheduled for second reading and final adoption by the Board of County Commissioners in September 2008.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

# TEAM METRO
# WEST OFFICE

**ENFORCEMENT HISTORY**

| NAME: | ADDRESS |
|---|---|
| MEADOW VIEW SHOPPING CENTER, LLC | 14901 SW 42 ST, MIAMI DADE COUNTY, FLORIDA |
| **DATE** | **CMS# 200812008867** |
| NOVEMBER 1, 2008 | |

**ZONING Number Z2008000149**

**CURRENT ENFORCEMENT HISTORY:**

11/01/08 CMS# 200812008867, opened for Enforcement History inspection. There were no violations observed on the property. No previous cases found for this property owner at this location.

## 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: **MEADOW VIEW SHOPPING CENTER, LLC**

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| Hector Mata Jr 50% | |
| Nancy Mata 50% | |
| 11870 S.W 49 St Miami FL 33175 | |

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

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |

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208149
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or 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 Interest |
|---|---|
| | |
| N/A | |
| | |
| | |
| | |

Date of contract: _____

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

_____

_____

_____

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

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

Signature: Hector Mata

**HECTOR MATA, MANAGER**

Sworn to and subscribed before me this 23 day of July 08. Affiant is personally known to me or has produced _____ as identification.

Aida C. Ramos

(Notary Public)

AIDA C. RAMOS
Comm# DD0614056
Expires 2/2/2010
Bonded thru (800)432-4254
Florida Notary Assn., Inc

My commission expires _____

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

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AUG - 5 2006
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BY _____

## 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: SCHOOL DEVELOPMENT HC LLC

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| IGNACIO G. ZULUETA | 50% |
| FERNANDO J. ZULUETA | 50% |
| 6255 Bird Rd Miami FL 33155 | |

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

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |

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BY

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or 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 Interest |
|---|---|
| | |
| N/A | |
| | |
| | |
| | |

Date of contract: _____

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

_____

_____

_____

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

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

Signature: _____ MANAGER

Print: IGNACIO G. FULGETA

Sworn to and subscribed before me this 23rd day of July, 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires _____

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

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY: ___

## CHILD CARE CHECKLIST FOR CHARTER SCHOOLS

School Name: Pinecrest Preparatory Academy Charter School (West)

School Address: 14901 SW 42nd Street, Miami-Dade County, Florida

Folio Numbers: 30-4916-000-0570

Total Area of Site: 225' x 635' = 142,907 ÷ 43,560 sq. ft. = 3.28 acres

Number of Students requested: 800 Ages: 4-18 Grade Levels requested: K-12

Number of Teachers: 39 Number of Administrative and Clerical Personnel: 15

Number of Classrooms: 39 Total square footage of classroom area: 12,480 s.f.

Total square footage of non-classroom area: 76,614 s.f.

Total square footage of outdoor/recreation area: 23,450 s.f.

Number and type of vehicles to be used in conjunction with operation of the facility: 4 buses

Number of parking spaces provided for staff, visitors, and transportation vehicles: 138

Days and hours of operation: Monday through Friday, 7:00 a.m. to 4:00 p.m.

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

Signed, sealed, executed and acknowledged on this 22 day of September, 2008 at Miami-Dade County, Florida.

By: _____
Jorge A. Lima, Esq.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 22nd day of September, 2008, before me personally appeared Jorge A Lima, Esq, to me known to be the person described in and who executed the foreign instrument and he/she acknowledged to me that the execution thereof to be his/her free act for the use and purpose mentioned.

MY COMMISSION EXPIRES:

MERCEDES ARROJAS
MY COMMISSION # DD751066
EXPIRES: January 23, 2012
Bonded Thru Notary Public Underwriters

# 5617498_v1

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SEP 23 2008
ZONING & ARTS SECTION
MIAMI-DADE PLAN ENGINEERING DEPT
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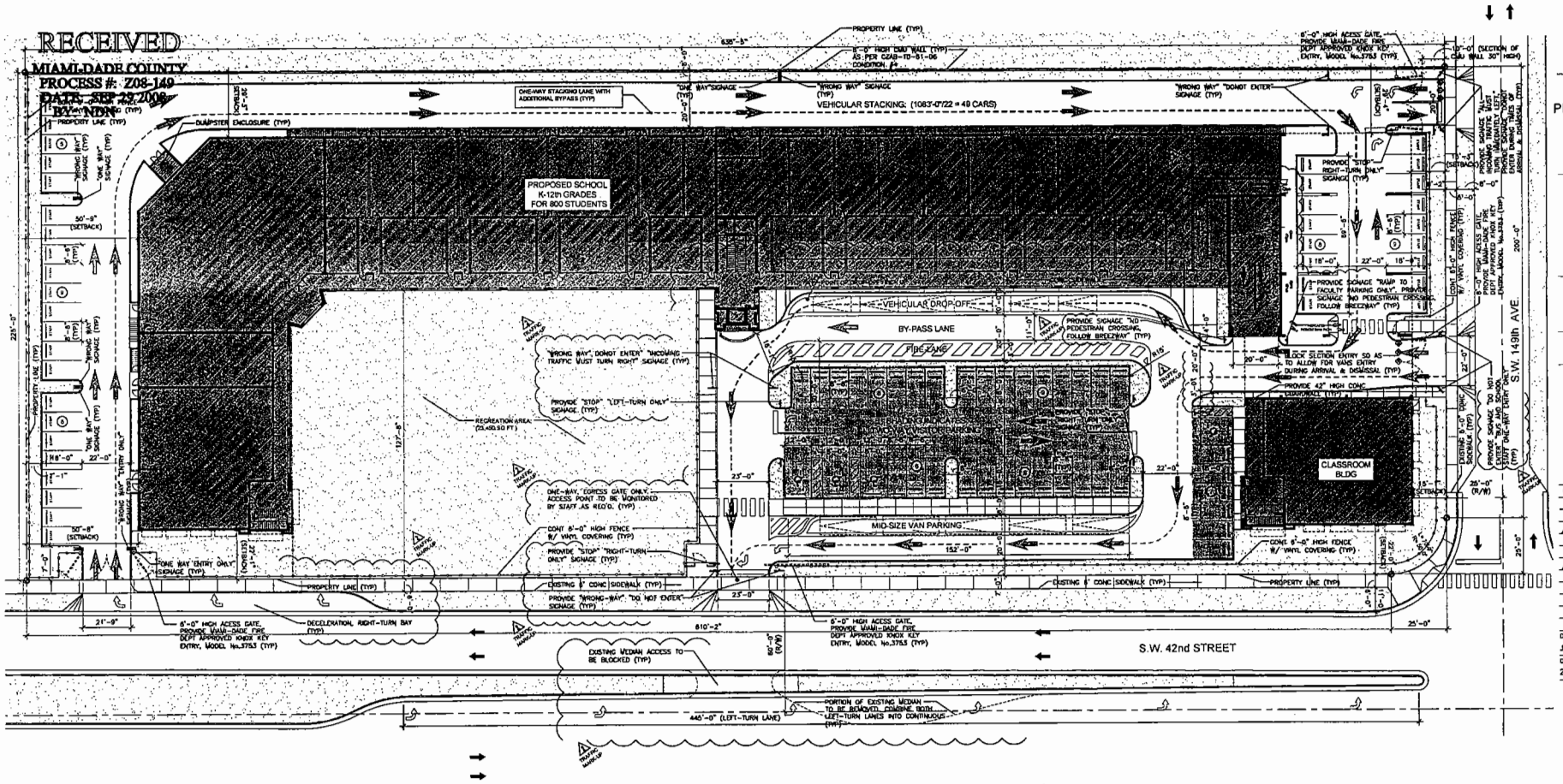
DATE: SEP 29 2008
BY: NDN




1 A1.1 PROPOSED SCHOOL SITE PLAN

SCALE: 1" = 20'-0"

N

SCHOOL INFORMATION:

800 STUDENTS GRADES K-12

PARKING FRAGMENTATION:

| | |
|---|---|
| GROUND FLOOR: | 39 SPACES FOR VISITOR<br>39 SPACES FOR STAFF |
| SECOND FLOOR: | 60 SPACES FOR STAFF |
| GRAND TOTAL: | 138 PARKING SPACES |

ON SITE VEHICULAR ACCUMULATION.....1083'-0" / 22 = 49 CARS

ADDED PARKING AS PER PROPOSED MARK-UP

REMOVED PAVED AS PER PWS

RIGHT-OF-WAY NOTE:

1. SCHOOL PERSONNEL SHALL PROVIDE PROPER MONITORING AND DIRECTING OF TRAFFIC MOVEMENT SO AS TO ENSURE THAT NONE OF THE VEHICLES EXCEED THE STACKING LENGTH AT ALL ALL POINTS OF ENTRY AS DEPICTED IN THIS APPLICATION AND SHALL NOT BACK INTO THE PUBLIC RIGHT-OF-WAY.

2. THE ABOVE SHALL BE EXECUTED WITHIN COMPLIANCE OF ALL THE RULES AND REGULATION OF THE TRAFFIC AUTHORITIES OF JURISDICTION.

PARKING NOTE:

1. 6'-0" HIGH FENCE AND/CONCRETE WALL SHALL ENCLOSE ALL PARKING ADJACENT TO RIGHT-OF-WAYS AND ABUTTING PROPERTIES UNDER DIFFERENT OWNERSHIP.

2. CONTINUOUS LANDSCAPING HEDGE SHALL ENCLOSE PARKING AREAS WITHIN 25'-0" OF PROPERTY LINES

CIVICA
ARCHITECTURE + URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5938855
AA #26001093

PROJECT:
PINECREST ACADEMY CHARTER SCHOOL WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

| No. | DATE | REVISION | BY |
|---|---|---|---|
| | | DIC COMMENT<br>J. Prado | |
| 1 | 09.05.08 | Traffic / PW&E Dept.<br>J. Arby<br>Fire Dept.<br>Lt. Bennet | IAF |
| 2 | 09.16.08 | Traffic / PW&E Dept.<br>J. COHEN | IAF |

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLANES, AIA
AR - 0013160

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SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
A-1.1

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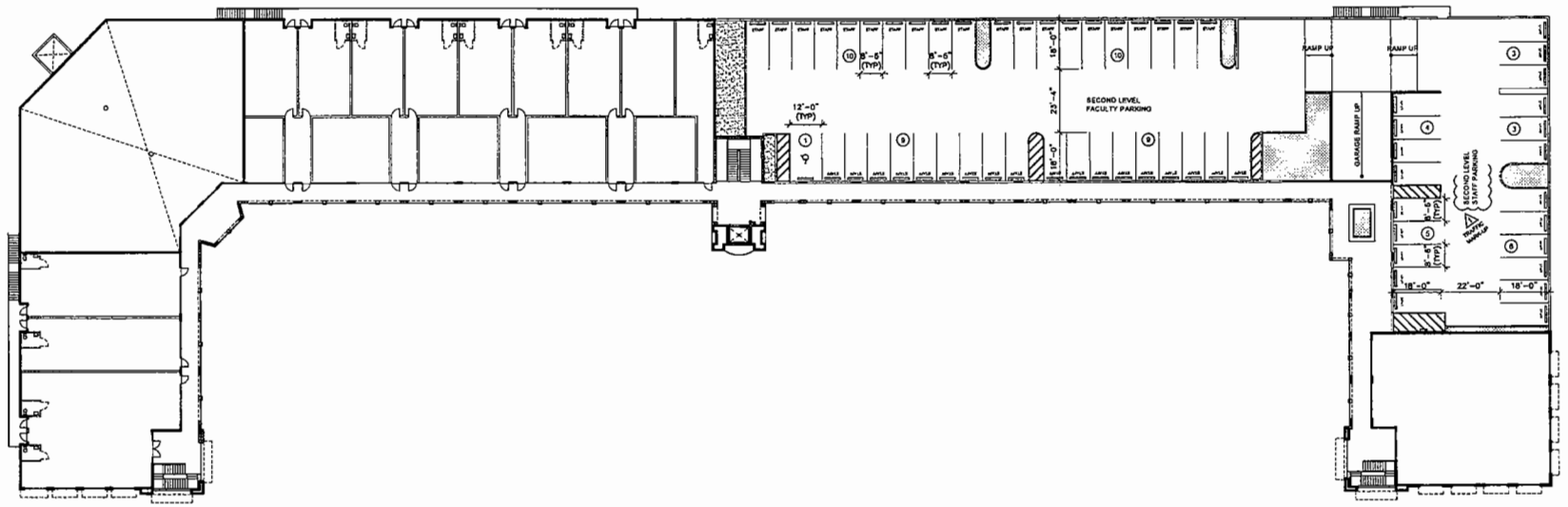
BY: NDN




1 / A1.1.1 PROPOSED SCHOOL: SECOND FLOOR PARKING

SCALE: 1" = 20'-0"

CIVICA
ARCHITECTURAL + URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5939855
AA #26001083

PROJECT:
PINECREST ACADEMY
CHARTER SCHOOL
WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST
ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

| No. | DATE | REVISION | BY |
|---|---|---|---|
| 1 | 09.05.08 | Traffic / PWKS Dept. Comments | IAF |

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

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AR - 0013180

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SHEET TITLE
SECOND FLOOR
PARKING

SHEET NUMBER
A-1.1.1

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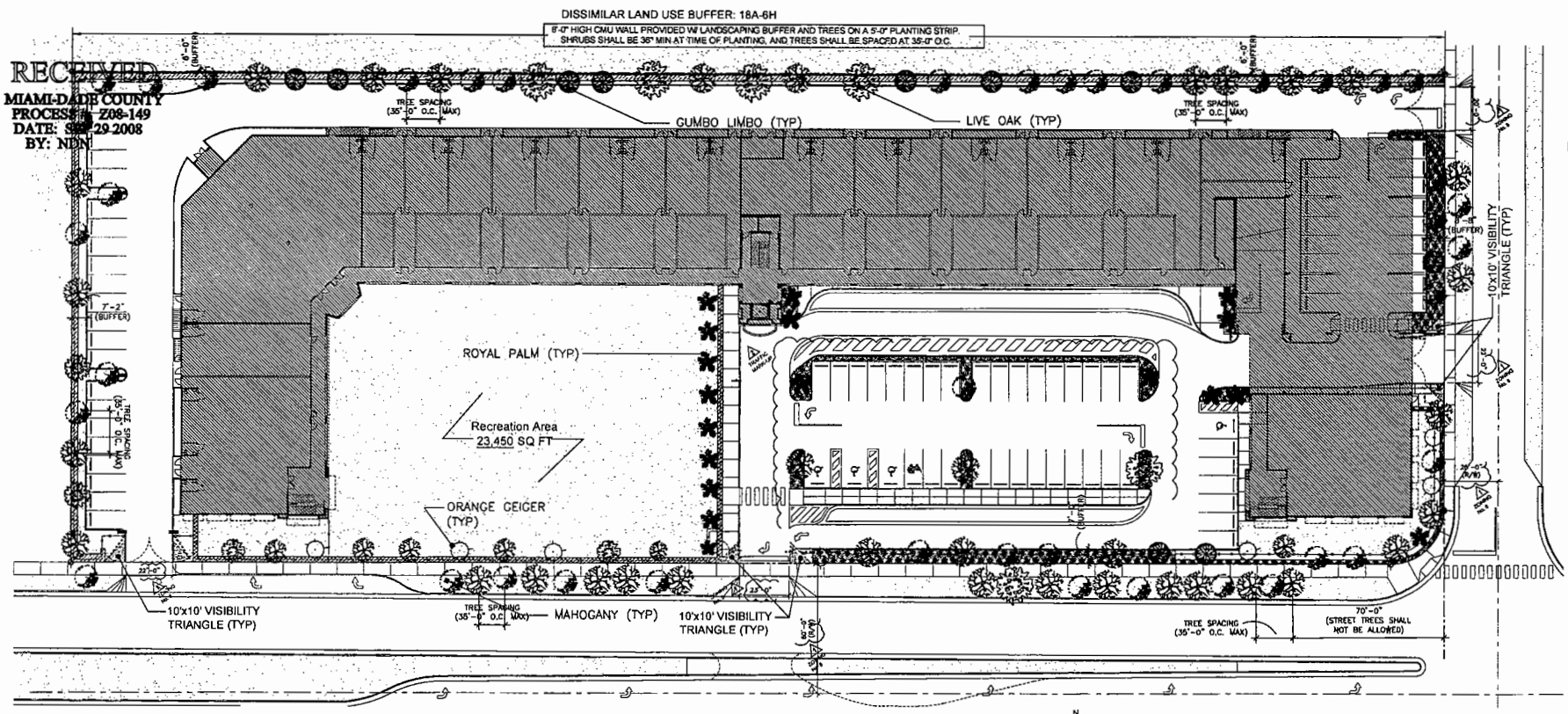
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN




1 LA-1.4 PROPOSED LANDSCAPING PLAN

SCALE: 1" = 30'-0"

| PLANT SCHEDULE | | | | | | |
|---|---|---|---|---|---|---|
| SYMB | QTY | NEW | BOTANICAL NAME | COMMON NAME | NATIVE | REMARKS |
| | | | TREES | | | |
| | 41 | YES | SWENTNIA MAHOGANI | MAHOGANY | YES | 12' HGT. X 5' SPRD. |
| | 10 | YES | BURSERA SIMARUBA | GUMBO LIMBO | YES | 12' HGT. X 5' SPRD. |
| | 10 | YES | QUERCUS VIRGINIA | LIVE OAK | YES | 12' HGT. X 5' SPRD. |
| | 41 | YES | CONOCARPUS ERECTUS | BUTTONWOOD | YES | 12' HGT. X 5' SPRD. |
| | 7 | YES | CORDIA SEBESTENA | ORANGE GEIGER | YES | 12' HGT. X 5' SPRD. |
| | 18 | YES | ROYSTONIA | ROYAL PALM | YES | 12' HGT.X 15' SPRD. |
| | | | SHRUBS | | | |
| | 400 | YES | SCHEFFL. ARBORICOLA | DWARF SCHEFFLERA | YES | 36" MAX . HGT. |
| | 400 | YES | CALLICARPA AMERICAN | BEAUTY BUSH | YES | 36" MAX . HGT. |
| | 450 | YES | ACROSTI. DANAEAEFOL | LEATHER FERN | YES | 36" MAX . HGT. |
| | | | | | | |

LANDSCAPING NOTE:

1. ALL ELEMENTS WITHIN THE VISIBILITY DISTANCE TRIANGLE AREAS SHALL NOT EXCEED 30" IN HEIGHT. TREES SHALL NOT BE ALLOWED TO BE PLANTED WITHIN THESE AREAS, AND ALL SHRUBS SHALL BE KEPT TO A MAX HEIGHT OF 30".
2. ALL "STREET TREES" DEPICTED ALONG THE PROPERTY LINE ADJACENT TO RIGHT-OF-WAYS SHALL CONFORM TO THE ABOVE, AT ALL OTHER INSTANCES "STREET TREES" SHALL BE PLANTED WITHIN 7'-0" OF THE PROPERTY LINES.
3. ALL SPECIES PROVIDED AS STREET TREES SHALL ATTAIN A MINIMUM HEIGHT OF 12'-0".
4. ALL RIGHT-OF-AWAY SHRUBS SHALL HAVE 36" MIN IN HEIGHT AT TIME OF PLANTING.

PLANTING NOTE: SECT 18A-6 (h)

PROVIDE SHRUBS BETWEEN ADJACENT PROPERTIES, WHERE CHAIN LINK FENCING IS USED, WITH A MINIMUM OF THIRTY (30") INCHES IN HEIGHT AT TIME OF PLANTING, AND SHALL BE PLANTED AT A MAXIMUM AVERAGE SPACING OF THIRTY-SIX (36) INCHES ON CENTER, OR A MINIMUM OF THIRTY-SIX (36") INCHES IN HEIGHT AT TIME OF PLANTING AND PLANTED AT A MAXIMUM AVERAGE SPACING OF FORTY-EIGHT (48") INCHES ON CENTER. SAID BUFFER SHALL FORM A CONTINUOUS SCREEN BETWEEN THE DISSIMILAR LAND USES (BETWEEN ADJACENT PROPERTY LINES) WITHIN ONE (1) YEAR AFTER PLANTING. ALSO PROVIDE TREE SPACINGAT A MAXIMUM OF 35'-0" ON CENTER ALONG PROPERTY LINES.

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5938855
AA #26001093

PROJECT:
PINECREST ACADEMY CHARTER SCHOOL WEST CAMPUS
SW 42nd ST & SW 140th AVE
Miami, FL

APPLICANT:
PINECREST ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

| No. | DATE | REVISION | BY |
|---|---|---|---|
| 1 | 09.05.08 | DIC COMMENT 1, Pedro | IAF |
| 2 | 09.16.08 | Trees / PINES Clarif. & DOVOY | IAF |

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE:
PROPOSED LANDSCAPING PLAN

SHEET NUMBER:
LA-1.4

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PROCESS #: Z08-149
DATE: SEP 23 2008
BY: NDN

## LANDSCAPING SPECIFICATIONS

PART 1 – GENERAL

1.1 SCOPE

A. Provide all labor, materials, equipment, [illegible]

1.4 PLANT QUALITY

A. All plant material shall be equal to or better than Florida No. 1 as classified by "Grades and Standards for Florida Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. [illegible]

1.5 PLANT QUANTITY

A. [illegible]

1.6 UNIT PRICES

A. [illegible]

1.7 INSPECTION CERTIFICATES

A. [illegible]

1.8 GRADING

[illegible]

CLEAN-UP

A. [illegible]

1.10 MAINTENANCE

A. [illegible]

- up to 4 inch trunk caliper for trees — 10 gallons
- from 5 to 8 inch caliper — 25 gallons
- 9 inch and up caliper — 50 gallons

1.11 OPERATIONS FOR ACCEPTANCE

A. [illegible]

1.12 GUARANTEE

A. [illegible]

1.13 REPLACEMENT

A. [illegible]

PART 2 – MATERIALS

2.1 PLANTING SOIL

A. [illegible]

2.2 FERTILIZER

A. [illegible]

2.3 WATER

A. [illegible]

2.4 MULCH

A. [illegible]

3.0 PART 3 – INSTALLATION PROCEDURES

3.1 LAYOUT

A. [illegible]

3.2 HERBICIDE TREATMENT

A. [illegible]

3.3 PLANT PIT EXCAVATION AND BACKFILLING

A. [illegible]

3.4 WATERING-IN

A. [illegible]

3.5 FERTILIZING

A. [illegible]

3.6 MULCHING

A. [illegible]

3.7 GUYING & BRACING

A. See the details bound herewith or made part of the plans.

3.8 SODDING

A. [illegible]

## MULTI-TRUNK TREE PLANTING/STAKING DETAIL
N.T.S.

## TREE PLANTING/STAKING DETAIL
N.T.S.

## PALM PLANTING/STAKING DETAIL
N.T.S.

## SHRUB/ GROUNDCOVER PLANTING DETAIL
N.T.S.

## LANDSCAPE LEGEND

Zoning District RU-1A   Net Lot Area 3.28 acres (142,807 s.f.)

| OPEN SPACE | REQUIRED | PROVIDED |
|---|---|---|
| Square Feet of open space as required by Chapter 33, as indicated on site plan: Net Lot Area = 142,807 s.f. x 16% = 22,885 s.f. | 22,885 S.F. | 25,345 S.F. |
| Square Feet of parking open space required by Chapter 18A, as indicated on site plan: No. of Parking Spaces 140 spaces X 10 s.f. per parking space = 1,400 s.f. | 1,400 S.F. | 1,410 S.F. |
| Total s.f. of landscaped open space required by Chapter 33: A + B = s.f. | 24,285 S.F. | 26,855 S.F. |
| A. Total s.f. of landscaped open space required by Chapter 33 | 24,285 S.F. | 26,855 S.F. |
| B. Maximum lawn area (sod) permitted: 40% X 24,285 S.F. = 9,705 SQ.FT. | 9,705 S.F. | 9,438 S.F. (Play areas not included as per Sect. 18a-6 C.(6)) |

SOD NOTES FOR REVIEWER:

SECTION 18A-6 A.(4):
VERY DROUGHT TOLERANT GRASSES AND LOW GROWING NATIVE PLANTS, INCLUDING GRASSES AND FORBS, AS REFERENCED IN THE LANDSCAPE MANUAL, MAY BE USED AS GROUNDCOVER BEYOND THE MAXIMUM PERMITTED GRASS AREA SPECIFIED IN TABLE A

SECTION 18A-6 C.(6):
GRASSED AREAS THAT ARE TO BE USED FOR ORGANIZED SPORTS SUCH AS FOOTBALL AND SOCCER OR OTHER SIMILAR SPORTS OR PLAYGROUNDS, THAT ARE CLEARLY IDENTIFIED ON A LANDSCAPE PLAN, SHALL NOT BE COUNTED TOWARD CALCULATING TREE REQUIREMENTS.

| TREES | REQUIRED | PROVIDED |
|---|---|---|
| A) No. of trees required per net lot acre. Less existing number of trees meeting minimum requirements | 95 | 100 |
| B) % Palms allowed: 120 (trees provided) x 30% = 29 | 29 | 18 |
| % Palms permitted to count as street trees on 1:1 basis = (36 / 2) x30% = 14 (AFTER, Palms permitted to count as 2:1) | 14 | 16 (Counted to 16 trees) |
| C) % Natives required: 120 (trees provided) x 30% = 36 | 36 | 100 |
| D) Street trees (maximum average spacing of 35' o.c.): 880 linear feet along street / 35 = 25 | 25 | 25 |
| E) Street trees located directly beneath power lines (max. average spacing of 25' o.c.): 0 linear feet along street / 25 = 0 | N/A | N/A |
| TOTAL TREES REQUIRED (A + D + E) | 126 | 126 |

| SHRUBS | REQUIRED | PROVIDED |
|---|---|---|
| No. of trees required (120 trees) x 10 = 1200 shrubs required | 1,200 | 1,250 |
| No. of shrubs required (1200 shrubs) x 30% = 360 native shrubs required | 360 | 1,250 |

SOD

St. Augustine "Floratam" for parking areas. Bahia Sod for playfields

PLANTING NOTES:

Plant materials shall conform to grades and standards for Florida No. 1 or better as given in grades and standards for nursery plants, part 1 (current edition) and part II (current edition) by the Florida Department of Agriculture and Consumer Services Divisions of Plant Industry.

Planting mix/backfill mix shall be clean and free of construction debris, weeds, rock and noxious pests and disease. The planting areas shall be amended with a minimum of forty (40) percent of muck or horticultural acceptable organic material. The minimum topsoil depth shall be four (4) inches for ground cover areas and sodded grass areas.

Washington Palms shall be planted in a good grade of salt free sand. Trees and shrubs shall be fertilized at the time of planting with agriform planting tablets, 20-10-5 formula 21 grams, at manufacturers recommended rate. Trees and shrubs shall be planted with a minimum of 6" of topsoil beneath rootball.

Fertilizer shall comply with state fertilizer laws. It shall have a chemical designation as indicted for each type of plant:

Turf: 4-1-2 N-P-K with micronutrients. Apply at a rate of 1 lb. of nitrogen per 1000 s.f.
Palms: 2-1-1 N-P-K with micronutrients.

Shrubs and Trees:
7-6-5 N-P-K with micronutrients. Mulch shall be clean, bright and free of weeds, moss sticks and other debris.

All landscape installation to be 100% irrigated to meet local and state regulations with a minimum of 60% overlap. (See Plans and Specs)

All work shall be done in accordance with authorities having jurisdiction. Contractor shall submit shop drawings for approval.

No changes/ substitutions shall be made without prior consent of the designer.

Contractor shall field verify locations of all utilities prior to installation.

All landscape areas shall be sodded unless otherwise noted. Landscape contractor shall coordinate his work with that of the irrigation contractor.

Mulch: All plants and plant beds shall have a 3" layer of clean seed free, organic mulch (eucalyptus where possible). Mulch shall contain less than 10% wood chips.

Utilities: The location and existence of utilities (overhead and underground) shall be thoroughly investigated and verified by the Landscape Contractor before the work begins in exercise care in digging and work so as not to damage existing utilities in said areas, such as underground pipes, cables, wires, etc. The Landscape Contractor shall be responsible for the immediate repair of any damage to utilities caused by the work.

Watering: Initially water the plant material to develop uniform coverage and deep water penetration of at least 6". Avoid erosion, puddling, and washing soil away from plant roots.

Plant quantities in plant legend are for reference only. If discrepancies exist between quantities in legend and quantity shown on plan, plan shall govern.

Plant Quantities: Plant quantities are provided as a courtesy and should be verified by the contractor prior to bidding.

Sod: Sod shall be clean and visibly free of weeds, noxious pests, and diseases.

Planting: All planting holes shall be excavated to a minimum of 1 1/2 times the diameter of the root ball of plant to be planted and back filled with planting soil. Plant beds shall be excavated to a minimum of 12" and back filled with planting soil.

Sizes: All sizes shown for plant material on the plan are to be considered as minimums. All plants must meet or exceed these minimum requirements for height, spread, trunk caliper.

All shrubs, trees and palms shall be minimum of 6' away from all other utilities.


CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5939855
AA #26001093


PROJECT:
PINECREST ACADEMY CHARTER SCHOOL WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
D/C

CIVICA PROJECT No:
080113

| No. | DATE | REVISION | BY |
|---|---|---|---|
| 1 | 09.05.08 | D/C COMMENT J. Prats | IAF |

DRAWN BY: JV   APPROVED BY:
DATE: 2008   SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

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AR - 0013160


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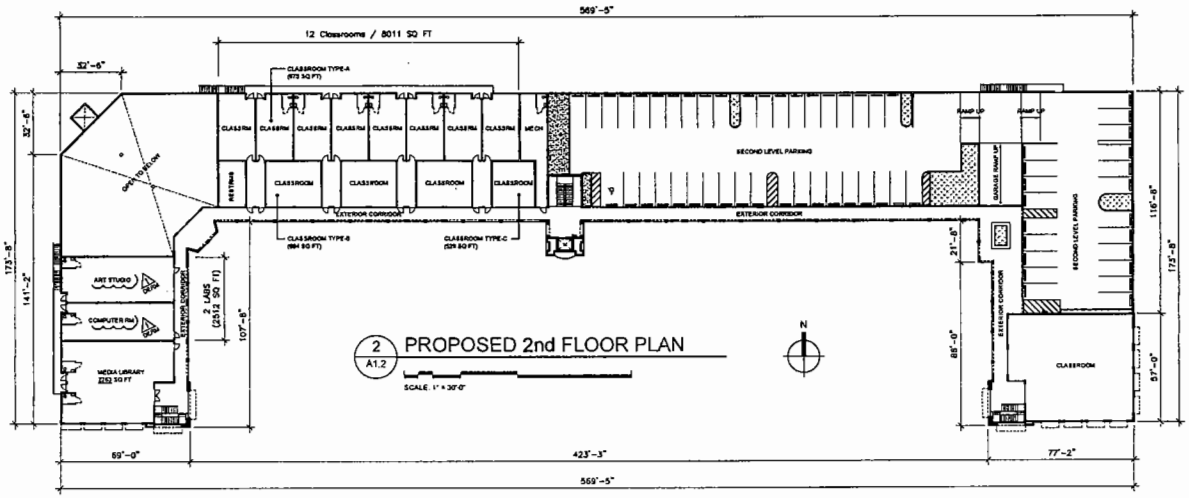
SHEET TITLE
LANDSCAPE LEGEND & NOTES

SHEET NUMBER
LA-1.5

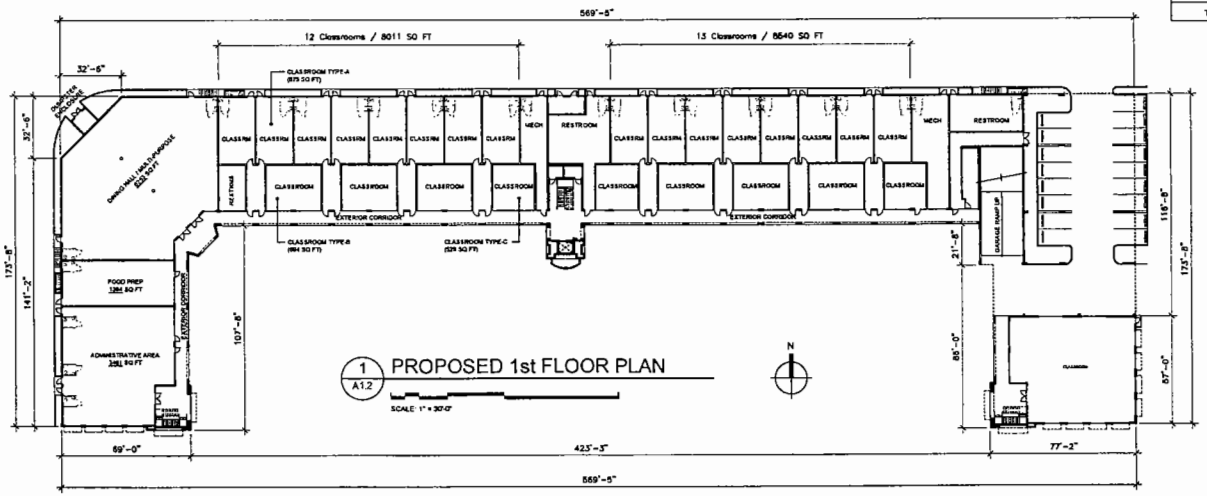
RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN




2 A1.2 PROPOSED 2nd FLOOR PLAN

SCALE: 1" = 30'-0"

| | Ground LVL | Second LVL | Total |
|---|---|---|---|
| Classroom/Art/Comp | 16551 SF | 12644 SF | 29217 |
| Restrooms/Mech | 4668 SF | 971 SF | 5639 |
| Admin Area | 3481 SF | X | 3481 |
| Food Prep Area | 1394 SF | X | 1394 |
| Dining/Multi-Purpose | 6253 SF | X | 6253 |
| Total | 32347 | 13637 | 45984 |




1 A1.2 PROPOSED 1st FLOOR PLAN

SCALE: 1" = 30'-0"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fax: 305.5939855
AA #26001003


PROJECT:
PINECREST ACADEMY
CHARTER SCHOOL
WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST
ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
*DIC*

CIVICA PROJECT No:
*080113*

| No. | DATE | REVISION | BY |
|---|---|---|---|
| 1 | 09.05.08 | DRRM | IAF |

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DATE: 2008
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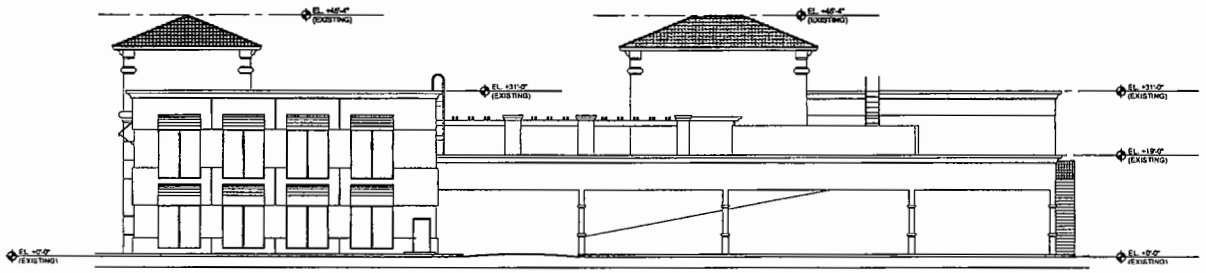
SHEET TITLE
PROPOSED
1st & 2nd
FLOOR PLANS

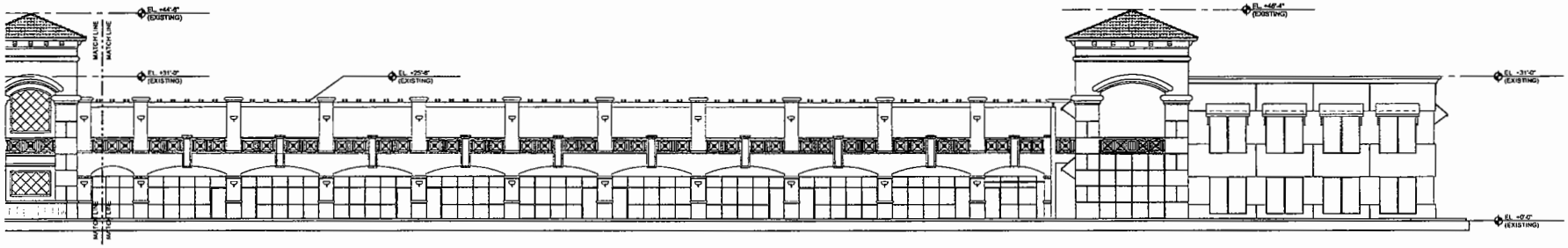
SHEET NUMBER
A-1.2

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN



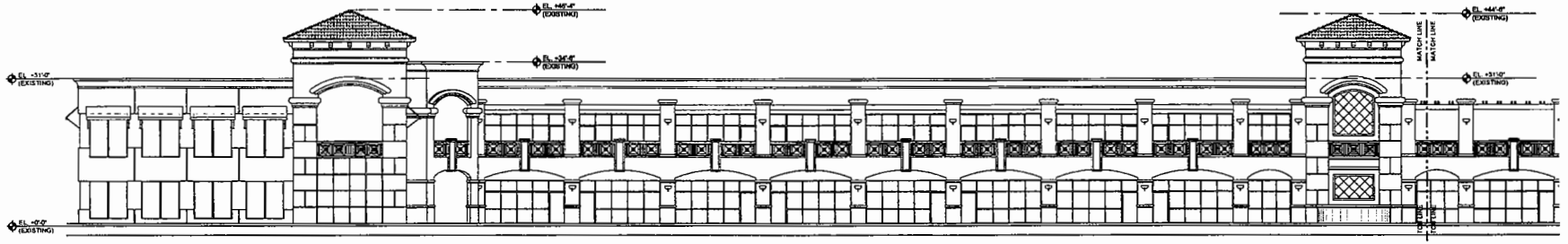
1 A1.3 EAST ELEVATION (TO REMAIN)

SCALE: 3/32" = 1'-0"



2 A1.3 PARTIAL SOUTH ELEVATION (TO REMAIN)

SCALE: 3/32" = 1'-0"



3 A1.3 PARTIAL SOUTH ELEVATION (TO REMAIN)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ARCHITECTURE + URBAN DESIGN

8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5939855

AA #26001053


PROJECT:
PINECREST ACADEMY
CHARTER SCHOOL
WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST
ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
*DIC*

CIVICA PROJECT No:
*080113*

| No. | DATE | REVISION | BY |
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| | | | |

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DATE: 2008
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SHEET TITLE
EXISTING
ELEVATIONS

SHEET NUMBER
A-1.3

28

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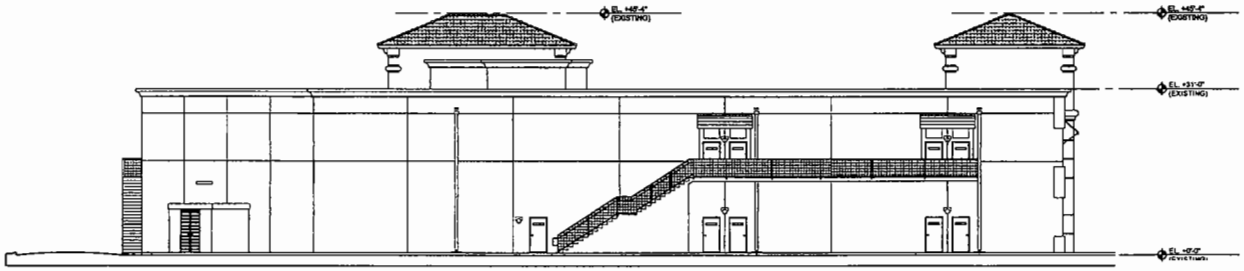
BY: NDN



1 A1.3 WEST ELEVATION (TO REMAIN)

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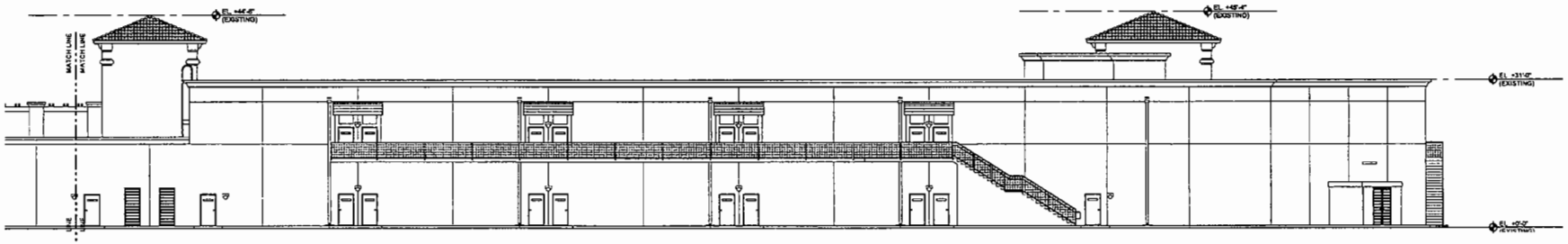

2 A1.3 PARTIAL NORTH ELEVATION (TO REMAIN)

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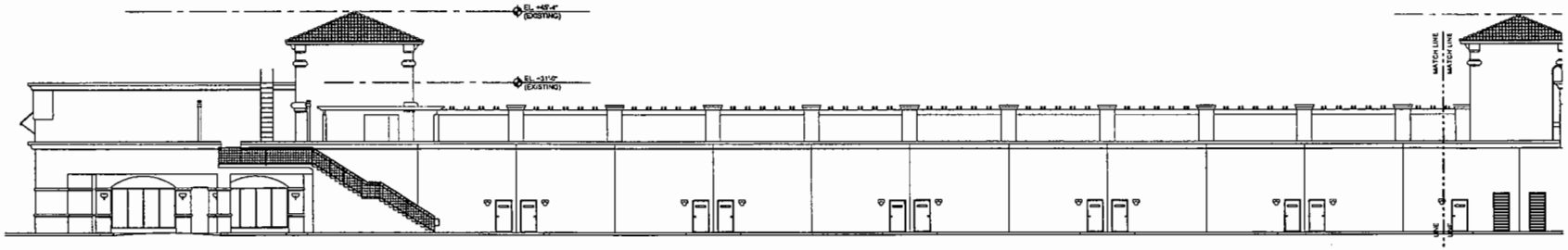

3 A1.3 PARTIAL NORTH ELEVATION (TO REMAIN)

SCALE: 3/32" = 1'-0"

CIVICA
ARCHITECTURE + URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9659
fax: 305.5939855
AA #0001083

PROJECT:
PINECREST ACADEMY
CHARTER SCHOOL
WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST
ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
*DIC*

CIVICA PROJECT No:
*080113*

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EXISTING
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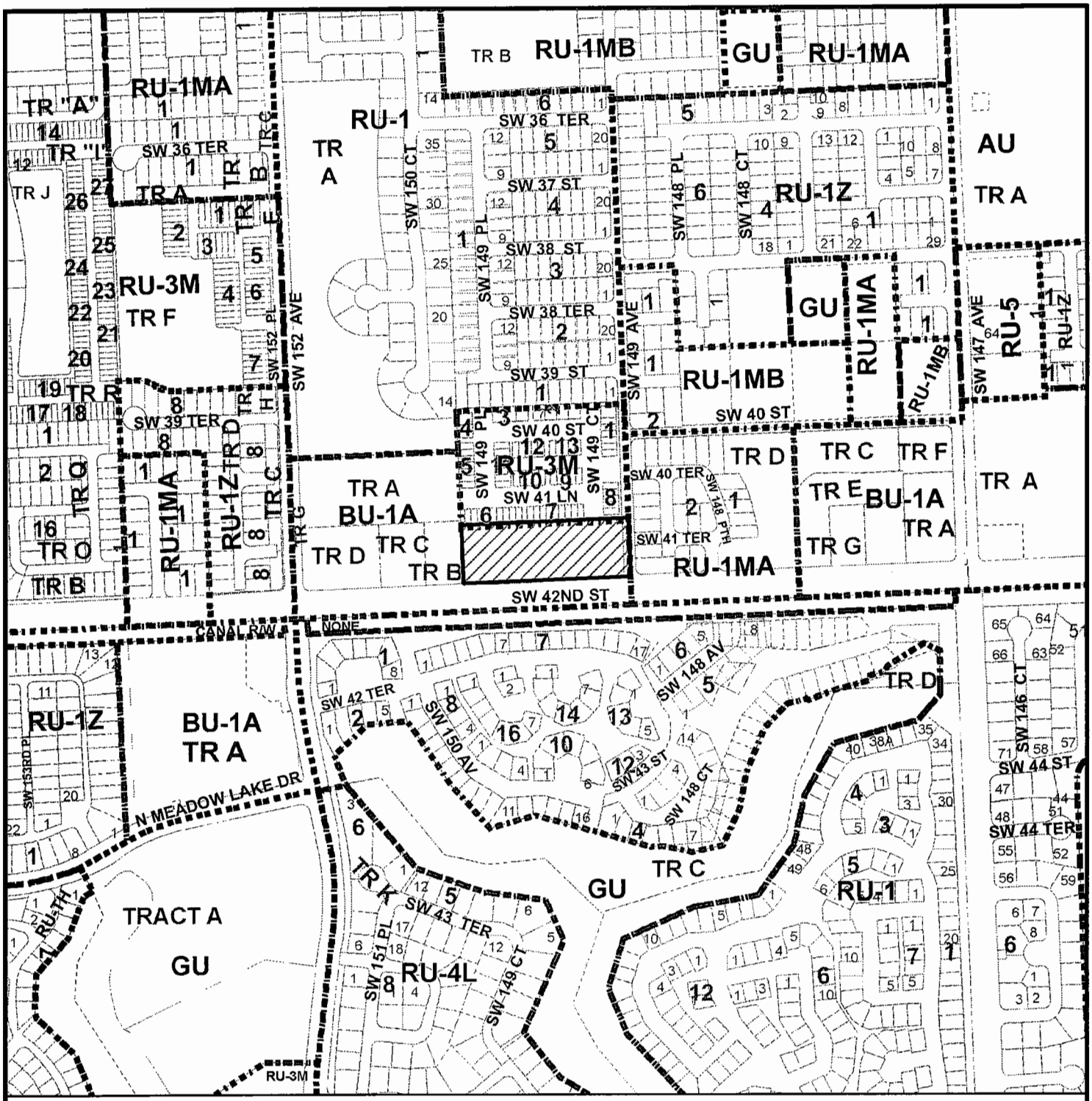
49




# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**
**08-149**

**Section: 16 Township:54 Range: 39**
**Applicant: MEADOW VIEW SHOPPING CENTER, LLC**
**Zoning Board: BCC**
**Commission District:11**
**Drafter ID: KEELING**
**Scale: NTS**
**---------- Zoning**

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

| REVISION | DATE | BY |
|---|---|---|
| | | SD |

# MIAMI-DADE COUNTY

**AERIAL YEAR 2008**

Process Number

**08-149**

**Section:** 16 Township:54 Range: 39
**Applicant:** MEADOW VIEW SHOPPING CENTER, LLC
**Zoning Board:** BCC
**Commission District:**11
**Drafter ID:** KEELING
**Scale:** NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

| REVISION | DATE | BY |
|---|---|---|
| | | |

**5. KENDALL GREENS PROPERTY, LLC** **08-12-CC-5 (08-165)**
**(Applicant)** **BCC/District 11**
**Hearing Date: 12/4/08**

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

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

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1969 | Simeon D. Spear | - Zone change from GU to RU-1, RU-TH, RU-3M, RU-4L, RU-4M, and BU-2.<br>- Unusual Use. | BCC | Approved |
| 1969 | Simeon D. Spear | - Zone change from GU to RU-1, RU-TH, RU-3M, RU-4L, RU-4M, and BU-2.<br>- Unusual use for golf course & lake excavation. | ZAB | Recommended for approval |
| 1993 | Paul J. Sansone | - Zone change from GU and BU-2 to BU-1A.<br>- Deletion of covenant and resolution.<br>- Special exception for religious facility.<br>- Non-Use variances of setbacks. | BCC | Approved w/conds. |
| 1994 | Paul Sansone | Reformation of a previous resolution. | BCC | Approved |
| 2003 | Benz Leasing, Inc. | - Zone change from GU to RU-4L and RU-1.<br>- Deletion of covenant. | BCC | Approved |
| 2008 | Kendall Greens Property, LLC | - Special exception to expand a charger school.<br>- Modification of a covenant. | BCC | Approved w/conds. |

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

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

**APPLICANT:** Kendall Greens Property L.L.C. **PH:** Z08-165 (08-12-CC-5)

**SECTION:** 33-54-39 **DATE:** December 4, 2008

**COMMISSION DISTRICT:** 11 **ITEM NO.:** 5

==========

## A. INTRODUCTION

- **REQUEST:**

  Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in his interpretation of the language in a Declaration of Restrictions recorded in Official Record Book 21660, Pages 4050-4060, limiting the grade levels on the charter school site from kindergarten to fifth grade only.

  The purpose of the above request is to reverse the Director's decision and to allow the expansion of the previously approved charter school to include grade levels up to the 8th grade.

- **SUMMARY OF REQUEST:**

  The applicant disagrees with the decision of the Director of the Department of Planning and Zoning which determined that the Declaration of Restrictions only permits grade levels Kindergarten through fifth grade on the subject property.

- **LOCATION:**

  15130 SW 80 Street, Miami-Dade County Florida.

- **SIZE:** 2.8 Acres

- **IMPACT:**

  The approval of this application will allow the charter school to expand their services without requiring the consent of the neighbors in the area, and approval at public hearing. This will have a negative impact on the surrounding community.

## B. ZONING HEARINGS HISTORY:

In 2003, pursuant to Resolution #Z-13-03, the subject property was part of an application which was granted approval for a district boundary change from GU, Interim District, to RU-4L, Limited Apartment House District. Benz Leasing, Inc. proffered a Declaration of Restrictions recorded in Official Record Book 21660 Pages 4050-4060 which, among other things, proffered to set aside a 2.8-acre parcel for use as a charter school with a minimum of 300 student stations for grades kindergarten (K) through five (5). In 2004, pursuant to Application #S03008008, the Developmental Impact Committee (DIC) approved the subject charter school on the designated 2.8-acre parcel (subject property), and the owner proffered an additional Declaration of

Restrictions recorded in Official Record 26359 Pages 0090-117 which, among other things, restricts the school site to the site plan, to hours of operation, compliance with Landscaping Code requirement (Chapter 18A), and compliance with all the conditions of the various Departments. In 2006, pursuant to Resolution #Z-13-06, the subject property was part of an application which was granted approval for a modification of various paragraphs of the abovementioned Declaration of Restrictions. Among the modifications, the 2.8-acre charter school site was allowed on the Multi-Family Residential Parcel in lieu of on the Senior Housing Parcel. Subsequently, the owner proffered a Modification to the Declaration of Restrictions reflecting such modifications and recorded in Official Record Book 25839 Pages 1199 through 1209. And, in 2008, pursuant to Resolution #Z-18-08, the Board of County Commissioners granted the approval to expand the charter school and modified a Declaration of Restrictions which allowed modifications to previously approved plans and hours of operation.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within approximately 1.25 miles of the Urban Development Boundary for **Low Medium Density Residential**. The residential densities allowed in this category shall range from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. This density range is typically characterized by single-family homes, townhouses and low rise-apartments. Zero-lot-line single-family developments in this category shall not exceed density of 7.0 units per gross acre.

2. **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.

3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

4. **Institutional and Public Facility.** Neighborhood- or community-serving institutional uses, cell towers and utilities including **schools,** libraries, sanitary sewer pumps stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility facilities should generally be guided away from residential areas, however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.

5. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and

quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

6. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrolment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders

7. **Policy EDU-1C.** Cooperate with the Miami-Dade County Public School System in their efforts to develop and implement alternative educational facilities such as primary learning centers which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.

8. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at optimum capacity, in so far as funding is available. Operational alternatives may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

9. **Policy EDU-2A.** It is the policy of Miami-Dade County that the Miami-Dade Public School System shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ a mile inside the UDB; and new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

10. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| RU-4L; charter school | Low-Medium Density, 6 to 13 dua |
| **Surrounding Properties:** | |
| **NORTH:** RU-1; park | Low-Medium Density, 6 to 13 dua |
| **SOUTH:** RU-4L; vacant | Low-Medium Density, 6 to 13 dua |
| **EAST:** RU-4L; vacant | Low-Medium Density, 6 to 13 dua |
| **WEST:** RU-4M; apartments | Low-Medium Density, 6 to 13 dua |

The subject parcel is an irregularly shaped 2.8 acre parcel of land located at 15130 SW 80 Street. The surrounding area where the subject property lies is characterized by apartments and townhouses to west, and a lake and vacant land to the east and south.

## E. SITE AND BUILDINGS:

| | |
|---|---|
| **Site Plan Review:** | (No plan submitted) |
| Scale/Utilization of Site: | **Unacceptable** |
| Location of Buildings: | **N/A** |
| Compatibility: | **Unacceptable** |
| Landscape Treatment: | **N/A** |
| Open Space: | **N/A** |
| Buffering: | **N/A** |
| Access: | **Acceptable** |
| Parking Layout/Circulation: | **N/A** |
| Visibility/Visual Screening: | **N/A** |
| Energy Considerations: | **N/A** |
| Roof Installations: | **N/A** |
| Service Areas: | **N/A** |
| Signage: | **N/A** |
| Urban Design: | **N/A** |

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

## G. NEIGHBORHOOD SERVICES:

| | |
|---|---|
| DERM | **No objection** |
| Public Works | **No objection** |
| Parks | **No objection** |
| MDT | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No objection** |

## H. ANALYSIS:

The applicant, Kendall Greens Property LLC, is appealing an administrative decision alleging that the Director of the Department of Planning and Zoning erred in a determination of the language of the Declaration of Restrictions (Declaration) limiting the grades of the Kendall Greens Charter School from kindergarten to fifth grade. The approval of this application will allow the applicant to expand the existing charter school by including grades sixth through eighth without modifying the Declaration which requires the applicant to not only obtain signatures from 75% of the owners of the original property that was the subject of the Declaration, but must also obtain 75% of the signatures of the property owners within 150' of the boundaries of said property. The property which is the subject of this hearing is located at 15130 SW 80 Street and contains 2.8 acres. The charter school is surrounded by apartments and townhouses to the west and by vacant land to the east and south.

The **Public Works Department does not object** to this application, as indicated in their memorandum submitted for this application. Staff notes that the Department of Environmental Resources Management **(DERM)** and the Police Department **do not object** to this application. The **Fire Rescue Department** offers **no objections** to this application as well and has indicated in their memorandum that the average travel response time to this charter school facility is approximately **6.31** minutes.

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) indicates that the subject property is designated **Low Medium Density Residential** use, which permits residential densities from a minimum of 6 to a maximum of 13 units per gross acres. The CDMP indicates that also permitted in Residential Communities are neighborhood and community services including **schools** only when consistent with other goals, objectives and policies of the Master Plan and when compatible with the neighborhood. As previously mentioned, in 2003, pursuant to Resolution #Z-13-03, the then owner of the subject parcel proffered a Declaration which specifically states in paragraph #3 (note: underlined language is the subject of this appeal):

> "Upon approval of the Application, the Owner shall set aside a 2.8 acre charter school site on the Senior Housing Parcel as depicted on the above-referenced Site Plan. Within three years of the Approval of the Application, the Owner shall diligently seek approval of the charter school and, if approved by the Miami-Dade County School Board and County, construct a charter school

> operated under a charter from the Miami-Dade County School Board that shall provide a minimum of 300 student stations for grades K through five (5) on the charter school site."

The interpretative text of the CDMP stipulates that all existing uses and zoning are deemed to be consistent with the Master Plan. As such, the charter school use approved by Resolution #Z-13-03, is **consistent** with the CDMP.

Staff has reviewed the language in the subject Declaration and opines that the reference to a "minimum" applies only to the student stations, and allows the applicant the flexibility to expand the number of student stations over 300 since no maximum ceiling has been set. In staff's reading of the Declaration, the school could not be approved an enrollment of 100 or 200 students, since 300 is the minimum number allowed. However, staff opines that the word "minimum" does not apply to the grade levels since the Declaration specifically states the range of grade levels allowed on the site, both the minimum (Kindergarten), and the maximum (5th grade). Staff notes that if this interpretation is approved it would not only allow K-8 but also K-12 which will bring a different student age level into the area than what was contemplated when this was originally approved and would allow for different types of activities that are essential with these higher grade levels which will impact the surrounding area.

The language of the Declaration does not allow, like the applicant claims, that the school may be expanded beyond the elementary level to a middle school (which includes up to the eighth grade). Furthermore, on August 4, 2008, The Director of the Department of Planning and Zoning responded in writing to a request for an interpretation by the applicant's representative, stating in part, ".....the Department is of the opinion that the 'grades K through five (5)' levels referred to in the Declaration are not a 'minimum' but are the only grade levels permitted by the Declaration." The letter further advises that any request to allow an expansion to the grade levels to include 6th through 8th grades will require a modification of the Declaration and will require the written consent of 75% of the property owners within the property covered by the Declaration and within 150' of the boundaries of the entire property that was the subject of the original Declaration and which reads as follows:

> **"Modification, Amendment, Release**: The provisions of this Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners after public hearing. No application for a modification, amendment or release of any provision of this Declaration except for Paragraph (1) shall be filed unless the Owner has previously secured the written consent of seventy-five (75) percent of the property owners who are within the expansion to the Property described in Exhibit "D" (the "Property" with Expansion") and those owners within one-hundred and fifty (150) feet of the boundaries of the Property with Expansion."

It is evident, by the language of the Declaration stated above, that the applicant's intent, as proffered to this Board, was to include the neighbors in any modification of this Declaration.

As such, staff is of the opinion that the language in the Declaration is clear and that any expansion to the grade levels will require the applicant to obtain the neighbors' consent prior to filing a public hearing to modify the Declaration. In staff's opinion, there has been no error by the Director in the decision or determination in the interpretation of any portion of the regulations. As such, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None

**DATE INSPECTED:** 10/11/08
**DATE TYPED:** 10/21/08
**DATE REVISED:** 10/28/08; 10/29/08
**DATE FINALIZED:** 11/17/08
MCL:MTF:LVT:JV;AA

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 15, 2008

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

**Subject:** #Z2008000165
Kendall Greens Property, LLC
15130 S.W. 80th Street
Appeal of an Administrative Interpretation of Language Recorded in a Declaration of Restrictions
(RU-4L) (2.8 Acres)
33-54-39

---

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

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

Concurrency Review Summary

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

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

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

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

PH# Z2008000165
CZAB - BCC

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:KENDALL GREENS PROPERTY, LLC

This Department has no objections to this application.

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

Raul A Pino, P.L.S.
29-SEP-08

# Memorandum

**Date:** 09-SEP-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000165

## Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

## Service Impact/Demand:

Development for the above Z2008000165
located at 15130 S.W. 80 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1780 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:31 minutes

## Existing services:

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

Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 50' Squrt, Battalion

## Planned Service Expansions:

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

None.

## Fire Planning Additional Comments:

Not applicable to service impact analysis.

# TEAM METRO
# WEST OFFICE

**ENFORCEMENT HISTORY**

| NAME: | ADDRESS |
|---|---|
| **KENDALL GREENS PROPERTY, LLC.** | 15130 SW 80 ST<br>Miami-Dade County, FL<br>(30-4933-0020021) |

| DATE | CMS# |
|---|---|
| 10/21/08 | **200712014346** |

**ZONING Number Z2008000145**

**CURRENT ENFORCEMENT HISTORY:**

**Folio No. 30-4933-0020021**

**CMS 200712014346**

| | |
|---|---|
| 12/19/07 | Case opened for violation of 19-13(A): Junk/Trash/Overgrown. First inspection was conducted by NCO M. Rojas and W/L R101555 was issued. |
| 01/10/08 | Re-inspection conducted by NCO M. Rojas. Violation remained and CVN B017435 was issued. |
| 02/13/08 | Compliance inspection conducted by NCO M. Rojas. Violation corrected by owner and Affidavit of Compliance was issued. |
| 03/10/08 | CVN was paid and case was closed. |
| 08/06/08 | No current violations at the present time. (Enforcement History) |
| 10/21/08 | No current violations at the present time. |

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION

208-165
AUG 2 2008
ZONING HEARINGS SECTION
MIAMI-DADE COUNTY, FLORIDA
BY XH

*AMOUNT OF FEE $855.00

Total including surcharge ~~$923.40~~ 928.20

Additional Radius Fee $ _____

Imaging Fee $60.00
Total fee due $988.20
See fee information and amounts on next page.

FOLIO # 30-4933-002-0021

Date Receipt Stamp

Appeal to be heard by
CZAB # _____

Sec. 33 Twp. 54 Rge. 39

RADIUS ASSIGNED

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

1. Name of Applicant (PRINT) Kendall Greens Property, LLC

2. Mailing Address 6361 Sunset Drive, Miami, Florida 33143 Tel No. 305-347-8500

3. Contact Person Leila M. Jackson Batties, Esq. and Jorge A. Lima, Esq.
c/o Holland & Knight, LLP

4. Mailing Address 701 Brickell Avenue, Suite 3000, Miami, Florida 33131 Tel No. 305-789-7626

E-mail Address of Contact Person leila.batties@hklaw.com

5. Name of Property Owner Same as applicant.

6. Owner's Address Same as applicant.

Tel No. Same.

7. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION (If subdivided, lot, block, complete name of subdivision, plat book and page number.) (If metes and bounds description - complete description, including section, township and range.

See attached Exhibit "A"

8. Address or Location 15130 S.W. 80th Street, Miami-Dade County

9. Size of Property _____ ft. x _____ ft. _____ Acres 2.8 ±

10. Administrative Decision appealed: (State in brief and concise language.)

Incorrect Department interpretation of covenant language as it pertains to the grad levels permitted in the charter school located on the subject property. See attached letter.

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

Paragraph 3 of the Declaration of Restrictions recorded at Official Records Book 21660, Pages 4050-4060, pertaining to the grade levels/modification. See attached letter.

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

The Department has incorrectly determined that the referenced provision of the covenant prohibits the Charter School from operating any grade levels other than K through 5 on the property. See attached letter.

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AUG 20 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

13. Reason why the decision should be reversed:

The Department's interpretation defeats the clear and unambiguous language of the Declaration. See attached letter.

AFFIDAVIT

I, **Jorge A. Lima, Esq.**, being first duly sworn, depose and say that I am the **legal representative** of the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct and honest to the best of my knowledge and belief.

Jorge A. Lima, Esq.

Sworn and Subscribed before me

This 20 day of August, 2008

MERCEDES ARRIAS
MY COMMISSION # DD 751066
NOTARY PUBLIC EXPIRES: January 23, 2012
Bonded Thru Notary Public Underwriters

**'NOTE: AN 8% SURCHARGE WILL BE ADDED TO ALL FEES EXCEPT DERM AND CONCURRENCY AND WILL BE IN EFFECT FROM 10/1/03 THROUGH 9/30/08. ADDITIONAL RADIUS FEES WILL BE CHARGED AT TIME OF FILING, IF AVAILABLE, OR WILL BE ASSESSED AND BILLED TO YOU AT A LATER DATE, IF APPLICABLE.**

**A WEB IMAGING FEE OF $60.00 IS DUE AT TIME OF FILING.**

Rev. 9/30/03; 9/28/06

# 5555788_v1

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

August 4, 2008

Juan J. Mayol, Jr. Esq.
c/o: Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847

Re: Kendall Greens Charter School
15130 SW 80th Street
Miami, Florida

Dear Mr. Mayol:

This letter is in response to your request for a determination regarding the public notification/petition process to revise the grade levels at the Kendall Greens Charter School site, as per the Declaration of Restrictions (Declaration) recorded in Official Record Book 21660, pgs. 4050-4060.

Paragraph #3 of the Declaration states:

> "Upon approval of the Application, the Owner shall set aside a 2.8 acre charter school site on the Senior Housing Parcel as depicted on the above-referenced Site Plan. Within three years of the approval of the Application, the Owner shall diligently seek approval of the charter school and, if approved by the Miami-Dade County School Board and the County, construct a charter school operated under a charter from Miami-Dade County School Board that shall provide a minimum of 300 student stations for grades K through five (5) on the charter school site."

In addition, the Modification, Amendment, Release section of the Declaration states:

> "The provisions of this Declaration may be modified, amended, or released as to the land herein described, or any portion thereof, by written instrument executed by the then, owner(s) of all of the Property, including joinders of all mortgages, if any, provided that the same is also approved by the Board of County Commissioners after public hearing. No application for a modification, amendment or release of any provision of this Declaration except for Paragraph (1) shall be filed unless the Owner has previously secured the written consent of seventy-five (75) percent of the property owners who are within the expansion to the Property described in Exhibit "D" (the "Property With Expansion") and those owners within one hundred and fifty (150) feet of the boundaries of the Property With Expansion."

You have indicated that your client wishes to expand the grade level of students from grades Kindergarten through fifth (K - 5) to Kindergarten through eighth grad (K - 8). The Department agrees with your reading of the aforementioned paragraph of the Declaration as to 300 being a "minimum number" of students that may be permitted on the site, and believes that your client can request a larger number of students on the charter school site without the need of modifying the Declaration. However, the Department is of the opinion that the "grades K through five (5)" grade levels referred to in the Declaration are not a "minimum" but are the only grade levels permitted by the Declaration.

Any request to allow an expansion of the grade levels to include 6th - 8th, will require a modification of the Declaration and, as stated above, will require the written consent of 75% of the property owners who are within the expansion to the property and those owners within 150 ft. of the boundaries of the entire property that was the subject of the Declaration.

Please be advised that without the written consent of the owners referred to above, the Department cannot accept an application to modify the language of the Declaration. Pursuant to Chapter 33, the Miami-Dade County Zoning Code, you have the right to appeal this administrative decision to the Board of County Commissioners.

Please do not hesitate to contact my office at 305-375-2117 if you need additional information on this matter.

Sincerely,

Marc C. LaFerrier, AICP
Director

c:Joni Armstrong-Coffey

MCLF:MTF:er

## 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: **Kendall Greens Property, LLC**

| NAME AND ADDRESS | | Percentage of Stock |
|---|---|---|
| **Fernando Zulueta** | | **50%** |
| **Ignacio Zulueta** | | **50%** |
| | | |

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

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | | Percentage of Interest |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | | Percentage of Ownership |
|---|---|---|
| | | |
| | | |

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208-165
SEP 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or 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 Interest |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

Date of contract:

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

_____

_____

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: _____

IGNACIO ZULUETA

Sworn to and subscribed before me this 1th day of September, 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

Notary Public State of Florida
Annette M Iraola
My Commission DD648700
Expires 03/08/2011

My commission expires _____

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

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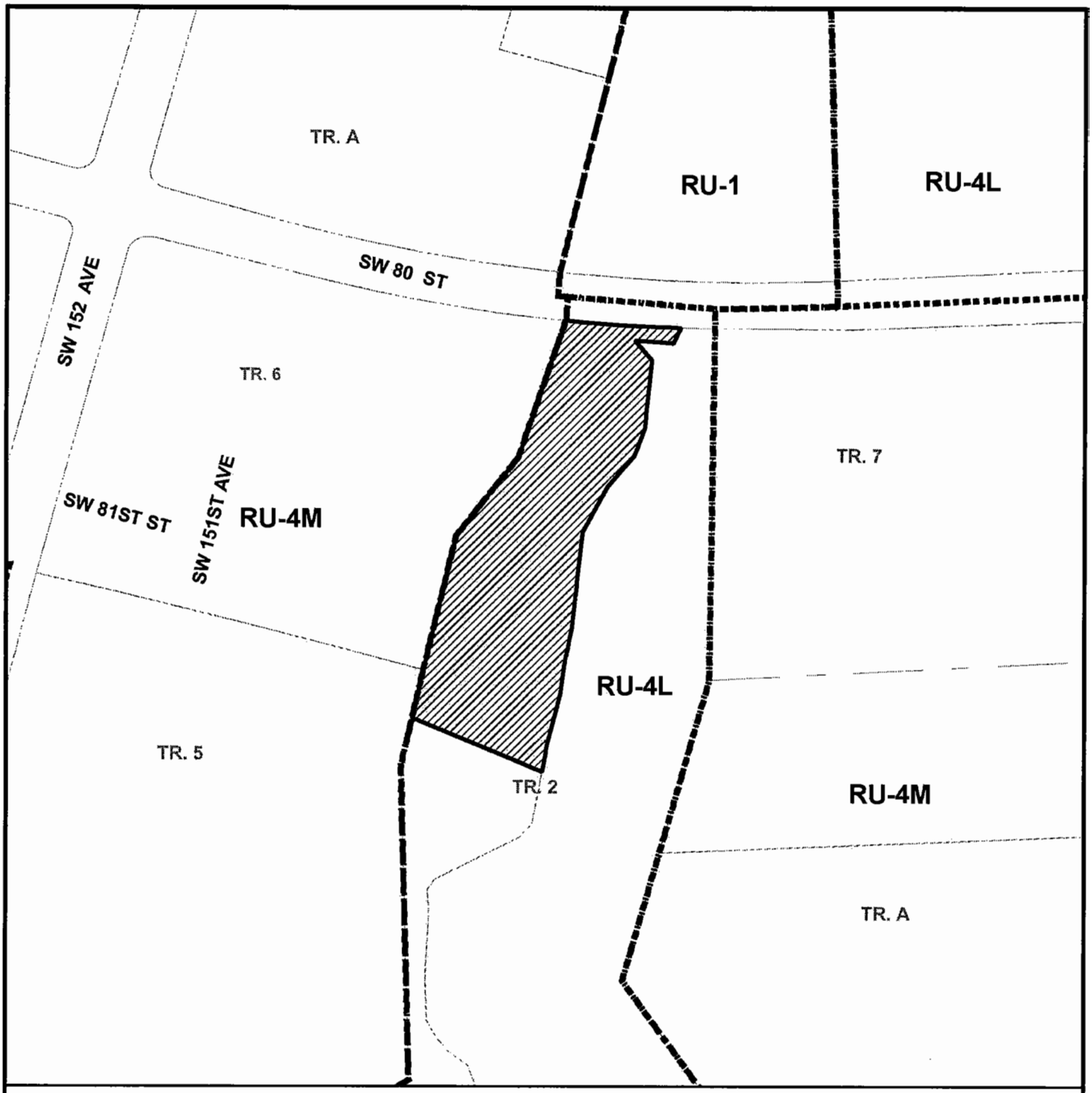
2008-166
SEP 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____




# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**
**08-165**

**Section: 33 Township: 54 Range: 39**
**Applicant: KENDALL GREENS PROPERTY LLC.**
**Zoning Board: C11**
**Commission District: 11**
**Drafter ID: JEFFER**
**Scale: NTS**
**--------- Zoning**

**SUBJECT PROPERTY**

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/29/08

| REVISION | DATE | BY |
|---|---|---|
| | | 19 |

# MIAMI-DADE COUNTY

## AERIAL YEAR 2008

**Section: 33 Township: 54 Range: 39**
**Applicant: KENDALL GREENS PROPERTY LLC.**
**Zoning Board: C11**
**Commission District: 11**
**Drafter ID: JEFFER**
**Scale: NTS**
**---------- Zoning**

**Process Number**
**08-165**

N
W E
S

**SUBJECT PROPERTY**

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/29/08

| REVISION | DATE | BY |
|---|---|---|
| | | |

**6. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING (Applicant)**

**08-12-CC-6 (08-204)**
**BCC/District 8**
**Hearing Date: 12/4/08**

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

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

Disclosure of interest form attached? Yes ☐ No ☑

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 2004 | A Walk in Galloway Park, Inc. | Zone change from EU-1 to EU-S. | BCC | Approved |
| 2004 | A Walk in Galloway Park, Inc. | Zone change from EU-1 to EU-S. | CZAB-12 | Denied without prejudice |

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

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

**APPLICANT:** Director of the Department of Planning and Zoning

**PH:** Z08-204 (08-12-CC-6)

**SECTION:** 09-55-40

**DATE:** December 4, 2008

**COMMISSION DISTRICT:** 8

**ITEM NO.:** 6

==========

## A. INTRODUCTION

- **REQUEST:**

  DELETION of a Declaration of Restrictions recorded in Official Record Book 23175, Pages 4420-4425.

  The purpose of the request is to remove a previously recorded agreement that required the property to be developed with 6 residences in order to permit the site to be developed with a public library and park.

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

- **SUMMARY OF REQUEST:**

  The applicant is seeking to delete a Declaration of Restrictions which restricts the development of the subject property to six (6) single family residences.

- **LOCATION:**

  Lying on the northwest corner of S.W. 112 Street and S.W. 87 Avenue, Miami-Dade County, Florida.

- **SIZE:** 3.42 Acres

- **IMPACT:**

  Approval of this application will allow the Park and Recreation Department to develop the subject property with a proposed library and park (The Killian Library Park) which will provide public services to the residents in this community and could bring additional traffic into the area.

## B. ZONING HEARINGS HISTORY:

In 2004, pursuant to Resolution #CZAB12-22-04, Community Zoning Appeal Board-12 denied a request for a district boundary change from EU-1, Single-Family One-Acre Estate District, to EU-M, Estate Modified District. Subsequently, pursuant to Resolution #Z-40-04, the Board County Commissioners granted a district boundary change to EU-S, Estate Use Suburban District, in lieu of the requested E-UM zone. Additionally, pursuant to Resolution #Z-40-04, the applicant proffered a Declaration of Restrictions recorded in Official Record Book 23175 Pages 4420 – 4425 restricting the development of the subject property to a site plan submitted for the application, prohibiting the use of Severable Use Rights, and limiting the development of the site to six (6) single-family residences.

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

1. The Adopted 2015-2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. 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 dwelling units per gross acre.

2. The CDMP states that small-scale uses or facilities intended to serve the immediate needs of a community, including schools, **libraries** and fire-rescue facilities, may be approved on compatible sites in all Residential Communities subject to adequate design and buffering. The CDMP also states that neighborhood or community serving institutional uses, including schools and **libraries** may be approved where compatible in all urban land use categories, in keeping with the specific conditions of the applicable category, and where provided in LU-4A.

3. The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. 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. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.

4. **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.

5. **Policy LU-10C**

   Miami-Dade County shall encourage energy conservation by adopting Florida Green Building Coalition, US Green Building Council Leadership in energy and Environmental Design (LEED), or other acceptable commercial standards for County-owned facilities.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | | LAND USE PLAN DESIGNATION |
|---|---|---|
| **Subject Property:** | | |
| EU-S, vacant | | Estate Density Residential |
| **Surrounding Properties:** | | |
| **NORTH:** | EU-S; Single-Family Residence | Estate Density Residential |
| **SOUTH:** | EU-1, Single-Family Residence and Religious Facility | Estate Density Residential |
| **EAST:** | EU-1; Religious Facility and Private School | Estate Density Residential |
| **WEST:** | EU-1; Religious Facility and Day nursery. | Estate Density Residential |

The subject parcel is a 3.42-acre acre parcel of land located at the northwest corner of SW 87 Avenue and SW 112 Street. The surrounding area where the subject property lies is characterized by religious facilities, schools, day nurseries, vacant lots and single-family residences.

## E. SITE AND BUILDINGS:

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

*with conditions

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

V. *Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where Public Benefits Are Created or Enhanced to a Level or Degree that Clearly Outweighs Additional New Public Burdens.* The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where demonstratively greater public benefit will result from the modification or elimination than the resulting public burden as measured by the following:

**(A) Approval of the application will result in the provision of public benefits in two (2) or more of the following categories of public benefits:**

**1. Enhancement and/or preservation of substantial open space, public parks, environmentally sensitive land, or natural or historic resources in terms of one or more of the following:**

(a) provision of additional on- or off-site open space, configured in such a manner that it provides a public benefit in terms of either public use or improved aesthetics when viewed from public rights-of-way (except where 2 (d) below is relied upon); or

(b) an increase in the amount of land available for public parks acceptable to the Park and Recreation Department, or in the recreational facilities of public parks; or

(c) perpetual preservation of "environmentally endangered lands"; or

(d) perpetual preservation of additional wetlands (which may include, in addition, restoration or enhancement); or

(e) removal of a use or structure that either has an adverse effect on a wellfield or aquifer recharge area, or that poses a high risk of wellfield contamination, and replacement with a use or structure that significantly lessens the impact or risk; or

(f) removal, or reduction of the intensity of a use, that results in a substantial reduction of risk of groundwater contamination; or

(g) preservation of designated historic resources or rehabilitation of contributing historic structures.

**2.** A substantial improvement to the character of the immediate vicinity by one or more of the following means:

(a) elimination or rehabilitation of blighted buildings or other blighting influences; or

(b) substantial reduction of "sign clutter," where the character of the immediate vicinity is largely defined by an abundance of signage; or

(c) relocation of utility lines underground, where the character of the immediate vicinity is heavily impacted by overhead utilities; or

(d) substantial improvements to landscaping or streetscaping (except where 1(a) is relied upon); or

(e) substantial reduction in excessive noise, smoke, vibration, odors, gases, dust, risk of pollutants, or damage to jurisdictional wetlands.

**3.** Elimination of uses that are inappropriately located, by either:

(a) abandonment and elimination of a lawful existing nonconforming use; or

(b) elimination of a lawful use or building which, although not legally nonconforming, represents an obvious departure from the established pattern of development or use in the immediate vicinity.

**4. Provision of one or more of the following facilities or services in and for locations in which there is a demonstrated need:**

(a) schools or vocational training facilities; or

(b) day care services for children or the elderly; or

(c) a police station or substantion; or

(d) a fire station; or

**(e) a library; or**

**(f) public buildings and facilities;** or

(g) water or sanitary sewer lines.

**5.** Direct and specific implementation of adopted land use or community development plans of Miami-Dade County, by:

(a) implementation of two or more preferred development types or scenarios from the Miami-Dade County*Urban Design Manual* ; or

(b) implementation of the "guidelines for urban form" in the Land Use Element of the Comprehensive Development Master Plan; or

(c) implementation of a portion of the Adopted Action Plan of the Consolidated Plan of the Miami-Dade County Office of Community and Economic Development.

**6.** A benefit to the function of the transportation network in the immediate vicinity, in terms of one or more of the following:

(a) a substantial decrease in trip generation during hours of peak use; or

(b) an increase in the proportion of pedestrian, bicycle, or transit trips in relation to total daily trips in the immediate vicinity by all modes of transportation as a result of providing multi-modal amenities or mixed-use development; or

(c) an improvement in the quality, capacity, and function of pedestrian and bicycle circulation systems in the immediate vicinity of the subject property; or

(d) a reduction in vehicle miles attributable to dwelling units within a one-half ( 1/2) mile radius of the subject property; or

(e) improvements to one or more roadways in the immediate vicinity that increase capacity or improve traffic flow or traffic safety beyond the marginal traffic impacts of the proposed development.

**7.** Improvements to the supply of affordable housing, by

(a) development of affordable housing for very low, low, and moderate income households in a location where the need for such housing has been identified pursuant to the Housing Element of the Comprehensive Development Master Plan or other adopted affordable housing initiatives; or

(b) rehabilitation or redevelopment of substandard housing units resulting in an increase in the number of very low, low, and moderate income units provided on the site of the rehabilitation or redevelopment.

**8. The creation of 15 or more new permanent jobs.**

**9.** Substantial improvement to the design of the subject property through improvements in two or more of the following:

(a) pedestrian, bicycle, or vehicular access and circulation; or

(b) the design of parking areas; or

(c) drainage or stormwater retention and treatment; or

(d) connectivity, by elimination of dead-end, cul-de-sac or similar street types, or elimination of walled-in residential communities, or by providing streets that interconnect within the development and connect to adjacent neighborhoods and rights-of-way.

**(B) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:**

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;

2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;

3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;

4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;

5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or

6. a new or continued and substantial risk to human life or safety or to the environment, or a nuisance; or

7. a material increase in height or volume of open lot uses or facilities, or a material increase in intensity of allowed open lot uses, including but not limited to such open lot uses as outdoor storage of products, materials or equipment, fleamarkets, carnivals, telecommunications facilities, concrete and asphalt batching plants, landfills and private playgrounds and recreational facilities;

The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

**G. NEIGHBORHOOD SERVICES:**

| | |
|---|---|
| DERM | **No objection** |
| Public Works | **No objection** |
| Parks | **No objection** |
| MDT | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |

Schools **No comment**

## H. ANALYSIS:

This application is seeking to delete a Declaration of Restrictions from the subject property in order to allow the development of a Governmental Facility, the Killian Library Park. The Declaration of Restrictions was submitted in conjunction with the rezoning of the subject property to EU-S in 2004 pursuant to Resolution #Z-40-04, which restricts the development of the subject property to the site plan submitted for the hearing, limits the development of the site to six single-family residences, and prohibits the use of Severable Use Rights. Miami-Dade County has considered that this property is an appropriate site for the development of a library and park. In order for the Board of County Commissioners to consider this site for a Governmental Facility, the covenant on this property must be released. The Killian Library Park is being heard in conjunction with this application under Governmental Facility Application No. GF08-001.

The 3.42-acre site is currently undeveloped and is designated **Estate Density Residential use** on the Adopted 2015-2025 Land Use Plan map of the Comprehensive Development Master Plan (CDMP). This density range is typically characterized by detached estate homes. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre. The surrounding lands to the north, south, east and west are also designated Estate Density Residential. Additionally, the CDMP states that small-scale uses or facilities intended to serve the immediate needs of a community, including schools, **libraries** and fire-rescue facilities, may be approved on compatible sites in all Residential Communities subject to adequate design and buffering, and that neighborhood or community serving institutional uses, including schools and **libraries**, may be approved where compatible in all urban land use categories in keeping with the specific conditions of the applicable category, and where provided in LU-4A. The Park and Recreation Department has indicated that the building will be certified in accordance with Leadership in Energy and Environmental Design (LEED) requirements, which is consistent with CDMP Policy LU-10C. 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. The library and park, as community-serving institutional uses, are **consistent** with the policies and objectives of the Comprehensive Development Master Plan (CDMP).

The Public Works Department **does not object** to this application as indicated in their memorandum submitted for this application. Staff also notes that the Department of Environmental Resources Management (DERM) **does not object** to this application and that the Fire Department offers **no objections** to this application and indicates that the average travel response time to this property is **5.36** minutes.

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that the approval of the request to delete the Declaration of Restrictions which restricts the development of the subject property only to six (6) single family residences, that the proposed library and park facility will not be contrary to the public interest and will not be incompatible with the area, when considering the necessity and reasonableness of the deletion in relation to the present and future development of the area. The site is surrounded on the three (3) sides by institutional uses. A religious facility and private school are located

to the east, another religious facility to the west and a religious facility and private school to the south. In addition, the site lies at the northwest corner of the intersection of two major roads; SW 87 Avenue which is a section-line road and SW 112 Street which is a half-section line road. In addition, this Department has recommended certain conditions on the proposed park and library governmental facility application, and is also recommending that certain conditions be imposed on this application, in order to ensure compatibility with the surrounding uses. In staff's opinion, the use of the property as a library and park is **compatible** with the surrounding uses, is easily accessible by two major roads and is in the public interest. Therefore, staff recommends the approval of this application to delete the existing Declaration of Restrictions in order to allow the development of the site by the County as a public park and a public library. As such, staff recommends approval of this request under Section 33-311(A)(7).

Staff notes that when the Declaration of Restrictions limiting the subject property to 6 units is deleted on the subject property, it reverts back to the existing EU-S zoning. The 3.42-acre site is currently undeveloped and is designated **Estate Density Residential use** on the Adopted 2015-2025 Land Use Plan map of the Comprehensive Development Master Plan (CDMP). This density range is typically characterized by detached estate homes. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre. As such, the 3.42-acre subject property generates a numerical density threshold that would allow the applicant to develop the site with a minimum of 3 to a maximum of 8 dwelling units and notes that even without the Declaration of Restrictions, the subject property is **consistent** with the LUP map of the CDMP. Staff opines however that the site should be used as a Library/Park facility but notes that in the event that this use is ever abandoned the property would again revert back to the EU-S zoning.

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. In staff's opinion, this request meets the criteria for approval under Section 33-311(A)(17)(V) Where Public Benefits Are Created or Enhanced to a Level or Degree that Clearly Outweighs Additional New Public Burdens. This Section requires that the Board shall approve an application where demonstratively greater public benefit will result from the modification or elimination than the resulting public burden as measured in two (2) or more categories of public benefits. The first category of public benefit satisfied by this proposal is the enhancement and/or preservation of substantial open space, **public parks**, environmentally sensitive land, or natural or historic resources as per Section 33-311(A)(17)(V)(A)(1). As previously mentioned, the removal of the covenant is necessary in order to enable the Board to consider the approval of a Governmental Facility application submitted jointly by the Park and Recreation Department and the Public Library System for the development of the Killian Library Park. The development of a park and library satisfy a second category of this Section which is the provision that certain facilities and services should be located where there is a demonstrated need. Specifically a **"library"** and **"public buildings and facilities"** as stated in Sections 33-311(A)(17)(V)(A)(4)(e) and (f) will provide a public benefit. Additionally, these public facilities will generate more than "15 permanent jobs", thus complying with Section 33-311(A)(17)(V)(A)(8). The deletion also meets the requirement of Section 33-311(A)(17)(V)(B) since it will not result in: a use of land which will

have a significant adverse effect upon the value of properties in the immediate vicinity; community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity; a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character; a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network; unmitigated demands on potable water, sanitary sewer, or storm-water treatment systems which exceed the capacity of those systems; or a new or continued and substantial risk to human life or safety or to the environment, or a nuisance; or a material increase in height or volume of open lot uses or facilities, or a material increase in intensity of allowed open lot uses, including but not limited to such open lot uses as outdoor storage of products, materials or equipment, flea-markets, carnivals, telecommunications facilities, concrete and asphalt batching plants, landfills and private playgrounds and recreational facilities. Noting all the aforementioned, staff recommends approval of the request under Section 33-311(A)(17) (Modification or Elimination of Conditions After Public Hearing).

Accordingly, staff recommends approval of this application under Section 33-311(A)(7) (Generalized Modification Standards) or under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), subject to two conditions.

## I. RECOMMENDATION:

Approval of the application under Section 33-311(A)(7) (Generalized Modification Standards) or under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), subject to two conditions.

## J. CONDITIONS:

1. That the library building or any other structures do not exceed a height of 35' and two stories.

2. That a preliminary site plan be submitted to the Department of Planning and Zoning prior to submittal for building permit. The Department's preliminary review will ensure that all passive activities be located close to the abutting residences and that substantial landscape buffering be provided along the property lines abutting residential uses.

**DATE INSPECTED:** 10/22/08
**DATE TYPED:** 10/22/08
**DATE REVISED:** 10/28/08; 10/29/08; 11/03/08; 11/10/08; 11/12/08
**DATE FINALIZED:** 11/25/08
MCL:MTF:LVT:NN:AA

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 12, 2008

**To:** Marc C. LaFerrier, Director
Department of Planning & Zoning

**From:** Jack Kardys, Director
Park and Recreation Department

**Subject:** Killian Library Park – acquisition

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With reference to the attached request to provide justification of the "demonstrated need" for the removal of a restrictive covenant on the subject property and the "necessity and reasonableness" of doing so, the following is provided.

The Miami-Dade County Park and Recreation Department and the Library Department are coordinating to plan and build Killian Library Park. The Library Park will serve the Killian area with facilities scaled to the neighborhood level.

Killian Library Park will serve as a prototype for the development of joint-use civic spaces offering multiple public services. The collaboration of the two Departments increases efficiency in spending of County funds to develop two services on one property and increases efficiency of access to public services.

As there is no similar existing facility, a site plan does not yet exist for a library and park fully integrated on one property. The Governmental Facilities application addresses the land use of the site as a library and park on a property Zoned EU-S, Single-Family Estate Use Suburban. With the approval of this land use, removal of the covenant and subsequent acquisition of the property; a detailed site planning process, to include public input, will commence.

**PROJECT HISTORY**

The Park and Recreation & Library Departments have taken several measures to ensure the community has been informed of the proposed project and were provided the opportunity to ask questions and discuss the project.

Initially, the Departments held a meeting with the neighbors immediately adjacent to the property on January 8, 2008. This was an effort to assess the willingness of the neighbors directly affected by the proposed development. The majority of the attendees were in support of the project. Several questions were raised in regard to traffic, trees that had been removed from the site, and the proposed facilities.

In response, the Departments conducted research including a traffic study, an Environmental Site Review by DERM, tree removal permits from both DERM and FDOT, as well as contracting a planning consultant to assess site opportunities and constraints.

On July 31, 2008, the Departments held a second meeting with the immediate neighbors to address the questions raised in the January meeting and to share the results of the research that had been conducted. Again, the consensus among the immediate neighbors to the site was in support of the project.

A formal public meeting was held on August 28, 2008 which was advertised via ads in four newspapers, postcards were mailed to residents within the service area, and signs posted at the site. The meeting was intended to inform area residents of the proposed project and to provide an opportunity for questions, comments, and discussion.

On September 9, 2008, the Departments presented the project to Community Council 12 who voted in favor of a recommendation of approval. Most recently, on November 7, 2008, the Recreation and Cultural Affairs Committee (RCAC) also recommended approval of the project. The item is scheduled on the December 4, 2008 agenda for review by the Board of County Commissioners.

**PROPERTY INFORMATION**

The property in question is a 3.42-acre or 149,052 sq ft site, located on the northwest corner of the intersection of SW 112th Street and SW 87th Avenue, two section line roads (Exhibit 1).

The site consists of 6 folios which were platted as single family residences consistent with the current zoning of EU-S, Single-Family Estate Use Suburban. The six folios which the County intends to purchase to create Killian Library Park were platted as Forrest Subdivision, Plat # 22249 as recorded in Plat Book 165, Page 23. After the acquisition of the properties, the land will be replatted for the revised configuration and use.

In addition, the six properties are located on a dedicated right-of-way cul de sac which was also part of the Forrest Subdivision. The Departments will submit a request to vacate the right of way as part of the site reconfiguration.

**LEVEL OF SERVICE**

Park and Recreation Department Level of Services Standards as defined within the Comprehensive Development Master Plan require 2.75-acres of public park land for every 1000 residents in the unincorporated area. Within a 2-mile service area of the proposed Killian Library Park site, there is a 52.91-acre deficiency in the Level of Service.

| Population (based on 2000 census) | Local Park Acres Needed (2.75-acres/1000 residents) | Existing Local Park Acres | Local Park Acres Deficient |
|---|---|---|---|
| 35,810 | 98.48 | 45.57 | -52.91 |

Based on U.S. Census Bureau data from the 2000 census, the unincorporated population within the 2-mile service area is 35,810 people. The area east of U.S. Highway 1 was not included, because these tracts are within municipalities, which are not included in the level of service analysis. Six county local parks are located within the service area, which collectively provide 45.57 acres of parks and open space. Although K-Land is a local park, it functions as

a Boys & Girls Club. Since there is limited public access to K-Land, it is not included in the LOS calculation (Exhibit 2).

Dividing the local park acres in the 2-mile service area of Killian Library Park by the UMSA population for year 2000 yields 0.00127 acres of local park per person, or 1.27 acres of local park land per 1,000 people. Comparing that figure to the Park and Recreation Department's countywide level of service goal of a minimum of 2.75 acres of park land per 1,000 people, there is a deficiency of 1.48 acres of park land per 1,000 people in this 2-mile service area. To alleviate the deficiency, 53.0 additional acres of parks and open space are needed within the service area. Thus, acquisition of the Killian Library Park site is recommended to help the Department meet its level of service goals for providing parks and open space to the community.

**NEIGHBORING LAND USES & ZONING**

Neighboring properties are institutional and include churches, other religious organizations, a private Montessori school and a non-profit organization for developmentally disabled children (Exhibit 3). Adjacent to the property on the west side is a property Zoned EU-1 with Institutional Land Use being used as a church. On the east side of the site, across SW 87th Avenue are two properties Zoned EU-1 with Institutional Land Use. One is a church; the other is the Children's Resource Fund, Inc. a youth oriented business. On the south east side of the intersection is a Montessori school located on a property Zoned EU-1 with Institutional Land Use. Directly across SW 112th Street is the Chabad Center of Kendall, Inc, a religious organization, on property Zoned EU-1 with Institutional Land Use. Directly north and adjacent to the site is a residential property. The County has been in contact with them and they are supportive of the project.

A Library Park would complement the neighboring properties and surrounding residential area; providing public facilities for youth, elderly, and families to enjoy.

**TRAFFIC STUDY**

The Park and Recreation & Library Departments contracted Florida Transportation Engineers, the same firm used by the Department of Planning & Zoning, to conduct a traffic study to assess the potential impacts of the proposed Killian Library Park. Completed in March 2008, the study (Exhibit 4) determined that "In summary, the proposed development would not have an adverse impact on the surrounding roadway network." The analysis included:

- Two vehicular access points into the property are possible, one on SW 112th Street and the second on SW 87th Avenue.

- The proposed entrance from SW 87th Avenue will comply with access management requirements of 245 feet as minimum connection spacing as per the access management class 6 (non-restrictive).

- Trip Generation estimates using the ITE Trip Generation Manual (7th Edition) determined that the proposed development would generate 14 trips during the AM Peak Hour and 102 trips during the PM Pear Hour.

- The proposed development will not have an adverse impact on level of service along the segment of SW 87th Avenue.

- The signalized intersection at SW 112th Street and SW 87th Avenue would operate at an acceptable level of service with the proposed development.

- Based on Miami-Dade County zoning ordinances, one parking space is required for every 250 sq ft of facility; therefore, 60 parking spaces would be required for a 15,000 sq ft facility.

- 

**EAST KENDALL CHARETTE**

The Department of Planning & Zoning held the East Kendall Charette October 21-27, 2006. The final report was published January 2008 and is currently in the process of being reviewed by the Board of County Commissioners with a recommendation for approval from the Governmental Operations and Environment Committee on November 10, 2008.

Through the East Kendall Charette process, area residents, elected officials, business owners, and Kendall Community Council 12 members identified a need for a library park in the area (Exhibit 5).

The Charette report identifies a 9.6-acre site (i.e., Paint Testing Facility) as the suggested location for the library park. The County evaluated acquisition of the Paint Testing Facility but did not purchase the site as funds were unavailable to meet the high property value of such a large site. The owners were unwilling to divide and to sell a portion of the property. In addition, access to the site is mainly through secondary residential roads (Exhibit 6).

The County considered two additional sites before pursuing acquisition of the property on SW 112th Street & SW 87th Avenue. The Suniland site, located on SW 112th Street and SW 80th Avenue, was also identified in the East Kendall Charette. This 1-acre property is currently owned by the County. The small size is not suitable for a Library Park. However, the Park and Recreation Department is interested in acquisition of the site for development of a mini-park in support of the adjacent South Dade Trail and greenway network.

The former Shaw Nursery, a 3.09-acre property, located at 7990 SW 112th Street was also considered. Acquisition of the site was not pursued due to access and utility issues, and a large tree with a DERM covenant on the property which would have significantly hindered site planning and development.

## MIAMI-DADE COUNTY PARK AND OPEN SPACE SYSTEM MASTER PLAN

On February 19, 2008 the Miami-Dade County Board of County Commissioners adopted Resolution R-171-08 (Exhibit 4) which approved the Miami-Dade County Park and Open Space System Master Plan and endorsing the plan's principles, goals and vision.

The Miami-Dade County Park and Open Space System Master Plan (OSMP) is a 50 year unifying vision for a livable, sustainable Miami-Dade County. It is based on six guiding principles:

1) EQUITY – Every resident should be able to enjoy the same quality of public facilities and services regardless of income, age, race, ability or geographic location

2) ACCESS- Every resident should be able to safely and comfortably walk, bicycle, drive and/or ride public transit from their home to work, school, parks, libraries, shopping and community facilities

3) BEAUTY- Every public space including streets, parks, plazas and civic buildings should be designed to be aesthetically pleasing and complement the natural and cultural landscape

4) MULTIPLE BENEFITS- Every single public action should generate multiple benefits to maximize taxpayer dollars

5) SEAMLESSNESS– Every element of the County, including neighborhoods, parks, natural areas, streets, schools, civic centers and commercial areas should be connected without regard to jurisdiction

6) SUSTAINABILITY- Natural resources, including water, wildlife habitat and open space, must be protected for future generations

The development of Killian Library Park supports the OSMP by:

- Providing **multiple benefits** to the public by offering both park and library facilities on the same site.
- The property is **accessed** by public transit along SW 112$^{th}$ Street and is within walking distance of 35,000+ residents within the 2-mile service area.
- **Seamless** collaboration of multiple County departments in providing quality services and facilities to the public.
- Establishing a public Library Park available to residents and visitors of the Killian area (**equity**).
- In designing a site plan which seamlessly integrates the park and library into one site, striving for **beauty** and functionality.
- Promoting **sustainability** by integrating Green Building principles into the design of both the library and park by following Leadership in Energy and Environmental Design (LEED) guidelines.

## COMPREHENSIVE DEVELOPMENT MASTER PLAN

This project supports the guidelines in the County's Comprehensive Development Master Plan. Page I-53 states that "Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible land use categories, in keeping with conditions specified in the applicable category, and where provided in certain Open Land sub areas. Compatibility shall be determined in accordance with LU-4A."

Policy LU-4A states "When evaluating compatibility among proximate land uses, the County shall consider factors such 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."

> The site will be designed to be compatible with the area. A traffic study completed by Florida Transportation Engineering in March 2008 on behalf of the County found that the proposed project would not have an adverse impact on the surrounding roadway network (please refer to Exhibit 3).

The section on Residential Communities (CDMP: Page I-27, #4) addresses "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."

> The development of a Library Park at the intersection of SW 112$^{th}$ Street and SW 87$^{th}$ Avenue adheres to the guideline as stated above and enhances the existing activity node by including public uses and facilities.

## PARK AND LIBRARY FACILITIES

Typically, the Library Department requires 2-acres to build a 15,000 sq ft library including parking. As the site is 3.42-acres, the remaining 1.42-acres would be developed as a park.

Killian Library Park will incorporate a library which will be approximately 15,000 sq ft. As determined through the site plan process, the library may be less than 15,000 sq ft. Parking, as specified in Miami-Dade County Zoning Ordinances, will include one space per 250 sq ft of facility or 60 parking spaces for a 15,000 sq ft facility.

Parking will be shared for park and library visitors. Typically, the Park and Recreation Department does not provide parking in Mini or Neighborhood Parks as most people access the site through bicycling, walking, or transit. However, since parking will be included on site, it will be shared by all visitors to the facilities.

The design of the Library Park will be integrated so that Storytime Canopies, a common library facility, can be built into the outdoor or park area of the facility; allowing for seamless incorporation of park and library services.

The park will offer passive recreational opportunities. The park planning process will include public input, and development of the site plan will take place once the property has been acquired. Potential park improvements may include benches for reading under shade trees, additional landscaping, a walking path, a small tot-lot, site furniture, and other passive recreation facilities.

The Miami-Dade Public Library System proposes to design and construct a Library facility of approximately 15,000 SQF to serve as a neighborhood branch library in the Killian Community – Commission District 8. The Building Better Communities Bond has allocated the following funds for the development of Killian Library:

Project Name: Construct Killian Library
Project Number: 301
GOB Allocation: $ 9,000,000
Cost Estimate: $9,000,000
Description: Construction of the Killian Library- 15,000 sq. ft.

Cc: Maria Teresa Fojo, DPZ
Antonio Atatla, DPZ

Attachments

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 21, 2008

**To:** Mark C. LaFerrier, Director
Department of Planning & Zoning

**From:** Raymond Santiago
Director of Libraries

**Subject:** The Killian Library

---

The Miami-Dade Public Library System and the Miami-Dade Park and Recreation Department are in the process of acquiring a 3.42-acres property, located on the northwest corner of the intersection of S.W. 112 Street and S.W. 87 Avenue. Both departments will team their resources in order to develop a Library and Park in keeping with the Comprehensive Development Master Plan (CDMP) guidelines. The project will be designed compatibly with the surrounding area.

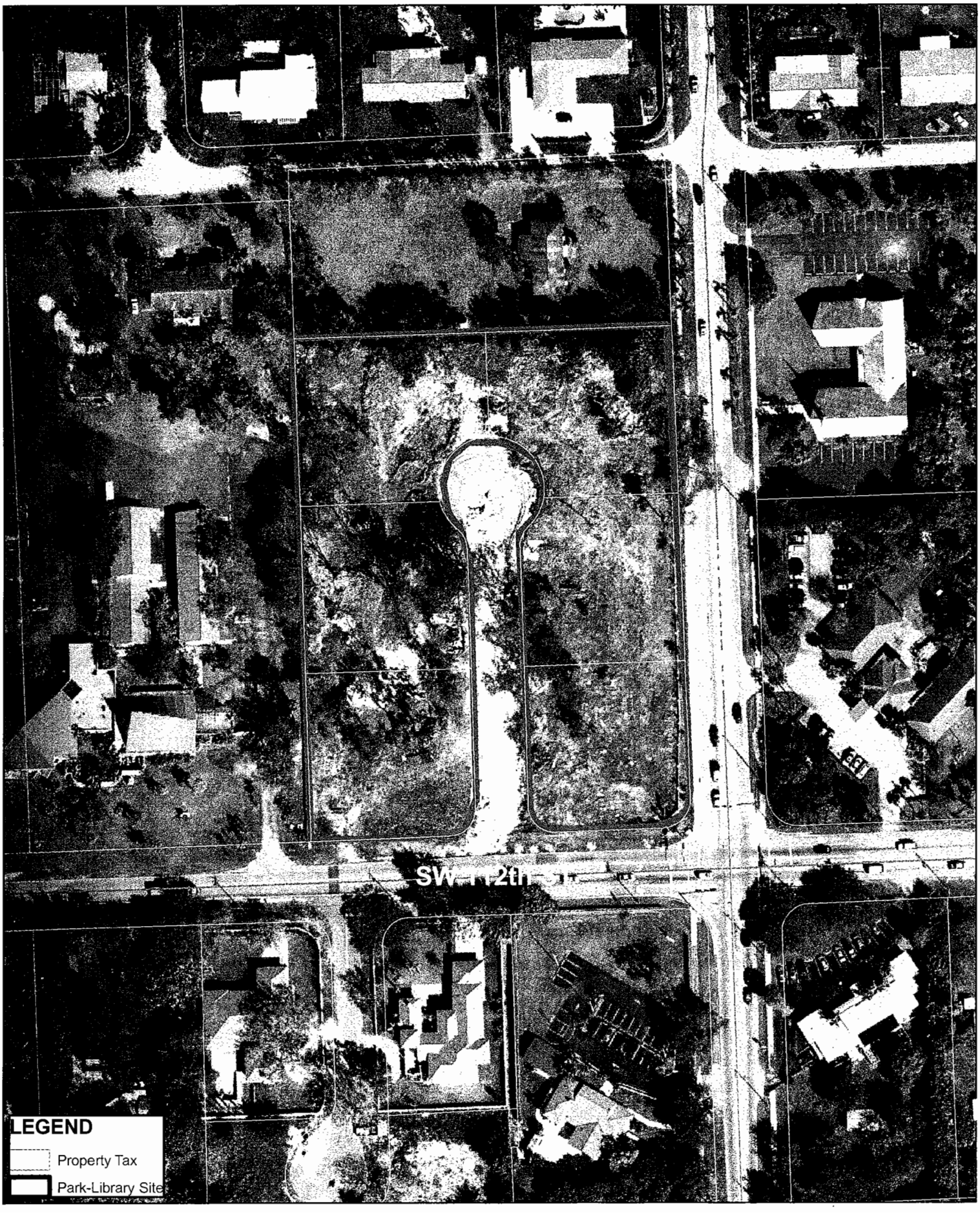
The acquisition of this property will allow the Miami-Dade Public Library System and the Miami-Dade Park and Recreation Department the opportunity to provide the residents library and park services in one convenient location. The Library Park Project will provide the neighboring properties and surrounding residential area with public access facilities for all age groups. The Library and Park Project will be scaled and customized to the neighborhood and will serve as a prototype for the future development of joint-use civic spaces offering multiple public services.

The Miami-Dade Public Library System seeks to design and construct a 15,000 SQF Library facility to serve as a neighborhood branch library in the Killian Community – Commission District 8. This facility will be designed to provide a full range of Library services and programs geared to all age groups represented in the community. Its main service areas would be subdivided as follows: adult room, young adult area, children's room, and multi-purpose room. Additionally, the Library is also expected to have a staff work room, a delivery area, a mechanical room, an electrical room & a telecommunication room. The Library will have ample and comfortable seating for the public as well as easily accessible public service desks such as Customer Service and Information. The size of the library's opening day collection would be approximately 30,000 items that would encompass books, DVDs, audio books, periodicals etc. The building would be equipped with approximately 30 computer workstations and 20 laptops. In addition to the facility's hard-wired network, the Library would also be equipped with wireless network access that would allow patrons to use their own, or library-borrowed wireless devices, to access the Internet and all of the Library System's online services. The design of this facility would be in keeping with its surroundings and the building and site will be LEED certified.

On November 2, 2004 Miami-Dade County voters approved general obligation bonds to construct and improve cultural, library and multicultural education facilities. One of those projects is the construction of the Killian Library (project number 301). The project has $9,000,000 in funding that covers the acquisition of the land as well as subsequent design and construction of the Library.

MIAMI-DADE COUNTY

# MIAMI-DADE COUNTY
# KILLIAN LIBRARY PARK - ACQUISITION SITE



MIAMI-DADE COUNTY

# MIAMI-DADE COUNTY
# PARK AND RECREATION DEPARTMENT
# KILLIAN LIBRARY PARK
# 2-MILE LEVEL OF SERVICE ANALYSIS

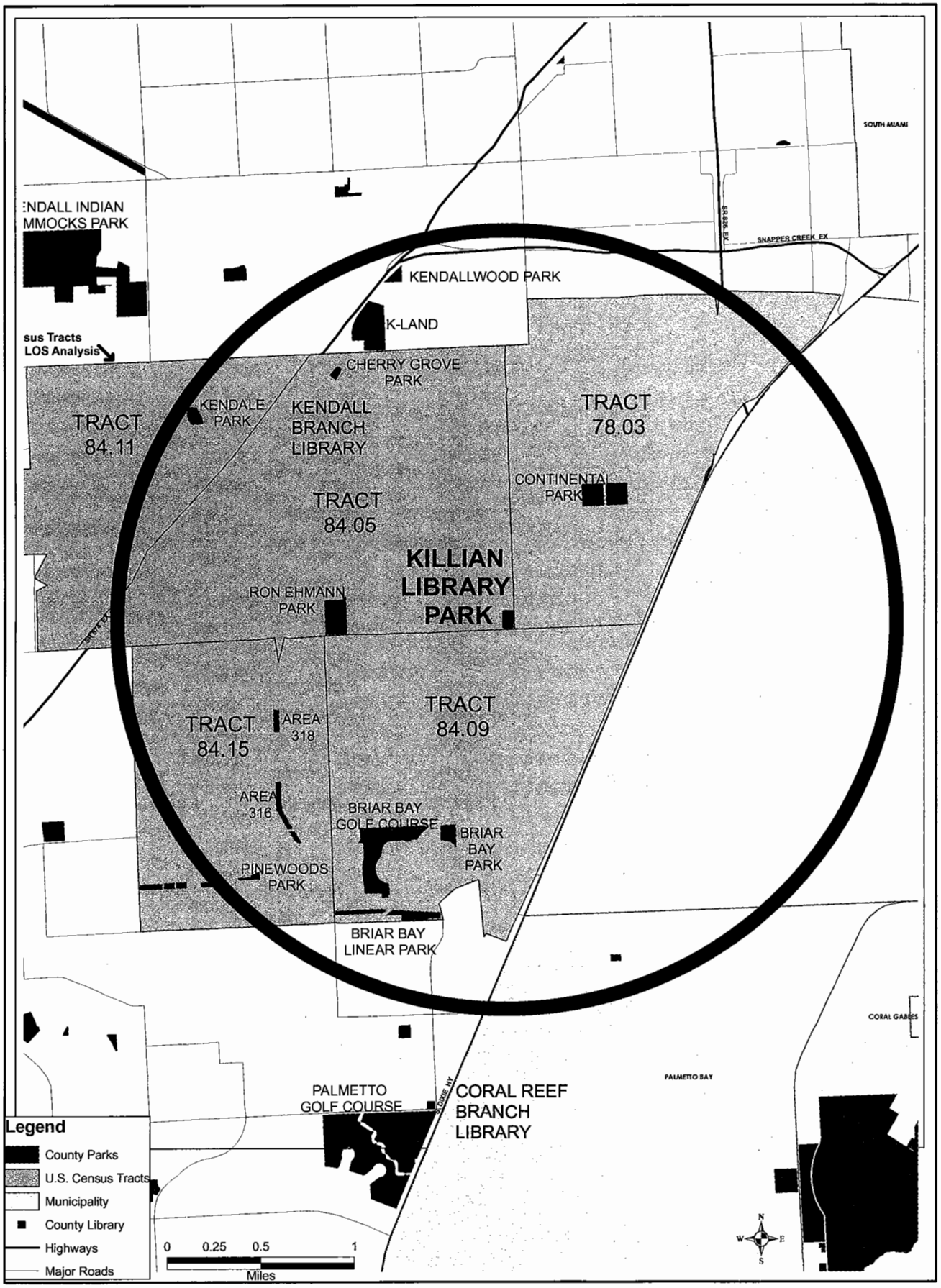


Exhibit 3

# MIAMI-DADE COUNTY
# KILLIAN LIBRARY PARK - ACQUISITION SITE

Exhibit 4

# TECHNICAL MEMORANDUM

## KILLIAN LIBRARY PARK

## MIAMI-DADE COUNTY, FLORIDA

## TRAFFIC IMPACT STATEMENT

Prepared by:

FTE

♦ Miami ♦ Punta Gorda ♦ Tallahassee ♦ Tampa

March 2008

23

## 1.0 EXECUTIVE SUMMARY

Miami-Dade County is considering to build a 15,000 square foot Library-Park in the NW quadrant of SW 87th Avenue and SW 112th Street in Miami-Dade County. The proposed project will have two driveway accesses. The anticipated build-out year for the proposed development is 2009.

Trip Generation estimates were performed using the ITE Trip Generation Manual, 7th Edition for the proposed development. The proposed development would generate 14 trips during the AM Peak Hour and 102 trips during the PM Peak Hour.

Based on the Directional Trip Distribution Report obtained from Miami-Dade County MPO, the project trips were distributed on to the roadway network. The project trips from the development were distributed 40% to the north and 12% to the south on SW 87th Avenue and 28% to the west and 20% to the east on SW 112th Street. The background traffic for 2009 was developed by applying a growth rate of 3.64 percent to the existing traffic. The 2009 total traffic was calculated by adding 2009 background traffic with the project trips.

Based on the link analysis, the roadway links on SW 87th Avenue currently operate at a deficient level of service. However, the affect of the proposed development will not have significant impact along the segment of SW 87th Avenue.

Intersection analysis was performed on SW 87th Avenue at SW 112th Street. Based on the analysis, the signalized intersection would operate at an acceptable level of service with the proposed development.

Based on Miami Dade zoning ordinances, one parking space is required for every 250 SF of facility; therefore, 60 parking spaces would be required based on a 15,000 SF library facility.

In addition, based on roadway access standards, a new entrance on SW 87th Avenue will comply with the access management requirements of 245 feet as minimum connection spacing as per the access management class 6 (non-restrictive).

## 10.0 CONCLUSION

Based on the existing conditions, the roadway segments on SW 87th Avenue currently operate at a deficient level of service. However, the affect of the proposed development will not have significant impact along the segment of SW 87th Avenue.

An intersection analysis was performed on SW 87th Avenue and SW 112th Street. Based on the analysis, the signalized intersection would operate at an acceptable level of service with the proposed development.

In addition, based on roadway access standards, a new entrance on SW 87th Avenue will comply with the access management requirements of 245 feet as minimum connection spacing as per the access management class 6 (non-restrictive).

Based on Miami Dade zoning ordinances, one parking space is required for every 250 SF of facility; therefore, 60 parking spaces would be required for a 15,000 SF library facility.

Based on the crash analysis data review, during the analysis period for the intersection there were a total of 18 crashes reported in 2005; and a total of seven (7) crashes reported for the years 2006 and 2007.

In summary, the proposed development would not have an adverse impact on the surrounding roadway network.

# Memorandum

MIAMI-DADE COUNTY

**Date:** October 30, 2008

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

**Subject:** C-12 #Z2008000204
Director of Department of Planning and Zoning
Northwest Corner of S.W. 87th Avenue and S.W. 112th Street
Deletion of a Declaration of Restrictions that Tied the Subject Property to a Specific Site Plan
(EU-S) (3.36 Acres)
09-55-40

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

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

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

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

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

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

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

PH# Z2008000204
CZAB - BCC

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

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

Raul A Pino, P.L.S.
29-OCT-08

CFN 2005R0262459
OR Bk 23175 Pgs 4420 - 4425; (6pgs)
RECORDED 03/17/2005 09:49:45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Name: Simon Ferro, Esquire
Address: Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

A/9

(Space reserved for Clerk)

## DECLARATION OF RESTRICTIONS

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

*IN ORDER TO ASSURE* the **County** that the representations made by the owner during consideration of Public Hearing No. 2003-0318 will be abided by the Owner freely, voluntarily and without duress makes the followirg Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by **Bellon Milanes, Architects Planners** entitled, **A Walk in Galloway Park, A Residential Subdivision, Miami-Dade County, Florida**, dated **10-05-04,** signed and sealed **10-05-04,** said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

(2) In the event the Property is zoned EU-S (Estates Subdivision, 1 Family 25,000 Sq. Ft. Gross) use of Severable Use Rights (SURs) shall be prohibited.

(3) Not more than six (6) single family EU-S homes shall be built upon the Property.

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

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

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is

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

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

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

**Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and

inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

**Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

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

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

[Execution Pages Follow]

**(Space reserved for Clerk)**

## ACKNOWLEDGMENT
## CORPORATION

Signed, witnessed, executed and acknowledged on this 20th day of October, 2004

*IN WITNESS WHEREOF,* A Walk in Galloway Park, Inc. has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

Catherine Lucas
Signature
Catherine Lucas
Print Name
Leyla M Lucas
Signature
Leyla M. Lucas
Print Name

**A WALK IN GALLOWAY PARK, INC.**
Address:
21001 SW 167 Avenue
Miami, Florida 33187

By _____
**President**
Print Name: Manuel Rodriguez-Fiol

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

The foregoing instrument was acknowledged before me by **Manuel Rodriguez-Fiol**, the **President**, of **A Walk in Galloway Park, Inc.**, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced **Florida Driver's License No. R362-553-57-166-0**, as identification.

Witness my signature and official seal this 20th day of October 2004, in the County and State aforesaid.

Leyla M. Lucas
My Commission DD201132
Expires September 24, 2005

Leyla M Lucas
NOTARY PUBLIC-STATE OF FLORIDA
Leyla M Lucas
Print Name

My Commission Expires:

(Space reserved for Clerk)

## JOINDER BY MORTGAGEE CORPORATION

The undersigned TIB Bank of the Keys, a Florida Bank (state) corporation and Mortgagee under that certain mortgage from A Walk in Galloway Park, Inc., dated the 20th day of October, 2003, and recorded in Official Records Book 21758 Page 3243 of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

*IN WITNESS WHEREOF*, these presents have been executed this 18 day of **October**, 2004.

**Witnesses:**

Nicole S. Mowry
Signature
NICOLE. S. MOWRY
Print Name
Melissa Feeney
Signature
Melissa Feeney
Print Name

**TIB BANK OF THE KEYS**
600 North Homestead Blvd.
Homestead, FL 33030

By Michael O. Welsh
Title: Commercial Loan Officer, AVP
Print Name: Michael O. Welsh

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

The foregoing instrument was acknowledged before me by Michael O. Welsh the Asst VP of **TIB Bank of the** Keys, corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 18 day of **October**, 2004, in the County and State aforesaid.

Nicole S. Mowry
Notary Public-State of FLORIDA

NICOLE S. MOWRY
Print Name

NICOLE S. MOWRY
Notary Public - State of Florida
My Commission Expires Jan 7, 2008
Commission # DD 279722
Bonded By National Notary Assn.

My Commission Expires:

\\MIA-SRV01\FerroS\1555013v01\1FXY501_.DOC\7/1/04

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## LEGAL DESCRIPTION

The South ½, of the East ½, of Tract 7, DADE COUNTY DEVELOPMENT COMPANY SUBDIVISION, according to the plat thereof, as recorded in Plat Book 1, at Page 97, of the Public Records of Miami-Dade County, Florida.

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# Memorandum

**Date:** 22-OCT-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

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

**Subject:** Z2008000204

## Fire Prevention Unit:

No site plan submitted for review.

## Service Impact/Demand:

Development for the above Z2008000204
located at LYING ON THE NORTHWEST CORNER OF S.W. 112 STREET & S.W. 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1894 is proposed as the following:

| | | | |
|---|---|---|---|
| 6 residential | dwelling units | N/A industrial | square feet |
| N/A Office | square feet | N/A institutional | square feet |
| N/A Retail | square feet | N/A nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 1.68 alarms-annually.
The estimated average travel time is: 5:36 minutes

## Existing services:

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

Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75' Ladder

## Planned Service Expansions:

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

None.

## Fire Planning Additional Comments:

Current service calculated based on submitted GIS sketch.

DATE: 11/03/08

# TEAM METRO

## ENFORCEMENT HISTORY

| | |
|---|---|
| DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING | LYING ON THE NORTHWEST CORNER OF S.W. 112 STREET & S.W. 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA. |
| **APPLICANT** | **ADDRESS** |

Z2008000204

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

Open Case # 200802009470 for overgrown grass.

Tim McCrink

DIRECTOR'S APPLICATION
FOR ZONING PUBLIC HEARING

RECEIVED
2004
OCT 08 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
Date Received Stamped

Sec. 9– 55 – 40
Radius Assigned: ½ mile

1. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
   Mailing Address: 111 N.W. First Street, 11th Floor, Miami, FL 33128
   Tel. No. 305-375-2640

2. Legal Description of the Property covered by the application: See below

   The South ½ of the East ½ of Tract 7, Dade County Development Company Subdivision, according to the plat thereof, as recorded in Plat Book 1, at page 97, of the Public Records of Miami-Dade County, Florida.

3. Address or Location of Subject Property: The northwest corner of SW 87th Avenue and SW 112 Street.

4. THIS APPLICATION INTENDED TO COVER:
   SIZE OF PROPERTY:
   ( ) Non-Use Variance: _____
   ( ) Alternative Site Development: Option: _____
   (x ) OTHER: Deletion of a Declaration of Restrictions Recorded in Or. Bk. 23175, pages 4420 – 4425.

5. Has a public hearing been held on this property within the last 2 years? No
   If yes, in whose name? _____ When _____?
   Nature of hearing_____; Decision of hearing:

**********

DIRECTOR'S AFFIDAVIT

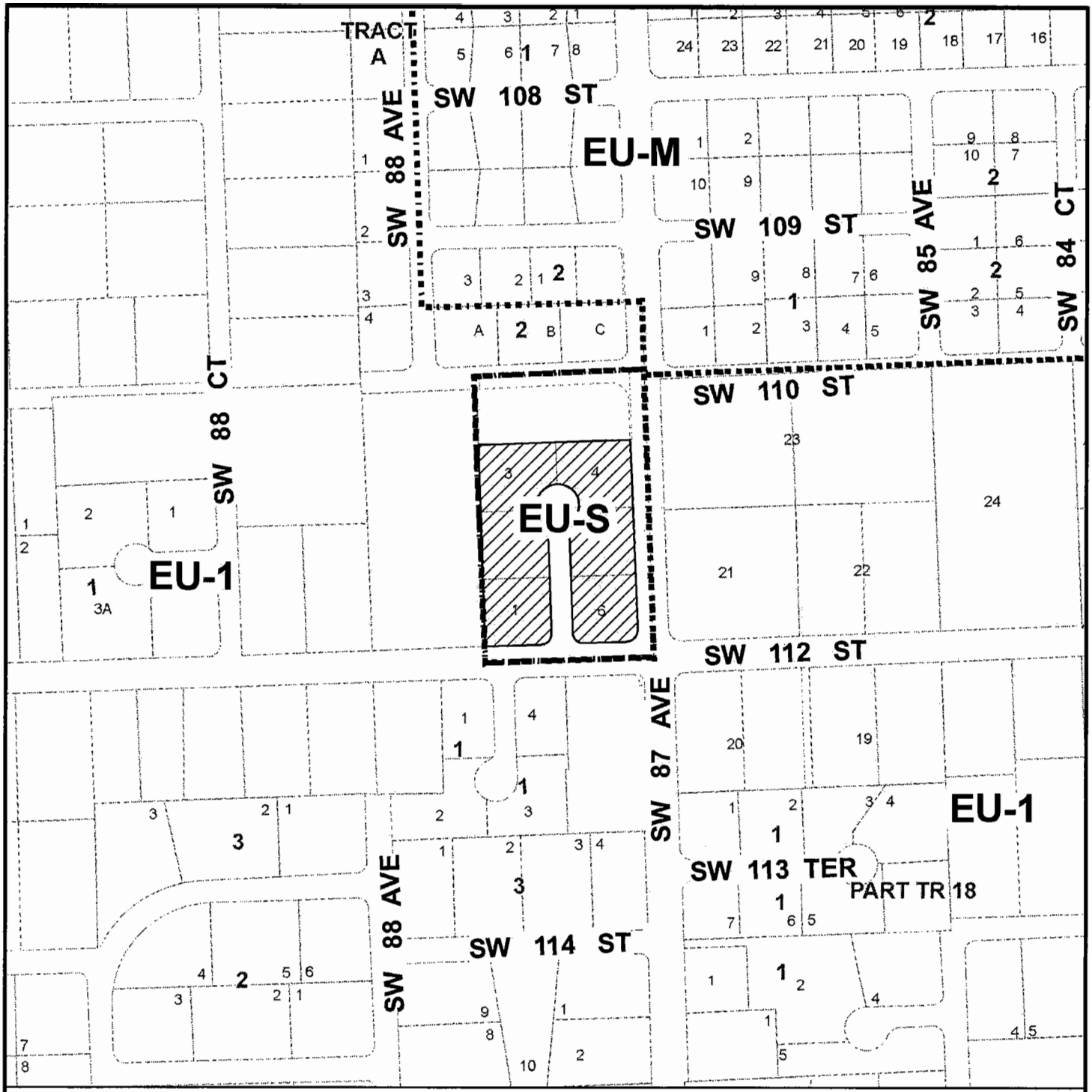
I, Marc C. LaFerrier being first duly sworn, depose and say that I am the Interim Director of Miami-Dade County Department of Planning & Zoning and as such and in my official capacity have filed the application concerned, and that the statements and answers therein contained and the information submitted therewith are in all respects true and correct and honest to the best of my knowledge and belief.

SIGNATURE

Sworn to and Subscribed before me
this 8th day of October 2003

Dianne Hough
NOTARY PUBLIC

DIANNE HOUGH
MY COMMISSION # DD 594191
EXPIRES: December 6, 2010
Bonded Thru Budget Notary Services




# MIAMI-DADE COUNTY

**HEARING MAP**

**Section: 09 Township: 55 Range: 40**

**Applicant:** DIRECTOR DEPARTMENT OF PLANNING & ZONING

**Zoning Board: BCC**

**Commission District: 08**

**Drafter ID: JEFFER**

**Scale: NTS**

**--------- Zoning**

**Process Number**

**08-204**

**SUBJECT PROPERTY**

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/16/08

| REVISION | DATE | BY |
|---|---|---|
| | | |

# MIAMI-DADE COUNTY

**AERIAL YEAR 2008**

**Section: 09 Township: 55 Range: 40**

**Applicant:** DIRECTOR DEPARTMENT OF PLANNING & ZONING

**Zoning Board: BCC**

**Commission District: 08**

**Drafter ID: JEFFER**

**Scale: NTS**

**---------- Zoning**

**Process Number**

**08-204**

N
W E
S

**SUBJECT PROPERTY**

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/16/08

| REVISION | DATE | BY |
|---|---|---|
| | | |