MIAMI-DADE COUNTY

1-5-09 Version #2

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, FEBRUARY 5, 2009

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

TIME OF MEETING 9:30 A.M.

PREVIOUSLY DEFERRED	**HEARING #**	**DISTRICT**

A. Thomas & Michelle Torbert — 07-124 — N 09

Request: Appeal of Administrative decision.

Location: The southwest corner of S.W. 344 Street and S.W. 207 Avenue, Miami-Dade County, Florida.
Deferred from the December 4, 2008 meeting.

B. Meadow View Shopping Center, LLC (DIC) — 08-149 — 11

Request:
- Special exception for Charter School.
- Special exception to permit school within 1 mile of UDB.
- Deletion & modification of conditions of resolution and covenant to provide new site plan.
- Variance of driveway width.

Location: 14901 S.W. 42 Street, Miami-Dade County, Florida.
Deferred from the December 4, 2008 meeting.

C. Kendall Greens Property, LLC — 08-165 — 11

Request: Appeal of Administrative decision.

Location: 15130 S.W. 80 Street, Miami-Dade County, Florida.
Deferred from the December 4, 2008 meeting.

CURRENT

1. Luxor Property Holding, LLC (DIC) — 08-64 — N 12

Request:
- Special exception for Charter School.
- Variances for fence heights, parking, signage.

Location: 17300 and 17302 N.W. 87 Avenue, Miami-Dade County, Florida.

2. Carlisle Group IV, LTD. — 09-1 — N 03

Request: Special exception for multi-family development in a rapid transit zone.

Location: The southeast corner of N.W. 29 Avenue and N.W. 53 Street, Miami-Dade County, Florida.

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, FEBRUARY 5, 2009

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. **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: Denial without prejudice.

Protests: 3 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 12/4/08

B. **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: _____

Deferred from 12/4/08

C. **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: _____

Deferred from 12/4/08

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1. **LUXOR PROPERTY HOLDING L. L. C. (09-2-CC-1/08-64)** **9-52-40**
BCC/District 12

(1) SPECIAL EXCEPTION to permit a charter school.

(2) UNUSUAL USE to permit four entrance features, to wit: 2 decorative gatehouses, metal picket fences, with masonry columns and four metal gates with a maximum height of 15'6" and signage.

(3) Applicant is requesting to permit parking within 25' of a right-of-way (not permitted).

(4) Applicant is requesting to permit one-way drives varying from 10' to 12' in width (14' required).

(5) Applicant is requesting to permit an interior metal gate with concrete columns with a maximum height of 14' (6' permitted).

(6) Applicant is requesting to permit three 30 sq. ft. maximum signs (one 24 square foot sign permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3-#6 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 "Mater Lakes Academy Charter School," as prepared by Civica Architecture & Urban Design, dated stamped received 11/7/08 and consisting of 14 sheets. Plans may be modified at public hearing.

LOCATION: 17300 and 17302 N.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 9.48 Net Acres

Developmental Impact Committee Recommendation: Approval with conditions, subject to the Board's acceptance of the proffered covenant.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **CARLISLE GROUP IV LTD. (09-2-CC-2/09-1)** **21-53-41**
BCC/District 3

SPECIAL EXCEPTION to permit site plan approval for a residential development in the Rapid Transit Zone.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Everett Stewart Senior Brownsville Village Phase 1," as prepared by Corwil Architects, Inc. and consisting of 30 sheets and "Everett Stewart Senior Village Brownsville Village Phase 1," as prepared by JFS Design, Inc. Landscape Architects, consisting of 5 sheets, all dated stamped received 1/05/09. Plans may be modified at public hearing.

LOCATION: The southeast corner of N.W. 29 Avenue and N.W. 53 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.7 Acres

Department of Planning and Zoning Recommendation: Approval with conditions under Section 33-311(A)(3) (special exceptions, unusual uses and new uses).

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.

A. THOMAS & MICHELLE TORBERT
(Applicant)

08-12-CC-1 (07-124)
BCC/District 9
Hearing Date: 2/5/09

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.

ZONING ACTION

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

DATE: December 4, 2008 **#Z-**
ITEM: 1

APPLICANT: THOMAS AND MICHELLE TORBERT (08-12-CC-1/07-124)

ACTION: Deferred to February 5, 2009

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez		X		
Moss	M	X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	S	X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		12	0	1

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

APPLICANT: Thomas and Michelle Torbert **PH:** Z07-124 (08-12-CC-1)

SECTION: 28-57-38 **DATE:** February 5, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** A

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A. INTRODUCTION

- **REQUEST:**

  Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in a 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 requiring 5 acres per building site.

- **SUMMARY OF REQUEST:**

  The applicants disagree with the decision of the Department of Planning and Zoning that the subject property must be developed in accordance with the GU zoning regulations, which requires residential development to occur at a density of 1 unit per 5 gross acres.

- **LOCATION:**

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

- **SIZE:** 65 Acres

B. ZONING HEARINGS HISTORY:

On January 27, 1926, "Florida City Pines" (Plat) was recorded in Plat Book 23, Page 41, of the Public Records of Miami-Dade County, comprising a parcel of land consisting of approximately 152 acres, subdivided into 40 Blocks, with a total of 1,620 lots averaging 5,300 sq. ft. each in area. The subject property constitutes a 65-acre portion of said plat.

On January 12, 1960, pursuant to Resolution #4406 (Exhibit 6), the Board of County Commissioners accepted all dedications or offers to dedicate made to the public of land, 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.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The subject property is located approximately ¾ **of a mile west of and outside the UDB**. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agriculture**. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.
2. In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a **density of no more than one unit per five acres**. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on **three or more contiguous sides** is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area.

3. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

4. **Policy LU-1O**. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

5. **Policy LU-1R**. Miami-Dade County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU; (agricultural trend) crops	Agriculture
Surrounding Properties:	
NORTH: GU; (agricultural trend) vacant	Agriculture
SOUTH: GU; (agricultural trend) crops	Agriculture
EAST: GU (agricultural trend) & EU-M; agricultural row crops	Agriculture
WEST: GU (agricultural trend) vacant	Agriculture

The 65-acre parcel is located between S.W. 207 Avenue and S.W. 209 Avenue lying south of S.W. 344 Street. The surrounding area is being utilized for agricultural purposes.

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**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-314(C)(7) Applications for Appeals of Administrative Decisions. 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	**Objects**
Parks	**No objection**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

H. ANALYSIS:

The Department of Planning and Zoning has determined that as per the GU, Interim District the subject parcel can be developed with a density of one single-family residence per 5 acres of land. Such determination is based on the memorandum dated October 12, 2006 from the Director of the Public Works Department (Exhibit 1) to the Director of the Department of Planning and Zoning stating that the subject Plat is not valid.

Staff summary of Plat issues:

On January 12, 1960, pursuant to Resolution #4406 (Exhibit 6) the Board of County Commissioners accepted right-of-way dedications of those plats which, were recorded prior to January 12, 1960 (Exhibit 6, Page 4 of 4). However, a Special Search (Exhibit 2) by the Public Works Department comprising Florida City Pines PB-23 Pg-41 indicates that:

- Numerous subsequent sales transactions of the land occurred between the time that the Plat was recorded on January 26, 1926 and the time Resolution #4406 (Exhibit 6) was adopted by the Board of County Commissioners, on January 12, 1960. These transactions conveyed parcels by utilizing the U.S. Public Land Description System (fractional) which included portions of the rights-of-way reflected on the recorded Plat. These actions did not recognize the Plat and confirmed the intent to revoke the original offer of the land to be subdivided as shown on the recorded Plat.

Additionally, the County Attorney's Opinion #68-18 (Exhibit 3), dated February 14, 1968, mentions:

- That the offer of dedication was revoked by the numerous conveyances before it could have been accepted by Resolution #4406 (Exhibit 6).

- That the Plat, did not include the proper execution by the mortgagee M. R. Houston, who took back a first mortgage when the Plat was recorded in January 26, 1926, and which would have been required to make the offer of the Plat to the official governmental body legally binding. Therefore, without the acceptance of the right-of-way, the Plat could not have been considered valid.

Moreover, staff notes that on July 24, 1991, pursuant to Resolution #4-ZAB-220-91 (Exhibit 4), the Zoning Appeals Board granted:

- A non-use variance of lot frontage and lot area requirements allowing the construction of a single family residence on a parcel of land with a frontage of 89' where 200' is required and with an area of 2 acres where 5 acres are required on a parcel of land located within the boundaries of the subject Plat. In 1991, the Public Works Department (Exhibit 5), as now, did not recognize the subject Plat and specifically stated the need to plat the property described in Resolution #4-ZAB-220-91 (Exhibit 4).

In conclusion, as submitted by documentation by the Public Works Department the subject Plat was never valid because:

- All conveyances of the subject Plat have not acknowledged the existence of the Plat. The adoption of Resolution #4406, by the Board of County Commissioners on January 12, 1960, occurred after numerous conveyances describing the parcels being conveyed utilizing "metes and bounds" legal descriptions including rights-of-way (as shown on the recorded Plat) and made no reference to the recorded Plat in such conveyances and property taxes have not been paid in accordance with the Plat and have been paid on metes and bounds legal descriptions including right-of-ways.

- The mortgagee, M. R. Houston, did not execute the original Plat.

Additionally, the Department of Planning and Zoning determination was based on the fact that the applicants purchased the subject property on January 30, 2001 as one site, which as per the zoning regulations (Section 33-196) state the following:

- "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".

Comprehensive Development Master Plan **(CDMP)**

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan **(CDMP)** designates this area for **Agricultural** use. The GU zoning of the property is **consistent** with this designation. Staff also notes that a recent Zoning Code amendment (Ordinance #08-57) assigns an AU, Agricultural District, trend of development to all properties zoned GU, Interim District, that are designated Agriculture on the LUP map of the Master Plan and are outside of the Urban Development Boundary (UDB), as is the case with this site. The applicants' request is to allow the subject property to be developed more in line with the Estate Density Residential use designation of the LUP map, which allows a minimum of 1 to a maximum of 2.5 dwelling units per acre, which would be **inconsistent** with this parcel's **Agricultural** LUP map designation of the CDMP, not in compliance with the agricultural trend of development of this GU (agriculturally trended) zoned property, and **incompatible** with the surrounding agricultural area. Additionally, staff notes that the approval of this appeal would set a precedent that would have a detrimental impact on the surrounding rural residential community and would be contrary to the public interest.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Miami Dade Fire Rescue Department** has **no objections** to this application and has an estimated average travel time of **9:30** minutes. However, the **Public Works Department objects** to this application, as stated in their attached memorandum.

I. RECOMMENDATION: Denial without prejudice.

J. CONDITIONS: None

DATE INSPECTED: 04/29/08
DATE TYPED: 02/12/08
DATE REVISED: 02/15/08; 02/21/08; 02/26/08; 03/19/08; 06/05/08; 06/09/08; 06/10/08; 07/15/08; 07/16/08; 07/31/08; 08/13/08; 08/14/08; 10/10/08; 10/14/08; 10/20/08; 11/03/08; 11/06/08; 11/10/08; 11/12/08; 11/24/08; 11/25/08; 12/01/08; 12/02/08; 01/23/09; 01/26/09
DATE FINALIZED: 01/26/09
MCL:MTF:AA

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

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

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 _____

C:\My Documents\Documents\Florida City Pines Plat.doc

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

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.

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)

11

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)

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 +)

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

Rafael Rodriguez
Title Analyst

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

EXHIBIT – 3 (1 OF 3)

County Attorney's Opinion No. 68-18

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

DATE: February 14, 1968

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, 1968 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, 1968 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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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & ZONING DEPT
BY

EXHIBIT – 3 (2 OF 3)

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ZONING HEARINGS SECTION
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. K. 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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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 RDJ 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 C Kelly
Signature

5-17-91
Date

Exhibit - 6 (1 OF 4)

(Not on Agenda)

RESOLUTION NO. 4406

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

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.

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-52654
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.

PH# Z2007000124
CZAB - BCC

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: 01/15/09
REVISION 2

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 20091000071 was opened based on enforcement history request and inspected on 1-9-09. No violations were observed and case was closed.
Previous 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

RECEIVED
07-124
APR 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

*AMOUNT OF FEE $855.00

Total including surcharge $923.40

Additional Radius Fee $_____

Imaging Fee $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. 57S 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 #DD647375
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

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APR 12 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.

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2007-14
APR 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

MIAMI-DADE COUNTY

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

miamidade.gov

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

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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2007-124
APR 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

EXHIBIT
8

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)

SILA_DB:998401_1

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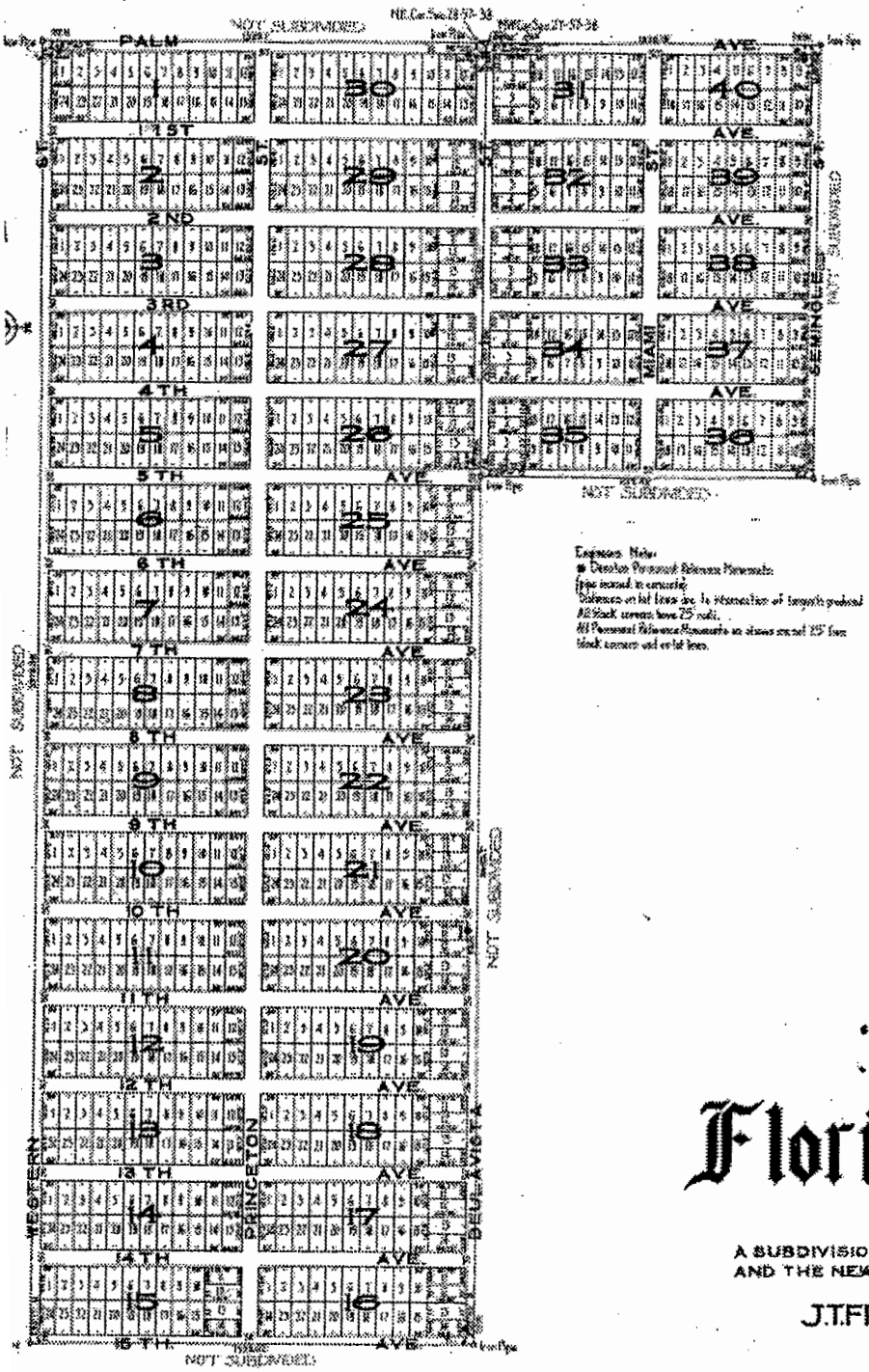
2014
APR 16 2014
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY:

EXHIBIT
tabbies
C



Engineers Notes

● Denotes Permanent Reference Monuments

Lots numbered as corners(●)

Distances on lot lines are to intersection of tangents produced

All Block corners have 25' radii.

All Permanent Reference Monuments as shown are set 25' from block corners and on lot lines.

KNOW ALL MEN BY THESE PRESENTS:

That John T. Fredericksen and Daisy 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 east quarter (NE¼) of the northwest 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 northeast quarter (NE¼) 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, whenever closed or vacated in accordance with law.

In witness whereof whereon hereunto set our hands and seals at Miami, Dade County, Florida, this 15th day of June A.D. 1926.

In the presence of:

Ivy C. Clark

J. H. Bailey

John T. Fredericksen

Daisy 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 Daisy 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 Daisy 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 the right, title and interest, whether dower, homestead or of separate property, whatsoever or expectable in or 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 15th day of June A.D. 1926.

My commission expires October 5 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 property as recently surveyed and platted under our direction and that concrete monuments were placed as shown.

ROLLER & HORNE, ENGRS.

By

Registered Engr. State of Florida No. 1230

Approved by Wright C. Matson, SCE

County Engineer

Filed for Record 22 day of June, A.D. 1926 at 3:31 P.M. in Book 22 of Plats, Page 41

Public Records of Dade County, Florida

P.K. Yon

Clerk of Circuit Court

By

Deputy Clerk

Florida City Pines

DADE COUNTY, FLA.

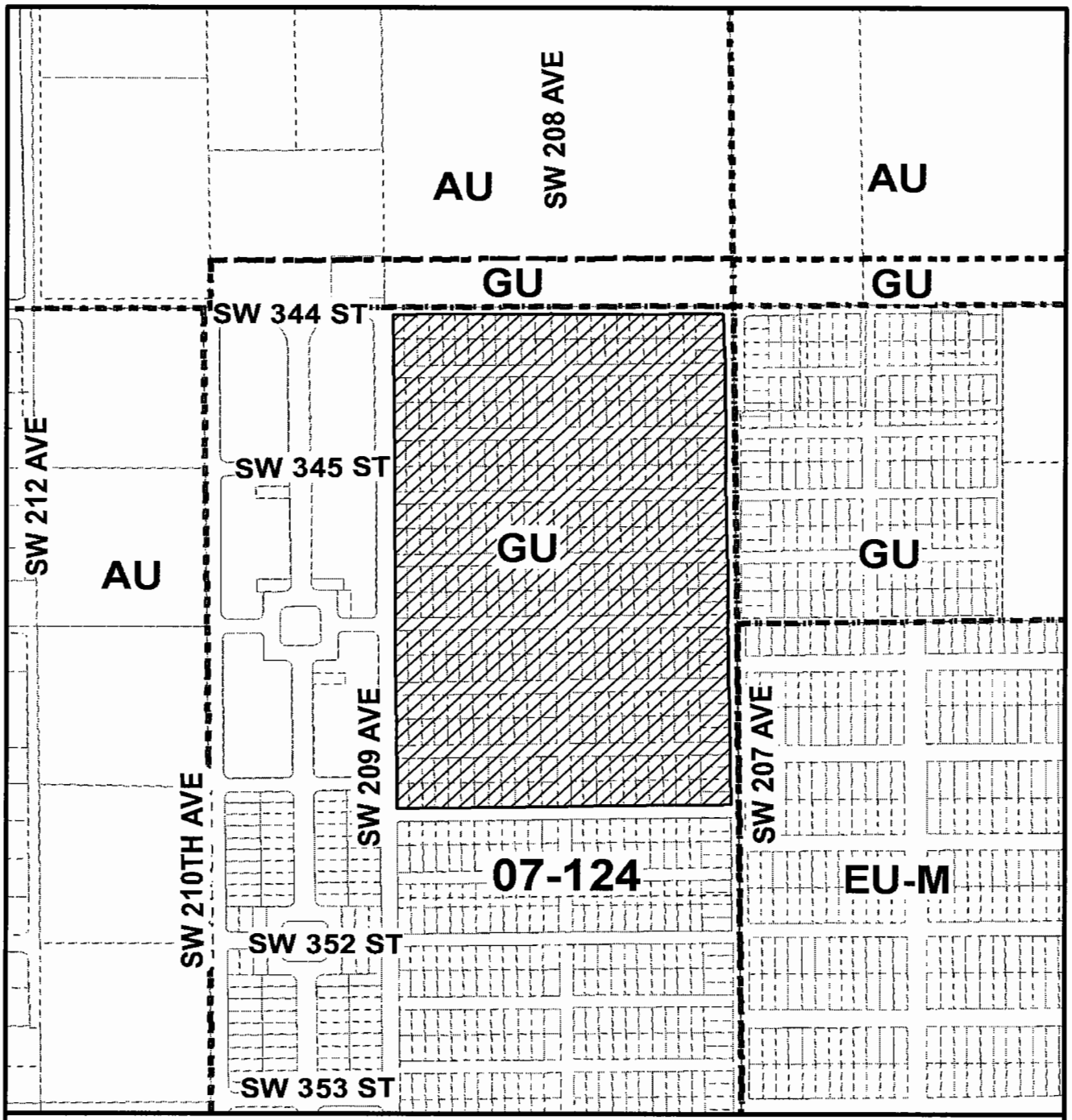
A SUBDIVISION IN THE NW¼ OF SEC. 27, TWP 57S, RGE 38E
AND THE NE¼ AND THE SE¼ OF SEC. 28 TWP 57S, RGE 38E

FOR

J. T. FREDERICKSEN & J. H. CLARK

Scale 1"=50' ROLLER & HORNE, ENGRS. 149 NINTH AVE. MIAMI, FLA. Jan 1926

39



MIAMI-DADE COUNTY

HEARING MAP

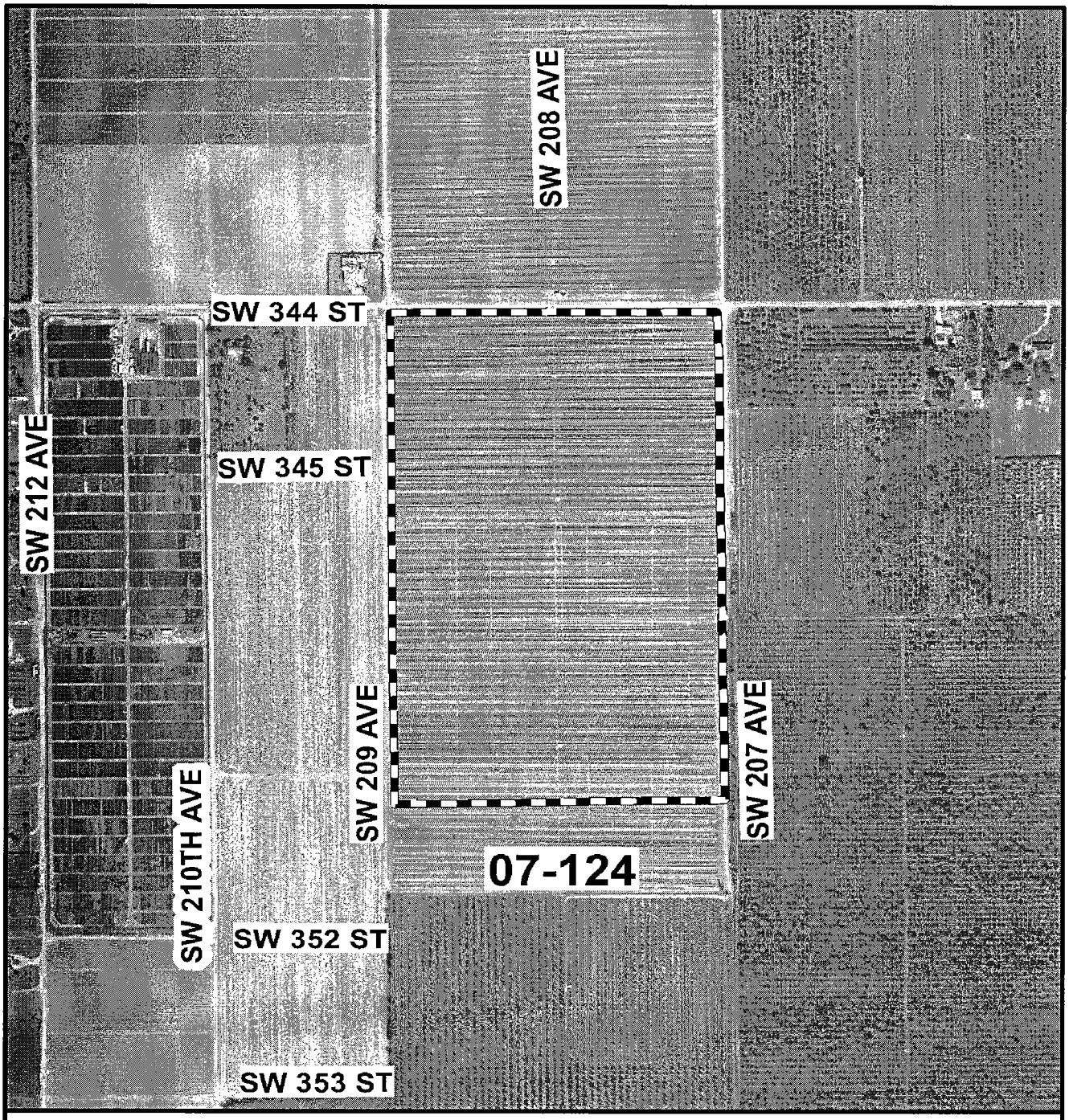
S C A L E
0 NTS
N

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

B. MEADOW VIEW SHOPPING CENTER, LLC **08-12-CC-4 (08-149)**
(Applicant) **BCC/District 11**
Hearing Date: 2/5/09

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

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

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. - Special exception zero lot line development. - Non-Use variances.	BCC	Approved
2004	149 Bird, LLC	- Zone change from BU-1A to RU-3M. - Deletion of the Declaration of Restrictions.	BCC	Approved w/conds.
2006	Meadow View Shopping Center LLC	- Modification of Declaration of Restrictions. - 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.

ZONING ACTION

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

DATE: December 4, 2008 **#Z-**

ITEM: 4.

APPLICANT: MEADOW VIEW SHOPPING CENTER LLC
(08-12-CC-4/08-149)

ACTION: Deferred to February 5, 2009

ROLL CALL	**M/S**	**YES**	**NO**	**ABSENT**
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman	S	X		
Martinez	M	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		12	0	1

Memorandum

MIAMI-DADE COUNTY

Date: February 5, 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 12th 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

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

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

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

MIAMI-DADE COUNTY

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)

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

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 SW 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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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# DD0014058
Expires 3/2/2010
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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2008 149
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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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208149
AUG - 5 2008
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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: _____ MANAGER

Print: IGNACIO G. ZULUETA

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)

SUEY PLEITES
MY COMMISSION # DD 415270
EXPIRES April 16, 2009

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 (47)
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY__

47

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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2081491
SEP 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

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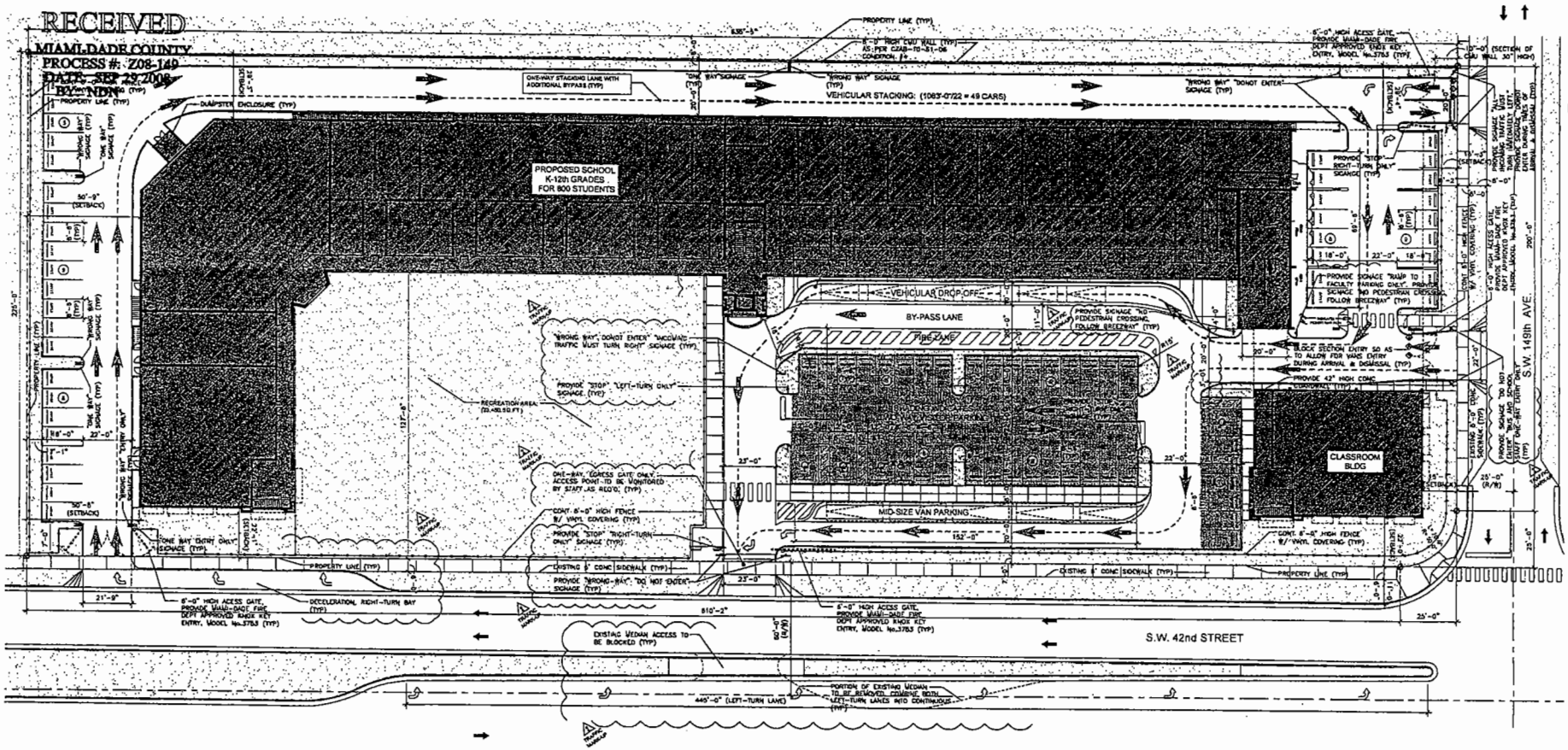
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN



1 A1.1 PROPOSED SCHOOL SITE PLAN

SCALE: 1" = 20'-0"

SCHOOL INFORMATION:

800 STUDENTS	GRADES K-12
PARKING FRAGMENTATION:	
GROUND FLOOR:	39 SPACES FOR VISITOR 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 TRAFFIC MAP/MAP

REMOVED PKG AS PER PWRS

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 & MAP-IN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33128
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
5255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
060113

No.	DATE	REVISION	BY
1	09.05.08	DIC COMMENT / Pinkie Traffic / PWRS Dept. / Army Pin Dept. / U. Beaver	IAF
1	09.16.08	Traffic / PWRS Dept. / 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

44

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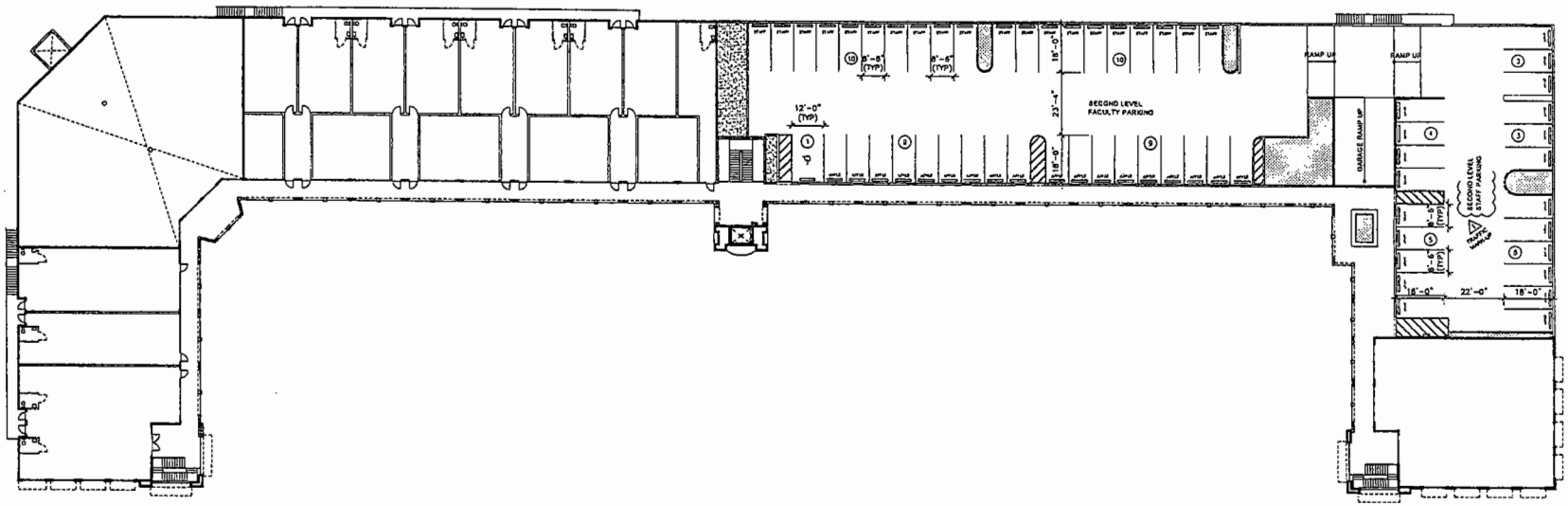
BY: NDN



1 / A1.1.1 PROPOSED SCHOOL: SECOND FLOOR PARKING

SCALE: 1" = 20'-0"

N

CIVICA
ARCHITECTURE • MARINE 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:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY
1	09.06.08	Traffic / PHASE Dept. J. Arias	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
SECOND FLOOR PARKING

SHEET NUMBER
A-1.1.1

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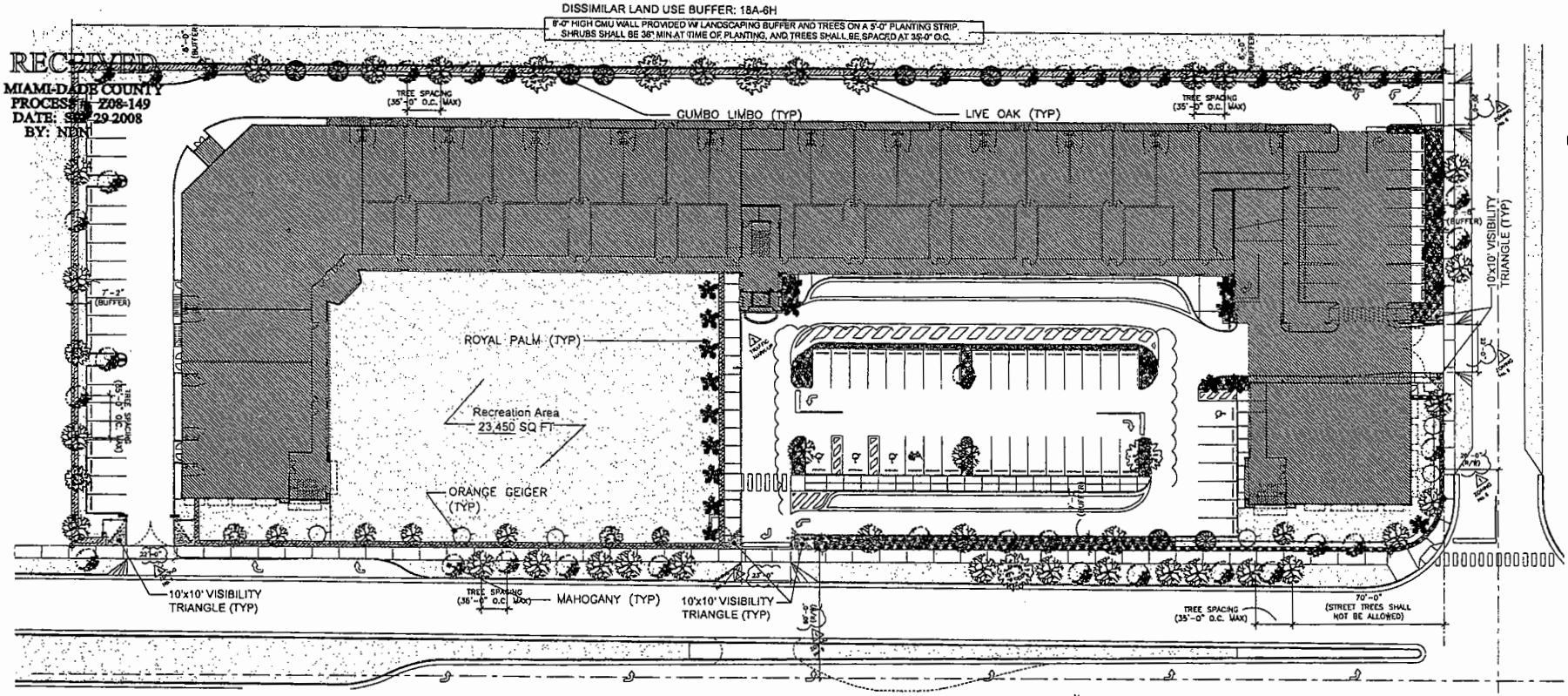
DATE: SEP 29 2008
BY: NDN

DISSIMILAR LAND USE BUFFER: 18A-6H
6'-0" HIGH CMU WALL PROVIDED W/ LANDSCAPING BUFFER AND TREES ON A 5'-0" PLANTING STRIP. SHRUBS SHALL BE 36" MIN AT TIME OF PLANTING, AND TREES SHALL BE SPACED AT 35'-0" O.C.



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-WAY 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 SUFFER 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: 305.5939855
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	PER COMMENT LETTER	IAF
2	09.16.08	PER PINECREST PLANNING & ZONING COUNCIL	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 LANDSCAPING PLAN

SHEET NUMBER
LA-1.4

96

LANDSCAPING SPECIFICATIONS

PART 1 – GENERAL

1.1 SCOPE
A. Provide all labor, materials, equipment, ... [illegible]

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DATE: SEP 25 2008
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1.4 PLANT QUALITY [illegible]

1.5 PLANT QUANTITY [illegible]

1.6 UNIT PRICES [illegible]

1.7 INSPECTION CERTIFICATES [illegible]

1.8 GRADING [illegible]

CLEAN-UP [illegible]

1.10 MAINTENANCE [illegible]

1.11 OPERATIONS FOR ACCEPTANCE [illegible]

1.12 GUARANTEE [illegible]

1.13 REPLACEMENT [illegible]

PART 2 – MATERIALS

2.1 PLANTING SOIL [illegible]

2.2 FERTILIZER [illegible]

2.3 WATER [illegible]

2.4 MULCH [illegible]

PART 3 – INSTALLATION PROCEDURES

3.1 LAYOUT [illegible]

3.2 HERBICIDE TREATMENT [illegible]

3.3 PLANT PIT EXCAVATION AND BACKFILLING [illegible]

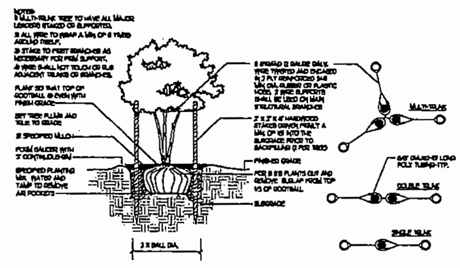
3.4 WATERING-IN [illegible]

3.5 FERTILIZING [illegible]

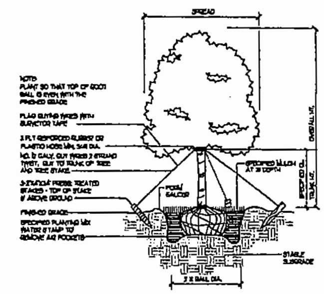
3.6 MULCHING [illegible]

3.7 GUYING & BRACING [illegible]

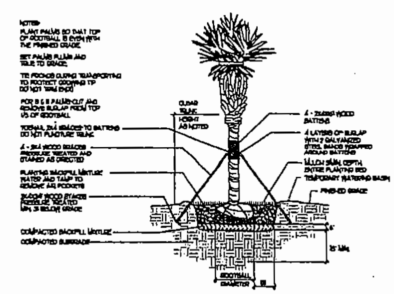
3.8 SODDING [illegible]



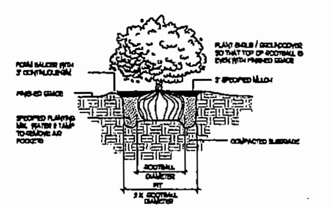
MULTI-TRUNK TREE PLANTING/STAKING DETAIL
N.T.S.



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 BU-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.	25,346 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.	26,856 S.F.
A. Total s.f. of landscaped open space required by Chapter 33	24,285 S.F.	26,856 S.F.
B. Maximum lawn area (sod) permitted 40% x 24,285 S.F. = 9,700 SQ.FT.	9,700 S.F.	9,430 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	19
% Palms permitted to count as street trees on 1:1 basis x (95 / 3) x30% = 14 (AFTER, Palms permitted to count as 2:1)	14	18 (Equivalent to 15 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)	120	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 sort 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 indicated 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:
7-6-8 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 50% 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 weed 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 8' 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 #26001080

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. Pinto	IAF

DRAWN BY: JV APPROVED BY:
DATE: 2008 SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLANES, AIA
AR - 0013100

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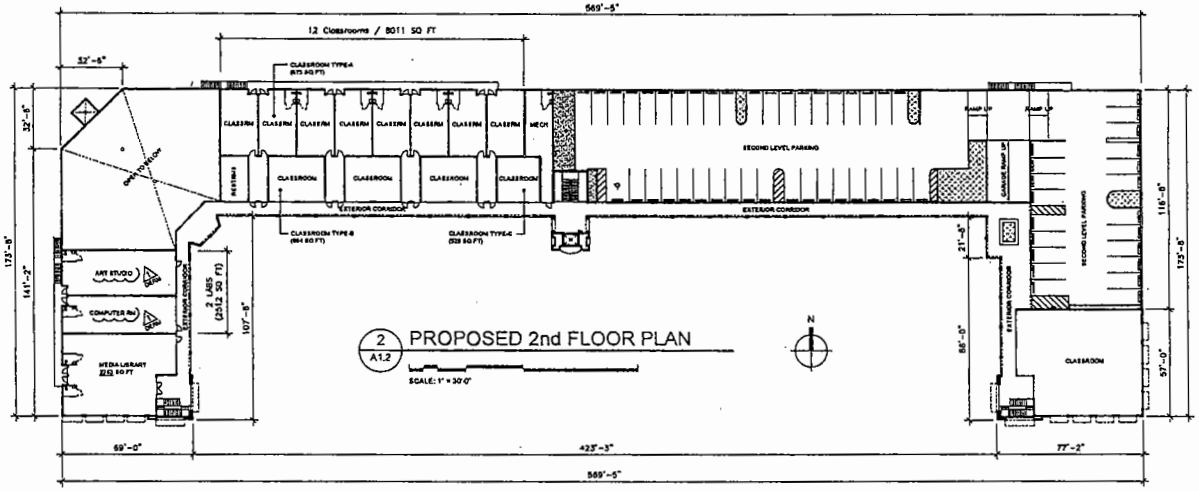
SHEET TITLE
LANDSCAPE LEGEND & NOTES

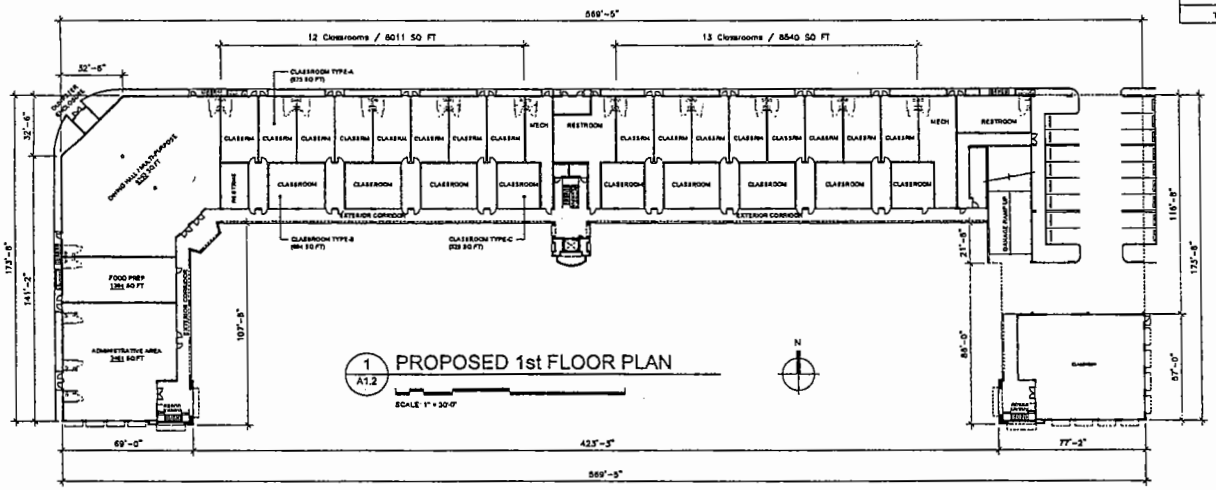
SHEET NUMBER
LA-1.5

47

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN



	Ground LVL	Second LVL	Total
Classroom/Art/Comp	16551 SF	12666 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



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:
DIC

CIVICA PROJECT No:
040113

No.	DATE	REVISION	BY
1	09.05.08	DERM	IAF

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLANES, AIA
AR - 0013100

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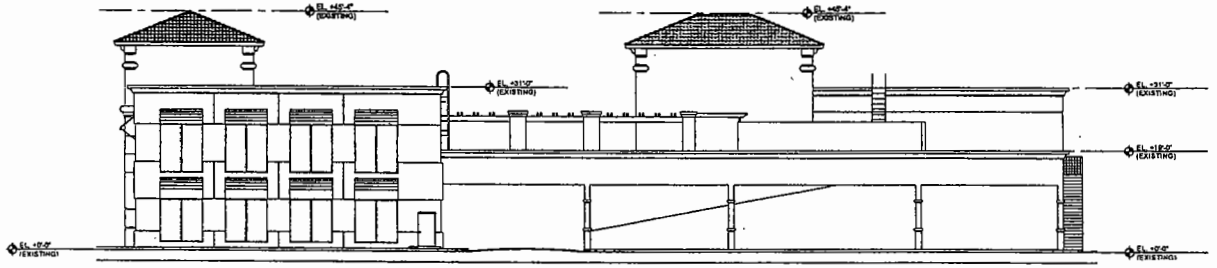
©PINECREST 2008

SHEET TITLE
PROPOSED
1st & 2nd
FLOOR PLANS

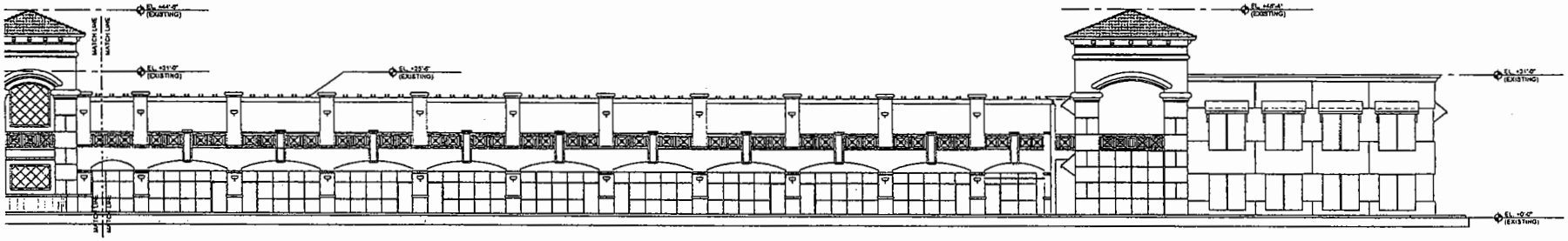
SHEET NUMBER
A-1.2

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN



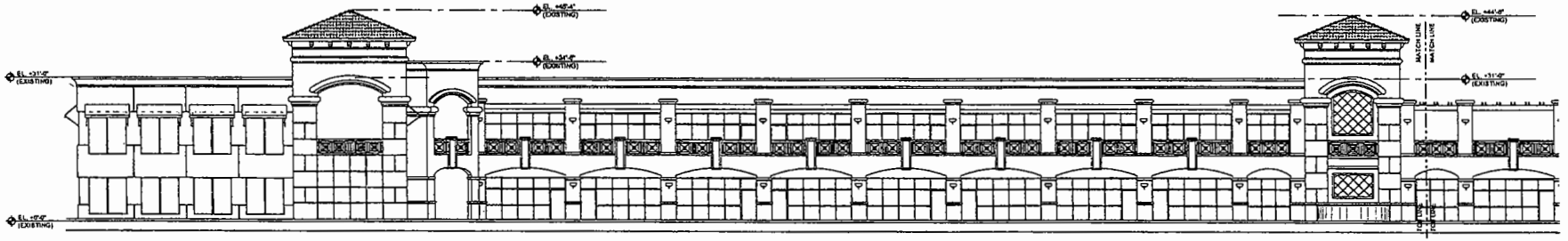
1 A1.3 EAST ELEVATION (TO REMAIN)

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)

CIVICA
ARCHITECTURE + URBAN DESIGN

8323 NW 12th Street
Suite No.205
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
8255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLANES, AIA
AR - 0013180

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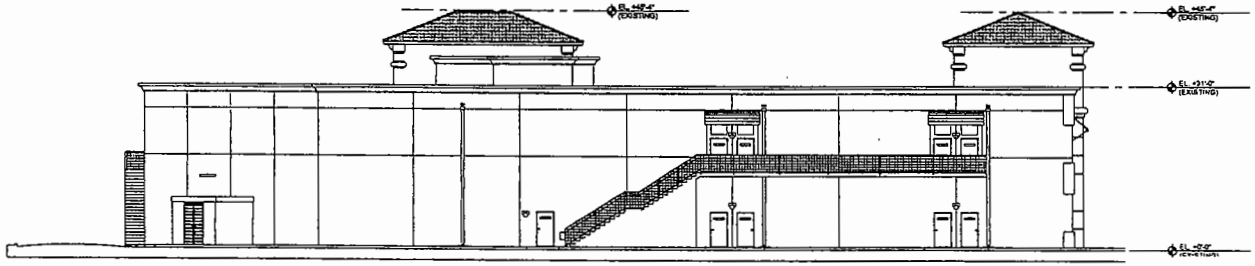
SHEET TITLE
EXISTING
ELEVATIONS

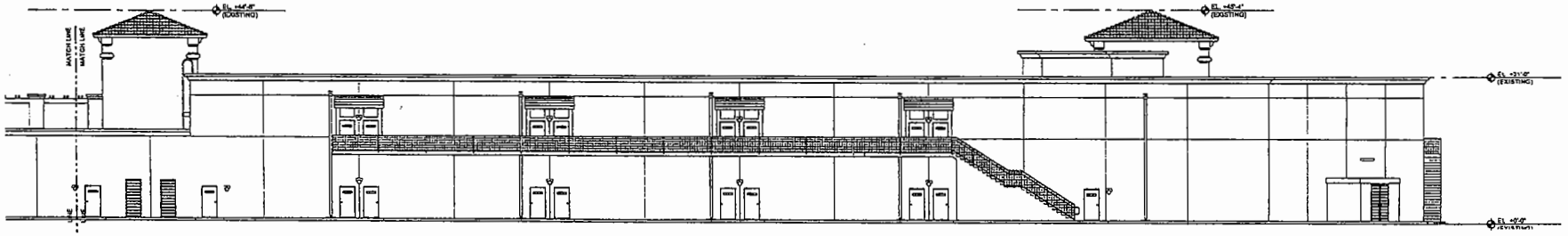
SHEET NUMBER
A-1.3

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: SEP 29 2008
BY: NDN



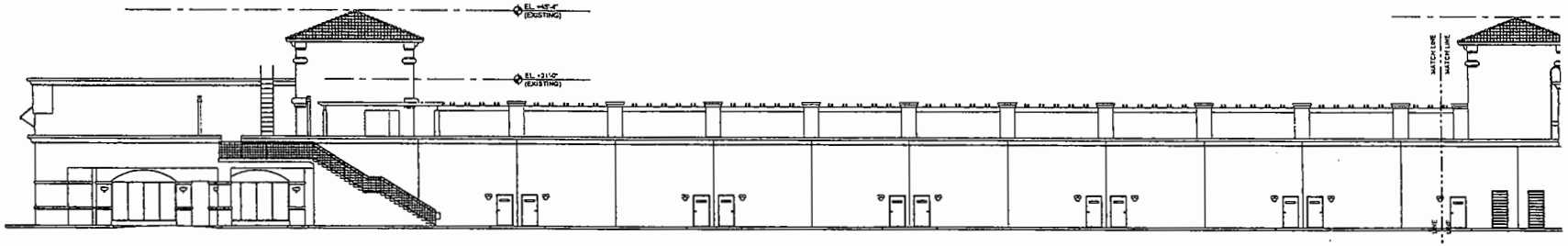
1 A1.3 WEST ELEVATION (TO REMAIN)

SCALE: 3/32" = 1'-0"



2 A1.3 PARTIAL NORTH ELEVATION (TO REMAIN)

SCALE: 3/32" = 1'-0"



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: 305.593.9959
fax: 305.5939855
AA #26001083

PROJECT:
PINECREST ACADEMY
CHARTER SCHOOL
WEST CAMPUS
SW 42nd ST & SW 149th AVE
Miami, FL

APPLICANT:
PINECREST
ACADEMY
8255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY

DRAWN BY: JV
APPROVED BY:
DATE: 2008
SCALE: AS SHOWN

SEAL/SIGNATURE

09.16.08

ROLANDO LLAMES, AIA
AR - 0013180

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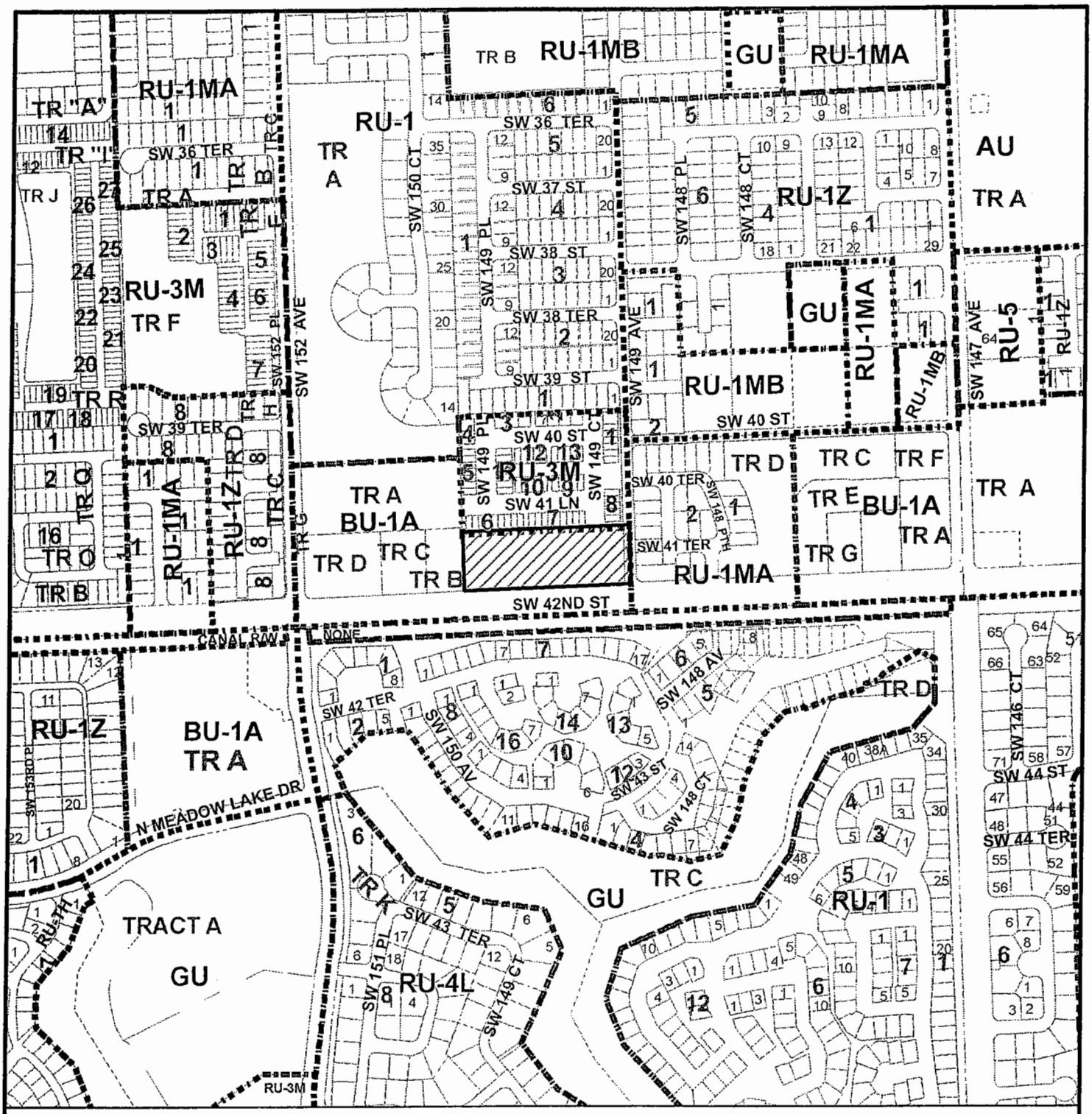
SHEET TITLE
EXISTING
ELEVATIONS

SHEET NUMBER
A-1.3.1

50



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-149

N
W E
S

SUBJECT PROPERTY

Section: 16 Township:54 Range: 39
Applicant: MEADOW VIEW SHOPPING CENTER, LLC
Zoning Board: BCC
Commission District:11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

REVISION	DATE	B
		51

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-149

N
W E
S

SUBJECT PROPERTY

Section: 16 **Township:**54 **Range:** 39
Applicant: MEADOW VIEW SHOPPING CENTER, LLC
Zoning Board: BCC
Commission District:11
Drafter ID: KEELING
Scale: NTS
---------- Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

REVISION	DATE	BY

This instrument was prepared by:

Name: Leila Batties
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

BCC - February 5, 2009
Item #B —— 08-149
Meadow View Shopping Center, LLC

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS FOR CHARTER SCHOOL

THIS DECLARATION OF RESTRICTIONS is made this ___ day of _____, 2008, by **MEADOW VIEW SHOPPING CENTER, LLC,** a Florida limited liability company, (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain 3.28-acre parcel located at the northwest intersection of SW 42 Street and SW 149 Avenue, in unincorporated Miami-Dade County, and which are more particularly described as follows:

See attached Exhibit "A"

hereinafter referred to as the "Property;"

WHEREAS, the Owner submitted to Miami-Dade County Public Hearing No. 2008-149 (the "Application") to permit the use of the Property for a charter school to be known as **PINECREST ACADEMY CHARTER SCHOOL WEST CAMPUS** (the "Charter School");

WHEREAS, the Property was previously approved for use as a shopping center pursuant to Resolution No. CZAB10-61-06, and subject to the covenants in that certain declaration of restrictions recorded at ORB 22345, Page 1452 (the "Declaration");

WHEREAS, the Application seeks to change the use on the Property from a retail shopping center to the Charter School, and to delete the Declaration;

Received by
Zoning Agenda Coordinator
JAN 20 2009

NOW THEREFORE, IN ORDER TO ASSURE the County that the representations made during consideration of the Application will be abided by, the Owner freely and voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. That a full set of plans 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 be limited thereto, 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 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," by Civica dated stamped received _____.

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

4. That the Owner 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 Owner obtain a Certificate of Use from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the Owner comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within the DIC Report.

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 shall be opened at least 30 to 45 minutes prior to the arrival and dismissal times.

10. That the Charter School use shall be limited to grades K-12 for a maximum of 800 students.

11. That the Charter School shall have a minimum of three staggered start and dismissal times as follows:

7:30 – 2:30	Grades K – 5	approximately 324 students
8:00 – 3:00	Grades 6 – 8	approximately 180 students
8:30 – 3:30	Grades 9 – 12	approximately 296 students

Notwithstanding the foregoing, no more than 378 students shall arrive or be dismissed in a single shift.

12. That, in addition to staggered/start dismissal times, the Charter School shall take appropriate measures to ensure, to the extent possible, passenger vehicles are not stacked in through lanes or parked in non-designated parking areas in the public rights of way. Furthermore, the Charter School shall provide before and after school care in order to minimize the vehicular trips or extended stacking time for families with students in two or more start/dismissal periods.

13. That within thirty (30) days of the approval of the Application, the Owner shall submit to the Public Works Department a maintenance of traffic operation plan, which shall include the provision of any traffic control devices (e.g., cones, delineators) for arrival and dismissal periods.

14. If the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:

(a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or

(b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or

(c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or

(d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

15. Miscellaneous

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time of entering and inspecting the use of the Property 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 shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions

contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

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 this Declaration in whole, or in part, provided that such change has been approved by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to that portion of Property covered under said modification, amendment or release 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.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/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 set forth in this Declaration. 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/her/its 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, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, 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.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety,

then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

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

[Signature Pages Follow]

IN WITNESS WHEREOF, MEADOW VIEW SHOPPING CENTER, LLC, has caused these present to be signed in its name on this ____ day of _____, 2008.

WITNESSES:

_____
Witness

_____
Printed Name

_____
Witness

_____
Printed Name

MEADOW VIEW SHOPPING CENTER, LLC,
a Florida limited liability company

By: _____
Signature

_____
Printed Name / Title

Address:

_____

_____

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2008, by _____, as manager of Meadow View Shopping Center, on behalf of said limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

_____
Notary Public – State of Florida

_____
Printed Name

JOINDER BY MORTGAGEE
TO THE DECLARATION OF RESTRICTIONS

The undersigned, _____, a Florida corporation, and mortgagee ("Mortgagee") under that certain mortgage recorded in Official Records Book _____, Page _____ in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions (the "Declaration") does hereby acknowledge that the terms of the Declaration are and shall be binding upon the undersigned and its successors in from and after the date Mortgagee or any purchaser acquires title to said property by foreclosure or any other means.

NOW THEREFORE, Mortgagee consents to the recordation of the Declaration.

Mortgagee makes no warranty or any representation of any kind or nature concerning the Declaration, any of its terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation as well as any participation in the development of the Charter School, and does not assume and shall not be responsible for any of the obligations or liabilities of the Owner or Charter School Operator contained in the Declaration. None of the representations contained in the Declaration or other documents shall be deemed to have been made by the Mortgagee, nor shall they be construed to create any obligations on the Mortgagee to any person relying thereon. Nothing contained herein shall affect or impair the rights and remedies of the Mortgagee as set forth in the mortgage or in the Declaration.

IN WITNESS WHEREOF, these presents have been executed this ___ day of _____, 2008.

WITNESSES:

_____ By: _____
Signature Signature

_____ _____
Printed Name Printed Name / Title

_____
Signature Address: _____

_____ _____
Printed Name

STATE OF _____)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, as _____ of _____, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

My Commission Expires:

_____
Notary Public – State of _____
Printed Name _____

C. KENDALL GREENS PROPERTY, LLC **08-12-CC-5 (08-165)**
(Applicant) **BCC/District 11**
Hearing Date: 2/5/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

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. - 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. - 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. - Deletion of covenant and resolution. - Special exception for religious facility. - 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. - Deletion of covenant.	BCC	Approved
2008	Kendall Greens Property, LLC	- Special exception to expand a charger school. - 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.

ZONING ACTION

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

DATE: December 4, 2008 **#Z-**

ITEM: 5.

APPLICANT: KENDALL GREENS PROPERTY, LLC (08-12-CC-5/08-165)

ACTION: Deferred to February 5, 2009

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez	M	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	S	X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		12	0	1

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:** February 5, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** C

==========

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:

This application was deferred from the December 4, 2008, Board of County Commissioners meeting at the applicant's request. 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). 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. Additionally, the Department of Planning and Zoning has inspected the subject school and has verified that the school curriculum has included 7th and 8th grades which as determined by the Director of the Planning and Zoning Department are not permitted under the aforementioned Declaration of Restrictions. Moreover, staff has also verified that the school

use has been expanded onto additional property to the south, which is not permitted under the approved site plan and Declaration of Restrictions. 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; 01/8/09
DATE FINALIZED: 01/08/09
MCL:MTF:NN: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

11

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.

DATE: 01/23/09

TEAM METRO

ENFORCEMENT HISTORY

KENDALL GREENS PROPERTY, LLC	15130 S.W. 80 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2008000165

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY:

Folio No. 30-4933-0020021

CMS 200912000246

01/22/09 No current violations observed

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.

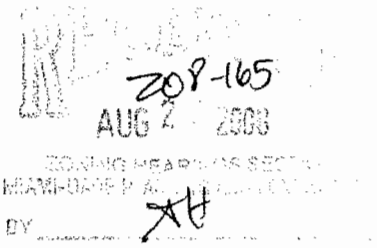
03/10/08 CVN was paid and case was closed.

08/06/08 No current violations at the present time. (Enforcement History)

10/21/08 No current violations at the present time.

MARITZA ROJAS

APPLICATION FOR PUBLIC HEARING
APPEAL OF ADMINISTRATIVE DECISION



*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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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 ARROYAS
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
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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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SEP 23 2008
ZONING HEARINGS SECTION
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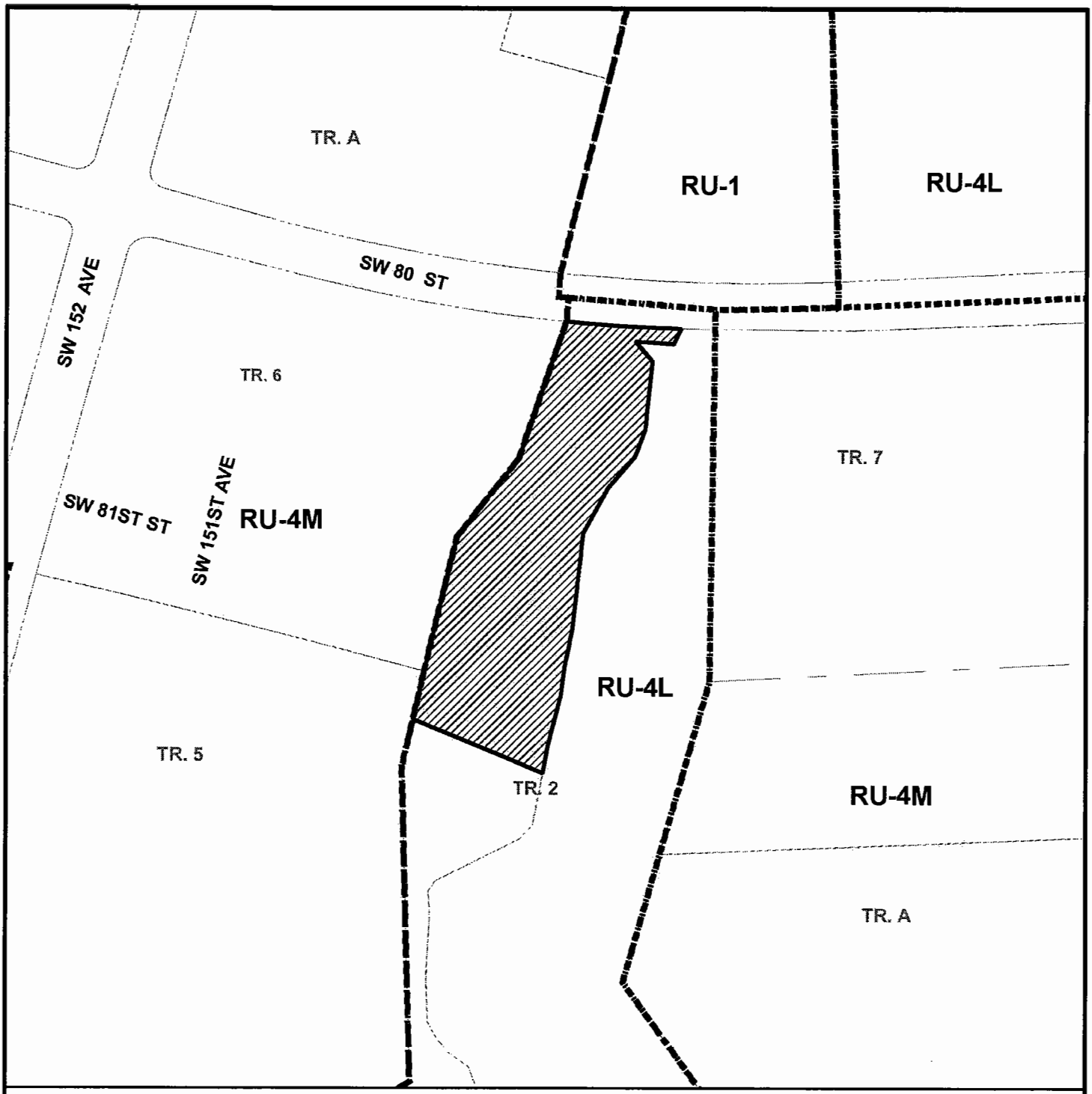
BY: AB



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
	20	

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

Received by
Zoning Agenda Coordinator
DEC 0 1 2008

CFN 2003R0696685
OR Bk 21660 Pgs 4050 - 4060; (11pgs)
RECORDED 09/18/2003 14:36:59
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

ITEM #C
HEARING # 08-165
KENDALL GREEN PROPERTY LL

This instrument was prepared by:
Name: Graham Penn, Esq.
Address: Bercow & Radell, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(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. 03-128 (the "Application") shall be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) The Senior Housing Parcel, described in Exhibit "B" attached hereto, shall be developed substantially in compliance with the plans previously submitted, entitled "The Greens at Kendall Lakes Senior Apartments" by ReyMar & Associates, Inc., Architects and Planners, consisting of eighteen (18) sheets, sheets SP-2 and LP-1 dated July 17, 2003 and the remaining sheets dated July 15, 2003, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. (Hereafter referred to as the "Site Plan").

(2) In no event shall the residential density of the Senior Housing Parcel exceed 240 units. The use shall be limited to very low, low, and/or moderate income housing for older persons as defined by the Fair Housing Act, 42 U.S.C. § 3607.

(3) 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

(Public Hearing)

(Space reserved for Clerk)

school and, if approved by the Miami-Dade County School Board and the 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 Owner shall obtain a certificate of use for the charter school within five (5) years of the date of the Application's approval and operate the school in good faith. If the charter school is not approved, constructed, and operated, the Owner shall provide alternative school mitigation to the Miami-Dade School Board. In the event the Owner provides alternative mitigation that is accepted by the Miami-Dade County School Board, the requirement to build the charter school shall be obviated. Proof of said approval shall be delivered to the Department of Planning and Zoning, and said evidence shall be subject to the approval of the Director. In the event that the charter school site is not developed as a charter school, it shall remain open space as part of the Senior Housing Parcel residential development, shall be maintained by the Owner at the Owner's expense, and shall not be further subdivided.

(4) The Park Parcel, which is legally described in Exhibit "C" attached hereto, shall be improved and offered to the County for ownership and use as a public park upon approval of the Application. The improvements to be completed by the Owner shall be the construction of a eight (8) foot wide pedestrian walkway, a fence around the existing lake of a type and design approved by the Miami-Dade County Park and Recreation Department, and ten (10) parking spaces located north of S.W. 80 Street, all constructed substantially in compliance with the "Kendale Lakes Park Plan" by ReyMar & Associates, Inc., Architects and Planners, dated July 15, 2003 and consisting of one sheet, said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The Owner shall bond in an amount and manner acceptable to the County for the full costs of the planned improvements to the Park Parcel prior to obtaining the first building permit for the Senior Housing Parcel residential development. All improvements to the Park Parcel shall be completed prior to the Owner's request for or issuance of a certificate of use for the Senior Housing Parcel residential development. The Park and Recreation Department shall determine whether the improvements have been completed. The Park Parcel shall be

(Space reserved for Clerk)

conveyed to the County by general warranty deed, in fee simple, free from all liens and encumbrances. Conveyance shall include a Phase I Environmental Assessment, and Phase II Environmental Assessment if such investigations are included as a recommendation of the Assessment Report(s) prepared by a licensed geotechnical firm.

(5) If the County declines to accept ownership of the Park Parcel, the Owner shall improve and perpetually maintain the Park Parcel as recreational open space available to the public at no charge. In such an event, the Park Parcel shall be developed in substantial compliance with the "Kendale Lakes Park Plan," in accordance Paragraph 4 herein. If the Park Parcel is not accepted by the County, in no event shall the Park Parcel be sold, conveyed, or otherwise transferred separately from the Senior Housing Parcel.

(6) Upon approval of the Application, the Owner shall offer the approximately 0.67 acre subparcel labeled as "Future Senior Center" on the Site Plan to the County for use as a senior center open to the public. In the event the subparcel is not accepted by the County, the Owner shall apply for and diligently seek public hearing approval for a senior center on the subparcel within two (2) years of the date of the Application's approval. In the event that public hearing approval of a senior center is not granted, the subparcel shall remain open space as part of the Senior Housing Parcel residential development, shall be maintained by the Owner at the Owner's expense, and shall not be further subdivided.

(7) Under any development plan, no less than fifty (50) percent of the Property's gross acreage shall remain as park or recreational open space.

(8) The Owner shall create and maintain a homeowners' association, property association, or other similar entity, to be approved by the County to maintain the open space on the Property in perpetuity.

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.

(Space reserved for Clerk)

Acceptance of Proffered Donations. The County is under no obligation to accept any of the proffered donations, dedications, or conveyances provided for in this Declaration.

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

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

Modification, Amendment, Release. 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

(Space reserved for Clerk)

With Expansion") and those owners within one hundred and fifty (150) feet of the boundaries of the Property With Expansion.

Should this Declaration 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

(Space reserved for Clerk)

approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

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

Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

ACKNOWLEDGMENT
CORPORATION

Signed, witnessed, executed and acknowledged on this 9 day of July, 2003.

IN WITNESS WHEREOF, Benz Leasing, Inc. (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature
ROBERT J. LIPSCOMB
Print Name
Harriette Moore
Signature
HARRIETTE MOORE
Print Name

Benz Leasing, Inc.
Name of Corporation
Address:
612 S.E. 5 Avenue, #1
Ft. Lauderdale, Florida 33301

By [signature], President
(President, Vice-President or CEO*)

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF Florida
COUNTY OF Broad

The foregoing instrument was acknowledged before me by JAMES D EVANS the President of Benz Leasing Inc 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 9 day of July, 2003, in the County and State aforesaid.

Harriette Moore
Notary Public-State of FLORIDA
HARRIETTE MOORE
Print Name

My Commission Expires:

OFFICIAL NOTARY SEAL
HARRIETTE MOORE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC 881299
MY COMMISSION EXP. NOV. 13,2003

Exhibit A

Legal Description of Property

Tracts 2 and 3 of KENDALE LAKES WEST SECTION ONE, according to the plat recorded in Plat Book 98 at Page 2 of the Public Records of Miami-Dade County, Florida, less and except that portion located within BENSON LAKES SUBDIVISION, according to the plat thereof, as recorded in Plat Book 147 at Page 17 of the Public Records of Miami-Dade County, Florida.

Exhibit B

Legal Description of Senior Housing Parcel

Tract 2 KENDALE LAKES WEST SECTION ONE, according to the plat recorded in Plat Book 98 at Page 2 of the Public Records of Miami-Dade County, Florida, less and except that portion located within BENSON LAKES SUBDIVISION, according to the plat thereof, as recorded in Plat Book 147 at Page 17 of the Public Records of Miami-Dade County, Florida.

Exhibit C

Legal Description of Park Parcel

Tract 3 KENDALE LAKES WEST SECTION ONE, according to the plat recorded in Plat Book 98 at Page 2 of the Public Records of Miami-Dade County, Florida.

Exhibit D

Legal Description of Expanded Property

Tracts 2 and 3 of KENDALE LAKES WEST SECTION ONE, according to the plat recorded in Plat Book 98 at Page 2 of the Public Records of Miami-Dade County, Florida and Tract D of BENSON LAKES SUBDIVISION, according to the plat thereof, as recorded in Plat Book 147 at Page 17 of the Public Records of Miami-Dade County, Florida.

1. LUXOR PROPERTY HOLDING, LLC
(Applicant)

09-2-CC-1 (08-64)
BCC/District 12
Hearing Date: 2/5/09

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

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1972	Bud H. Rice	Unusual Use to permit a lake excavation.	ZAB	Approved w/conds.
1975	Rudolph G. Cook	Variance bedroom, bathroom, and closet to have access through carport.	ZAB	Approved
1975	Rudolph G. Cook	Variance guesthouse to front principal residence and to be setback less than required from front property line at 87 Avenue.	ZAB	Approved w/conds,
2005	Ronald J. Martin	Zone change from QU to RU-1M(b).	CZAB-5	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: February 5, 2009

To: Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Luxor Property Holding, LLC (Z08-064)

SUMMARY OF REQUESTS:

The applicant, Luxor Property Holding L.L.C., is requesting a special exception to permit a charter school. Additionally the applicant is seeking an unusual use to permit four entrance features with 30 square foot signs and four metal gates with a maximum height of 15'6". The applicant is also seeking to permit parking within 25' of a right-of-way, one-way drives to be less in width than is permitted, and interior metal gates with a maximum height of 14' and to permit 3 – 30 square feet maximum signs.

LOCATION: 17300 and 17302 N.W. 87 Avenue, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting a special exception for a charter school. 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, 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 modifications to the charter school site, with the applied conditions, 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. Z08-64
LUXOR PROPERTY HOLDING, LLC

Respectfully Submited,

DIC Executive Council
January 21, 2009

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

Maria Teresa Fojo, Acting Assistant Director
Department of Planning and Zoning — AYE

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

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: Luxor Property Holdings L.L.C. **PH:** Z08-064 (08-12-CC-1)

SECTION: 9-52-40 **DIC DATE:** January 21, 2009

COMMISSION DISTRICT: 12

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A. INTRODUCTION

o REQUESTS:

(1) SPECIAL EXCEPTION to permit a charter school.

(2) UNUSUAL USE to permit four entrance features, to wit: 2 decorative gatehouses, with 30 square feet of signage each, metal picket fences with masonry columns and four metal gates with a maximum height of 15'6" & signage.

(3) Applicant is requesting to permit parking within 25' of a right-of-way (not permitted).

(4) Applicant is requesting to permit one-way drives varying from 10' to 12' in width (14' required).

(5) Applicant is requesting to permit interior metal gates with concrete columns with a maximum height of 14' (6' permitted).

(6) Applicant is requesting to permit 3 – 30 square feet maximum signs (1-24 square feet sign permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 - #6 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 "Mater Lakes Academy Charter School," as prepared by Civica Architecture & Urban Design, dated stamped received 11/7/08 and consisting of 12 sheets. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant, Luxor Property Holding L.L.C., is requesting a special exception to permit a charter school. Additionally the applicant is seeking an unusual use to permit four entrance features with 30 square foot signs and four metal gates with a maximum height of 15'6". The applicant is also seeking to permit parking within 25' of a right-of-way, one-way drives to be less in width than is permitted, and interior metal gates with a maximum height of 14' and to permit 3 – 30 square feet maximum signs.

- **LOCATION**: 17300 and 17302 N.W. 87 Avenue, Miami-Dade County, Florida.

- **SIZE:** 9.48 Net Acres

B. ZONING HEARINGS HISTORY:

In 1972, pursuant to Resolution #4-ZAB-392-72, an unusual use request was granted for a lake excavation. In February 1975, pursuant to Resolution #4-ZAB-16-75, a variance was granted which waived the requirement that all rooms of a residence be accessible one to another; to waive same to permit a bedroom, bath and closet addition to the residence with access through a carport. Also in April 1975, pursuant to Resolution #4-ZAB-66-75, due to the fact that this lot has double frontage a variance was granted permitting a guest house in front of the front building line of the principal building and setback 135' from the front property line of NW 87 Avenue. In 2005, pursuant to Resolution #CZAB5-14-05, CZAB-5 approved a zone change on the subject property from AU, Agricultural District, to RU-1(M)b, Modified Single Family District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **1 mile east of and within the Urban Development Boundary for Low Density Residential use.** The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. **Residential Communities.** 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 relationship.

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-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.

6. **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

7. **Uses and Zoning Not Specifically Depicted.** 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.

8. **Policy LU-2A.** All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE).

9. **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.

10. **Objective LU-5.** Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

11. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is

consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

12. **Policy LU-9B.** Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
    ii) Subdivision of land;
    iii) Protection of potable water wellfields;
    iv) Areas subject too seasonal or periodic flooding;
    v) Stormwater management
    vi) Signage; and
    viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1(M)b; one story residence with a guest house	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1 and AU; single-family residences and church	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua

The subject property consists of 9.48 acres located at 17300 and 17302 NW 87 Avenue, Miami-Dade County. Single-family residences characterize the area where the subject property lies.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**

Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**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.

Florida Statutes Chapter 1002.33 Charter Schools

(1) AUTHORIZATION.-- Charter schools shall be part of the state's program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

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. <u>NEIGHBORHOOD SERVICES</u>:

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 9.48-acre parcel of land located at 17300 and 17302 NW 87 Avenue. The applicant is seeking a special exception for a charter school (request #1), an unusual use to permit four entrance features, to wit: 2 decorative gatehouses with 30 square feet of signage each, metal picket fences with masonry columns and four metal gates with a maximum height of 15'6" (request #2), a request to permit parking within 25' of a right-of-way (request #3) and to permit one-way drives varying from 10' to 12' in width (14' permitted) (request #4). In addition, the applicant is seeking to permit an interior metal gate with concrete columns with a maximum height of 14' (6' permitted) (request #5) and to permit 3, 30 square feet signs (1-24 feet sign permitted). The applicant is proposing a Kindergarten through 12th grade charter school with a total of 1800 students at buildout. The site plan consists of a linear parcel with a 67,130 sq. ft. existing lake in the center which is enclosed with a 6' high fence. The charter school will be housed in two separate two-story buildings located at the eastern and western portions of the site. Parking for the charter school is located on both the northern, eastern and western portions of the site and consists of 171 parking spaces for both staff and visitors. The site plan contains two recreational areas that are located to the east and west of the existing lake. The applicant has provided 1.72 acres of exterior/recreation space. The site plans submitted depict the above details and requests. The applicant has proffered a covenant pursuant to Section 33-158 which ensures, among other things, that the charter school use shall be limited to grades K-12 for a maximum of 1800 students; compliance with zoning regulations, and allowing a use other than the charter school, as permitted by the zoning regulation, 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 the authorization to be obtained at public hearing if the charter school is converted to a use not otherwise allowed in the zoning district. The covenant also states that the site will be developed in four separate phases and specifies the number of students and grade levels in each phase and the multiple staggered arrival/dismissal times during the various phases.

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is zoned RU-1(M)(b), Modified Single Family District. In addition, in residential communities neighborhood and community services **including schools,** parks, houses of worship, day care centers, group housing facilities, and utility facilities are permitted only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The interpretative text of the CDMP also indicates that areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including daycare and congregate living uses. The subject property is adjacent to the activity node located at NW 87 Avenue and NW 170 Street. In addition, the CDMP's Education Element Policy EDU-1D states that the

County and the Miami-Dade Public School System shall cooperate 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 activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program. Although the neighborhood schools in the area are not overcrowded, as indicated by the School Board memorandum, Chapter 1002.33 of the Florida Statutes states that charter schools must meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system. The proposed charter school facility will serve a need by helping to accommodate some of the student population generated by residential development in Miami-Dade County. Since charter schools do not adhere to the feeder patterns of traditional public schools and draw students from throughout all areas of the County, the school provides parents the flexibility to choose among diverse educational opportunities within the state's public schools system. Based on the County's experience with this applicant, there is reason to believe this school will continue to operate at a high academic level and will not fail. The school facility will provide student stations in multiple classroom areas that properly accommodate the projected number of students in a comfortable learning environment. As such, the proposed charter school facility is **consistent** with the CDMP.

The proposed charter school is bounded by single-family residences to the north, east, west and a church to the south. However, the applicant has designed the buildings to minimize any negative impact to the surrounding community. The buildings are 35' in height which is compatible to the one and two story single family residences abutting the proposed charter school. In addition, the buildings have not been designed to look like institutional facilities and the design details are similar to those found in the surrounding neighborhood. The proposed facility is designed with classrooms, ancillary rooms and administrative areas that more than adequately accommodate the projected 1800 students and staff requested by this application. The subject property is adequately buffered from adjacent residential communities to the north, south, east and west with among other things, Buttonwood, Pigeon Plum, Yellow Trumpet trees, palms and shrubs and would be further buffered by the 55' right-of-way dedication provided for the west half of NW 87 Avenue and the 25' right-of-way dedication for east half of NW 89 Avenue. Additionally, the two buildings are set back 75' and 76' respectively from the residences to the north. As previously mentioned, the applicant is proposing to develop the charter school in four phases which will include the utilization of a modular structure. Staff is of the opinion that the location of the modular structure and the proposed phasing, as depicted on the plans, will not negatively impact the surrounding residential community. To further mitigate any negative impacts during construction, staff is conditioning the application to require the installation of the landscaping adjacent to the modular building prior to obtaining the Certificate of Use for that building. The applicant has committed to removing the modular structure prior to the 2017-2018 school year. 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 Low Density Residential LUP map designation of 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. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objections** 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 **7.29** minutes which complies with the performance objective of national industry. Additionally, the Miami-Dade County Public School **(MDCPS)** indicates that the public schools in the surrounding area have sufficient student stations available to serve the area through the next decade. Notwithstanding the Miami-Dade County Public School analysis indicating the present and future capacity of public schools in the neighborhood, it should be noted that charter schools are county-wide and, unlike traditional public schools, do not adhere to the feeder patterns of neighborhood schools.

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 although the proposed charter school will generate additional traffic to the area, the applicant has diligently worked with the Public Works Department to provide a workable and acceptable traffic study that would not create excessive traffic impacts during the various phases of development and when the school is complete and fully operational. The charter school will not 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, 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. Although the charter school may cause the concentration of people or population, it has been mitigated by the provision of lush landscaping and buffering. As previously stated, the proposed charter school is requesting to provide grades Kindergarten through 12th grade (K-12) for 1800 students which will provide an educational alternative for the student population of Miami-Dade County. In the four phase development, Phase IA will include 330 students in grades 6-12 housed in a temporary modular building on the west side of the property. At the completion of Phase IB there will be 1,130 students in grades K-12 located in a temporary modular building on the west side of the subject property and a permanent classroom building on the east side. Upon completion of Phase II there will be a total of 1800 students in grades K-12, a temporary modular support building on the west side of the site, and a new classroom building on the west side of the property. The final phase (Phase III) will have two permanent classroom buildings and a permanent support facilities building. The first three phases (Phases IA, IB, and II) will utilize a temporary modular building on the west side of the subject property, with the simultaneous phased construction of permanent school buildings. The final phase of construction (Phase III) includes the removal of the modular structure and the construction of a permanent building on the western portion of the property, with a gym and cafeteria in the northwest section of the subject property.

The school will be located on a parcel served by NW 87 and 89 Avenues and 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 Public Works approval of this application. 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, the applicant has agreed to four staggered shifts of arrival and dismissal for students at the charter school at full build-out (Phase III). 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. The recreation areas, though located adjacent to the residences, will be adequately buffered by a 6' high perimeter wall, abundant landscaping and an existing wood fence. Staff opines that the applicant has adequately accommodated the proposed temporary modular building by locating it at the site of the proposed permanent building and providing landscaping. Also the permanent charter school buildings on the site are designed in a manner which are to scale and **compatible** with the adjacent neighborhood. In accordance with all memoranda from all County Departments, the proposed charter school will not burden County services and will not negatively impact the surrounding area. 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), subject to the Board's acceptance of the proffered covenant.

The applicant has submitted plans indicating four proposed entrance features, to wit: two (2) decorative gatehouses with 30 square feet of signage each, metal picket fences with masonry columns and four metal gates with a maximum height of 15'6" and signage (request #2). The entrance features are located at the eastern portion of the subject property (NW 87 Avenue and theoretical NW 173 Street) and the western portion of the subject property (NW 89 Avenue and NW 173 Terrace). The metal gates have a maximum height of 15'6" which exceeds the 6' height permitted for gates. Staff notes that the proposed entrance features includes two guardhouses located on the southeast and southwest portions of the property. The entrance features and signage have an aesthetically pleasing design, will provide security, will be well placed from neighboring structures, and will assist visitors to the site in locating the school. For all of the foregoing reasons, staff recommends approval of request #2.

When requests #3 through #6 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval with conditions of these requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Request #3, to permit parking within 25' of a right-of-way (not permitted) would not have an adverse effect on the stability and appearance of the community. The submitted plans depict most of the parking on the northeastern perimeter of the site, accessed by two-way ingress/egress drives along NW 87 Avenue and the balance of the parking located at the western portion of the site. The applicant has provided abundant landscape buffering consisting of Plumbago and Cocoplum plants, interspersed with Gumbo Limbo trees and existing oak trees and a 6' high metal decorative picket fence with columns along NW 87 and NW 89 Avenue within 25' of the right-of-way which will mitigate any negative visual impacts. As such, the parking to be located within 25' of the rights-of-way will not have a negative visual or aural effect. Staff's opinion is further evidenced by the Public Works memorandum which does not have any objection to this application. Request #4, to

permit one-way drives varying from 10' to 12' in width (14' required) pertains to the west bound internal travel lane closest to the school buildings, which is 12 feet wide. The lane will be used for student drop-off and pick-up. The adjacent westbound lane, which is 10 feet wide, will be used as a by-pass lane for passenger and emergency vehicles. Together, these travel lanes are 22 feet wide. The applicant has worked closely with the Public Works Department on this feature and traffic circulation for the entire site. 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. In staff's opinion, allowing the one-way drives to be less than the required 14' will not impede the traffic circulation on the site. The Miami-Dade Fire and Rescue Department and the Public Works Department, as evidenced by their memoranda, do not object to this request. Based on the aforementioned, staff opines that request #4 should be approved, with conditions under the NUV Standards. Approval of request #5, to permit an interior gate with concrete columns with a maximum height of 14' (6' permitted) would not adversely affect the stability and appearance of the surrounding community nor would it create a negative visual impact to the neighborhood. The gate is located interior to the site on the southern portion of the site, along theoretical NW 173 Street and NW 87 Avenue. The gate serves as a control gate to limit vehicular traffic through the entire site. Request # 6 is to permit three 30 square feet maximum signs. The CDMP indicates in Policy 9B that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Two of the signs are part of the entrance features located at the eastern and western portions of the subject property. The two signs contain the school name and seal and are approximately 30 square feet. The other sign is a 24 square foot letter "M" on the front of the building located at the southeastern portion of the site. The signs have been designed to be aesthetically pleasing and compatible with the surrounding community. Staff opines that the three signs are not excessive and would assist visitors in locating the buildings. As such, staff opines that this request would not negatively impact adjacent properties, would be in keeping with the intent and purpose of zoning and land use regulations and would be **compatible** with the surrounding area and would not affect the stability and appearance of the community. Based on the aforementioned, staff recommends approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (NUV).

When requests #3 through #6 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 through #6 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed and utilized in accordance with the Zoning Code. Therefore, the requests cannot be approved under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, and should be denied without prejudice under same.

Accordingly, staff recommends approval with conditions of request #1, subject to the Board's acceptance of the proffered covenant, approval of request #2, approval with conditions of requests #3 through #6 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).

I. RECOMMENDATION:

Approval with conditions of request #1, subject to the Board's acceptance of the proffered covenant, approval of request #2 , approval with conditions of requests #3 through #6 under Section 33-311(A)(4)(b) (Non-Use Variance) with conditions 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled: "Mater Lakes Academy Charter School," as prepared by Civica Architecture & Urban Design, dated stamped received 11/7/08 and consisting of 12 sheets.

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

4. 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.

5. 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.

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

7. 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.

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

9. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1800 students.

10. That there will be 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:

Phase 1A:
7:30 a.m. - 2:00 p.m. (110 students)
8:00 a.m. - 3:00 p.m. (110 students)
8:30 a.m.- 3:30 p.m. (110 students)

Phase 1B:
7:00 a.m. - 2:00 p.m. (283 students)
7:30 a.m. - 2:30 p.m. (282 students)
8:00 a.m. - 3:00 p.m. (283 students)
8:30 a.m. –3:30 p.m. (282 students)

Phases II and III:
7:00 a.m. - 2:00 p.m. (500 students)
7:30 a.m. - 2:30 p.m. (500 students)
8:00 a.m. - 3:00 p.m. (500 students)
8:30 a.m. –3:30 p.m. (300 students)

11. 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.

12. That the applicant provide the landscaping shown on the plans adjacent to the modular building prior to the issuance of the Certificate of Use for the modular building.

13. That the temporary modular support building on site be removed from the property prior to the beginning of the 2017-2018 school year.

14. That the 6' high security fence around the perimeter of the lake be maintained by the applicant.

15. That an Entrance Feature Maintenance Agreement be submitted to the Department within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

DATE INSPECTED: 04/24/08
DATE TYPED: 10/27/08
DATE REVISED: 11/13/08, 11/20/08,11/25/08,11/26/08,12/2/08,12/3/08,12/8/08,12/10/08,12/16/08, 12/18/08, 1/6/09, 1/7/09, 1/9/09, 1/16/09, 1/21/09
DATE FINALIZED:
MCL:MTF:NN:CI

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: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 08-064 Luxor Property Holding, LLC
17300 NW 87th Avenue, Miami-Dade County, FL (Revision 3)

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **33** fire and rescue calls annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, the existing station serving this area will be able to handle the expected number of alarms.

(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 **7.29** 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
44	7700 NW 186 Street	Rescue, ALS Engine	7
1	16699 NW 67 Avenue	Rescue, ALS Engine	7
64	8205 Commerce Way	ALS Engine	4
46	10200 NW 116 Way	65' BLS Aerial	4

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the plans entitled 'Master Lakes Academy Charter School' as prepared by Civica Architects, dated stamp received October 20, 2008.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. 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 Mr. Carlos Heredia, Planning Section Lead Worker at 786-331-4540.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: November 20, 2008

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

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

Subject: Recommendations for Mater Lakes Charter School Process No.: Z2008000064

The Public Works Department recommends approval with the condition that the following comments below be implemented in plans to be submitted to Public Works during paving and drainage plans review.

The following is a list of recommendations and comments on the Site Plans, revised on October 22, 2008, submitted to P&Z Department on Nov 7, 2008, and the Traffic Impact Analysis, last revised on November 20, 2008, submitted to the Public Works Department Traffic Engineering Division on November 20, 2008, for the proposed facility located at 17300 & 17302 NW 87th Avenue:

Site Specific Comments:

- Site Plan Review

1. The site's traffic circle must be modified to substantially comply with the markup provided by the Miami-Dade County Public Works Department Traffic Engineering Division (see attached), and be submitted during the paving and drainage process. Several of the modifications are as follows:
    a. Extend medians defining the northern perimeter of the traffic circle to provide more curbed approach lane length entering the traffic circle.
    b. Pedestrian sidewalk shall be provided along the perimeter of the traffic circle and not direct pedestrian thru center of traffic circle.
    c. The travel lane entering the traffic circle from staff parking area shall have a larger return radius to facilitate vehicles entering traffic circle.
    d. The pavement contour at the southern driveway exiting onto 87th Avenue shall be moved eastward to deflect the westbound travel lane's entrance angle into the traffic circle.
    e. The turning radius of the eastern side of the circle should accommodate a school bus making a southbound to eastbound turning movement around the circle.

- Traffic Impact Review

    - The last revised Traffic Impact Analysis dated November 20, 2008, as submitted, is acceptable.

- Project Requirements

1. School Speed Zone signs, pavement markings, and flashing signals are required along NW 87th and 89th Aves.
2. Proposed Schedule of arrival and dismissal times including grade level and number of students, as indicated in Table 2 of the "Traffic Impact Analysis," are required to be provided in a covenant or declaration of restrictions for this facility.
3. As indicated in the conclusion of the Traffic Impact Analysis, trained personnel should be provided to manage traffic operations during dismissal periods, and possibly, arrival periods onsite.
4. A Maintenance of Traffic (MOT) operation plan for arrival and dismissal periods must be provided in a covenant for this facility. The following statement shall also be in the said covenant: The applicant will conduct a traffic study to determine whether a southbound left turn lane and/ or northbound right turn lane into the site's driveway that is aligned with NW 173 Terrace is warranted prior to the final phase of the charter school's construction. The applicant will construct turn lanes as warranted by traffic study subject to Miami-Dade Public Works Traffic Department's approval during the charter school's final construction phase.

- 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, "Florida Greenbook," 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, lane widths and signalization (including school flashing signals) 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. The applicant shall install all roadway improvements including, but not limited to, traffic signs, markings and signals 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 up 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: November 4, 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. Z2008000064-Revised
Luxor Property Holdings, LLC
17300-17302 N.W. 87th Avenue
Special Exception to Permit a Charter School and Request to Exceed Height Requirements
(RU-1(M)(b)) (10 Acres)
09-52-40

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

Potable Water Service

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 a 6-inch water main abutting the subject property, along N.W. 87th Avenue. Connection of the proposed school to the public water supply system shall be required in accordance with Code requirements. The estimated demand for this project is 30,000 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Hialeah-Preston 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 South Florida Building Code in order to more efficiently use the Southeast Florida water resources.

Sanitary Sewer Service

The subject property is located within the franchised sewer service area of MDWASD. The closest public sanitary sewer is an 8-inch gravity main and a 12-inch force main abutting the subject property, along N.W. 87th Avenue. The gravity main discharges to pump station 30-0306, next to pump station 30-1310, and then to the North District Treatment Plant. The force main discharges to pump station 30-

1310 and then to the North District Treatment Plant. The North District Treatment Plant has adequate capacity to meet projected demands from this project. Connection of the proposed school 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.

Stormwater Management

The project is located within Western C-9 Basin where fill and drainage restrictions are enforced by the South Florida Water Management District (SFWMD). Therefore, a Surface Water Management Individual Permit, issued by the SFWMD, 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 DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year / 1-day storm event. 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.

Wetlands

An inspection performed by DERM staff revealed that the subject property contains jurisdictional wetlands in the area surrounding the lake. The site plan submitted with this application entitled "Mater Lakes Academy Charter School", sheets A-1 and A-2, dated April 2008 (revised 8/12/08) and prepared by Civica Architecture and Urban Design depicts the lake and wetland area to remain. However, the applicant is advised that development on the site should avoid impacts to the wetland area, any impacts to wetlands will require a Class IV Wetland Permit.

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

Tree Preservation
Tree Removal Permit 2008-TREE-PER-00487 was issued for the subject property to Luxor Property Holdings LLC / Jesus Freria on October 28, 2008 and is scheduled to expire on October 28, 2009. TP 2008-TREE-PER-00487 requires the relocation of two (2) specimen size live oaks (Quercus virginiana) # 116 & 119 and the preservation at their current location of seventy three (73) regular size trees and nine (9) additional specimen size live oaks (Quercus virginiana), numbered 74 and 79-86, in accordance with plans entitled "Luxor Properties Holdings LLC", by Civica Architecture and Urban Design, and dated October 2008.

The landscape plan submitted with this application entitled "Mater Lakes Academy Charter School", sheet A-9, dated April 2008 (revised October 30, 2008) and prepared by Civica Architecture and Urban Design depicts these trees to remain. Therefore, DERM may approve this zoning application.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00487 shall be required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

Enforcement History
DERM has found no open or closed enforcement records 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.

c5-Not scheduled yet
08-064

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
Solomon C. Stinson

Zoning Agenda Coordinator
JUN 18 2008

June 17, 2008

Received by
Zoning Agenda Coordinator
JUN 18 2008

Ms. Maria Teresa Fojo, Acting Assistant Zoning Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: Luxor Property Holdings, LLC – Mater Academy Charter School Application
Located on the north side of NW 173 Street, west side of NW 87 Avenue

Dear Ms. Fojo:

We are in receipt of the Letter of Intent filed for the above zoning application requesting a zoning change to construct and operate a 2,000 charter school serving students in grades K through 12.

In this regard, we would like to provide clarification to statements made in the Letter of Intent relating to public schools operating at or above capacity. The letter states "*The charter school would provide additional student stations to serve this section of Miami-Dade County, which has several schools that are operating at or above capacity.*" Please note the following as it relates to traditional public schools serving the area or scheduled to open in the next year:

1. Spanish Lakes Elementary and Early Childhood Center (total of 1682 seats) – opened 07/08.
2. Country Club Middle (total of 1659 seats) opened 06/07.
3. Hialeah Gardens Senior High School (total of 2858 seats) – scheduled to open 08/09.
4. Hialeah Gardens Middle (total of 1666 seats) – scheduled to open 08/09.
5. West Hialeah Gardens Elementary (total of 1241 seats) – opened 07/08.
6. State School AA-2, a new K-8 (total 1435 seats) – scheduled to open in 2010.

Please also note that the above is net of several additions at area schools.

As you can see, there are plenty of student stations available or scheduled to open to serve this area through the next decade. Please call should you have questions or need additional information.

Received by
Zoning Agenda Coordinator
JUN 18 2008

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L-607
cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne

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

Memorandum

MIAMI-DADE COUNTY

Date: June 12, 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: Luxor Property Holdings, LLC -DIC Application #-Z2008000064

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

Application Name: Luxor Property Holdings, LLC

Proposed Development: New Charter School – 2,000 students, grades K through 12.

Project Location: Approximately 10 Acres located north of NW 173rd St. and west of NW 87th Ave. in unincorporated Miami-Dade County.

Water: The subject project is located within MDWASD's service area. The nearest point of connection for water is an existing eight (8)-inch water main on NW 89th Ave. abutting the property on the west. The source of water for this project is the Hialeah-Preston 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 on NW 89th Ave. abutting the property on the west. The North 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:

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.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation:
The applicant will be required to comply with the water use efficiency Ordinance 08-14, that was amended on May 20, 2008. The ordinance stipulates water conservation measures for new development(s) to achieve higher water use savings. Said Ordinance was revised to clarify standards for plumbing fixtures and to change the effective date to January 1, 2009.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

Memorandum

MIAMI-DADE COUNTY

Date: May 14, 2008

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

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

Subject: DIC Application #08-064
Luxor Property Holdings, LLC

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-064 for Luxor Property Holdings, LLC. The applicant is requesting a special exception to permit a public charter school with respect to consistency with the adopted local comprehensive plan and applicable local land development regulations. The facility will be located on a 10 acre site and will include grades K through 12th with 2000 permanent student stations. The subject property is located at 17300 and 17302 NW 87 Avenue, Miami-Dade County, Florida.

MDAD has determined that the proposed land use is compatible with operations from Opa-locka Executive Airport.

SH/rb

C: Max Fajardo, E.I., Deputy Aviation Director
John Cosper, P.E., Deputy Aviation Director – CIP
José Ramos, R.A., Chief, Aviation Planning
File DIC

Memorandum

MIAMI-DADE COUNTY

Date: June 27, 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. 08-064 (Luxor Property Holdings, LLC)

Project Description

The applicant is seeking a special exception to permit the construction of a new charter school and a variance to permit a change of height to the school. The subject property is 10± acres and is located at 17300 NW 87th Avenue and 17302 NW 87th Avenue in Miami-Dade County, Florida.

Current Transit Service

There is no direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Route 282/Hialeah Gardens Connection along NW 82nd Avenue which is approximately one half mile from the application site. The service headways for the Route 282/Hialeah Gardens Connection (in minutes) are as follows:

Metrobus Route Service Summary
Luxor Property Holdings, 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		
282/Hialeah Gardens Connection	40	60	N/A	N/A	N/A	N/A	0.5	F

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail
E means Express Metrobus service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) shows under the People's Transportation Plan (PTP) section a roadway improvement of widening from two lanes to four lanes along NW 87th Avenue from NW 154th Street to NW 186th Street. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

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 service on NW 87th Avenue north of NW 143rd Street or south of NW 186th Street (Miami Gardens Drive), Metrobus service on NW 87th Avenue does exists serving Hialeah, Hialeah Gardens and the Palmetto Metrorail station. The completion of the new roadway further connecting Miami Lakes with Hialeah may provide new transit alternatives for connecting communities via Metrobus service.

Miami-Dade Transit requests that easement rights be granted so that sufficient space will exist for a bus bay pull-out for southbound travel. A four lane roadway serving this application which contains a Middle and Senior High School would necessitate a dedicated bus stop at this location. The desire for a pull-out bus bay as opposed to a roadway bus stop would also reduce the impact on southbound 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.

DATE: 12/02/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

LUXOR PROPERTY HOLDING, LLC	17300 & 17302 NW 87 AVE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2008000064

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violation observed

Osiel Morales

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: **LUXOR PROPERTY HOLDINGS, LLC**

NAME AND ADDRESS		Percentage of Stock
Jesus Freiria		**50%**
Sergio Calleja		**50%**
6073 NW 167 Street, Unit C19 **Hialeah, FL 33015**		

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

RECEIVED
2008-064
APR 09 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: **SCHOOL DEVELOPMENT HG, LLC**

NAME AND ADDRESS (if applicable)		Percentage of Interest
Fernando Zulueta		50%
Ignacio Zulueta		50%

Date of contract: **March 27, 2008**

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.

X Signature: _____

JESUS FREIRIA, MANAGER, LUXOR PROPERTY HOLDINGS, LLC

Sworn to and subscribed before me this 8 day of April, 2008 Affiant is personally known to me or has produced drivers license as identification.

_____
(Notary Public)

WANDA RODRIGUEZ
Notary Public - State of Florida
My Commission Expires Feb 4, 2012
Commission # DD 750991
Bonded Through National Notary Assn.

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.

5246070_v1

RECEIVED
2008-060
APR 09 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 87th Ave.
MIAMI, FL 33014

FOLIO # 30-2009-001-0530
30-2009-001-0531

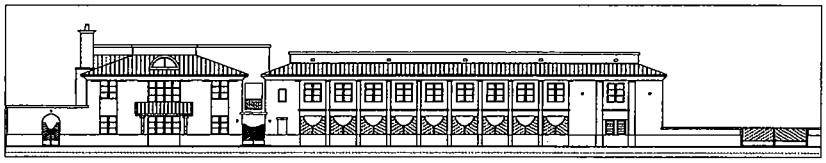
APPLICANT:
Luxor Properties Holdings LLC.

ADDRESS:
6073 NW 167th STREET
UNIT #C19
HIALEAH, FL 33015-4392

DATE: NOVEMBER 2008

ISSUED FOR: D.I.C APPROVAL #Z2008000064

CIVICA PROJECT: 080104



CIVICA
L L C
ARCHITECTURE & URBAN DESIGN

8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959

AA #26001093

INDEX OF DRAWINGS

A-0	COVER
A-1	LOCATION MAP + SITE INFORMATION
A-2	SITE PLAN DETAIL
A-2.1	FUTURE MIAMI-DADE COUNTY IMPROVEMENTS TO NW 87TH AVE. SITE PLAN DETAIL
A-3	GROUND FLOOR PLAN (PHASE III)
A-4	SECOND FLOOR PLAN (PHASE III)
A-5	GROUND + SECOND FLOOR PLAN (PHASE II)
A-6	GROUND + SECOND FLOOR PLAN (PHASE III)
A-7	PHASING PLAN
A-8	ELEVATIONS
A-9	LANDSCAPE PLAN
A-10	LANDSCAPE NOTES
A-11	STANDARD PARKING DETAILS
A-12	ENTRANCE FEATURE

LEGAL DESCRIPTION

FOLIO #: 30-2009-001-0530
THE WEST 1/2 OF TRACT 53, IN SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS THE WEST 25 FEET THEREOF CONVEYED TO MIAMI-DADE COUNTY, FLORIDA IN OFFICIAL RECORDS BOOK 8131, PAGE 353, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

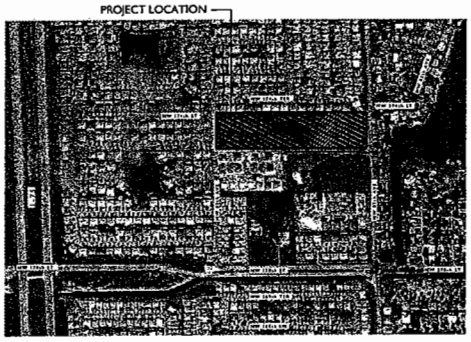
TOGETHER WITH AN INGRESS AND EGRESS EASEMENT ACROSS THE SOUTH 20 FEET OF THE EAST 1/2 OF TRACT 53 AS RESERVED IN OFFICIAL RECORDS BOOK 8168, PAGE 782, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO #: 30-2009-001-0531
THE EAST 1/2 OF TRACT 53, IN SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS SO MUCH OF SAID PROPERTY AS LIES WITHIN THE EAST 50 EAST OF THE SE 1/4 OF SAID SECTION 9 WHICH HAS HERETOFORE BEEN CONVEYED TO DADE COUNTY, FLORIDA FOR RIGHT-OF-WAY PURPOSES.
CONTAINING:
GROSS AREA: 317,378.27± sq. ft. and/or 4.84± ACRES
NET AREA: 198,122.58± sq. ft. and/or 4.57± ACRES

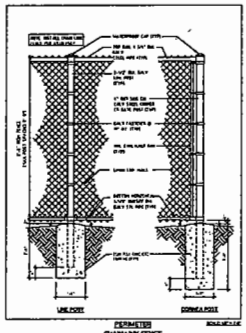
REVISIONS		
NO.	DATE	REVISION
1	8/12/2008	STAFF COMMENTS
2	9/19/2008	STAFF COMMENTS
3	11/5/2008	P&Z

39

PROJECT LOCATION



LOCATION MAP
N.T.S.



PERIMETER CHAIN LINK FENCE

ZONING INFORMATION (MIAMI-DADE COUNTY ZONING ORDINANCE)

ZONING CLASSIFICATION:	
GROSS LOT AREA:	
WATER AREA:	
NET LOT AREA *	
LOT COVERAGE:	
BASE FLOOD ELEVATION:	

	ALLOWABLE	PROPOSED
- SETBACKS:		
* FRONT (NW 17th AVE.)	25'-0"	92'-1"
* FRONT (NW 27th AVE.)	25'-0"	117'-1"
* INTERIOR SIDE (NORTH)	6'-0"	58'-6"
* INTERIOR SIDE (SOUTH)	6'-0"	34'-4"
- HEIGHT	35'-0"	35'-0" T.O. ROOF 45'-0" T.O. TOWER
- OPEN SPACE: *		373,819 S.F. (58.13%)
PAVED AREA:		92,832 S.F. (22.81%)
LANDSCAPE AREA:	10%	84,849 S.F. (21.06%)

* EXCLUDES WATER AREA

NOTES:

1. SITE WILL BE PAVED TO COUNTY FLOOD CRITERIA ELEVATION 10.0 FT. OR AS ELEVATION TO EXIST THAT THE HIGHEST APPROACH CROWN ELEVATION OF THE ROAD ABUTTING THE PROPERTY.
2. LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OR STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

SIGNAGE NOTE:

THE TOTAL FREE-STANDING SIGNAGE IN ANY RESIDENTIAL DISTRICT SHALL NOT EXCEED 200 SQ.FT. IN SIZE, IN COMPLIANCE W/ MIAMI-DADE COUNTY ORDINANCE CHAPTER 33

CHILD CARE CHECKLIST FOR CHARTER SCHOOLS:

School Name: MATER LAKES ACADEMY CHARTER SCHOOL

School Address: 17300 & 17307 N.W. 87th Ave MIAMI, FL 33014

Tax Folio # 30-2008-001-0530 & 30-2008-001-0531

Total site of site: 458,179 (10.520 SQ. FT.) = 9.37 ACRES

Number of children or students requested: 1,000 Ages: K-8 TO 12th

Grade Levels Requested: (K-12th Grades)

Number of classrooms: 75 Total square footage of classroom areas: 41,987 SF

Amount of exterior recreation/play area in square footage: 74,500 SF (1.72 acres)

Number of parking spaces provided for staff, visitors, and bus/circulation vehicles: 171 parking spaces provided, 161 parking spaces required by Section 33-124 B.)

Days and hours of operation: Monday - Friday 7:00 AM - 4:00 PM

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

Signed, sealed, executed and acknowledge on this _____ day of _____ at Miami-Dade County, Florida.

By: _____
Jorge A. Urrea, Esq.

WITNESSES: _____

_____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this _____ day of _____ before me personally appeared _____ as my known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

NOTE:
PARKING REQUIREMENTS BASED ON MIAMI-DADE COUNTY CODE OF ORDINANCES SECTION 33-124(L) FOR SCHOOL USE.

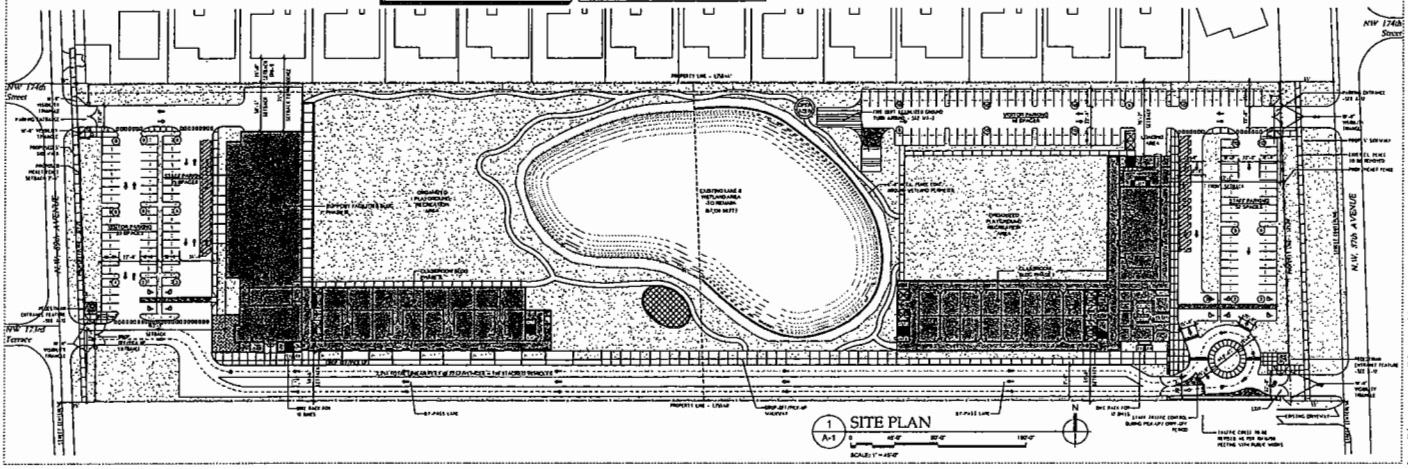
PARKING DATA FOR K-12th GRADE SCHOOL SITE:

Uses Proposed	No. of Classrooms	Classroom Area	No. of Students	No. of Teachers	No. of Admin.	Total Staff	Code Requirement	Parking Required		Parking Provided
K-5th	30	15,582 SQ.FT.	670	33	6	39	1 Pkg per e.a. Staff	(39 Staff x 1 space) = 39 spaces	39 + 21.25 = 60.25 spaces	
6th-8th	15	8,495 SQ.FT.	350	15	2	17	1 Pkg per e.a. Staff plus 1 ¼ of staff	(17 Staff + (17 x 0.25 space) = 17 + 4.25 = 21.25 spaces		
9th-12th	32	17,910 SQ.FT.	800	32	4	36	1 Pkg per e.a. 200 SQ.FT. Classroom & Admin Area	(18,000 sq.ft. – 2,400 sq.ft.) / 200 = 102 Spaces		
Grand Total	77	41,987 SQ.FT.	1,820 Students	80	12	92	Total Parking Required for K-12th Grade School: 60.25 + 102 = 162.25 Spaces Required			171 Spaces 92 Staff & 79 visitors

* 10 Total Handicapped Spaces Provided

PLEASE SEE SHEET A-7 FOR PHASING PLAN.

BIKE RACKS WITH TOTAL CAPACITY OF 24 BIKES.



CIVICA
architecture • urban design
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
AA #26001982

PROJECT:
MATER LAKES ACADEMY CHARTER SCHOOL
17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:
LUXOR PROPERTIES HOLDINGS, LLC.
6073 NW 167th Street
Unit # C10
Hialeah, FL 33015

ISSUED FOR:
D.I.C. APPROVAL
Z2008000044

CIVICA PROJECT No:
08010

No.	DATE	REVISION	BY
1	09/15/08	CITY COMMENTS	JG
2	10/09/08	CITY COMMENTS	JG
3	09/19/08	CITY COMMENTS	JG
	10-15-08	D & TRAFFIC	JG
	10/27/08	TRAFFIC	JG

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, AIA
AR - 0013180

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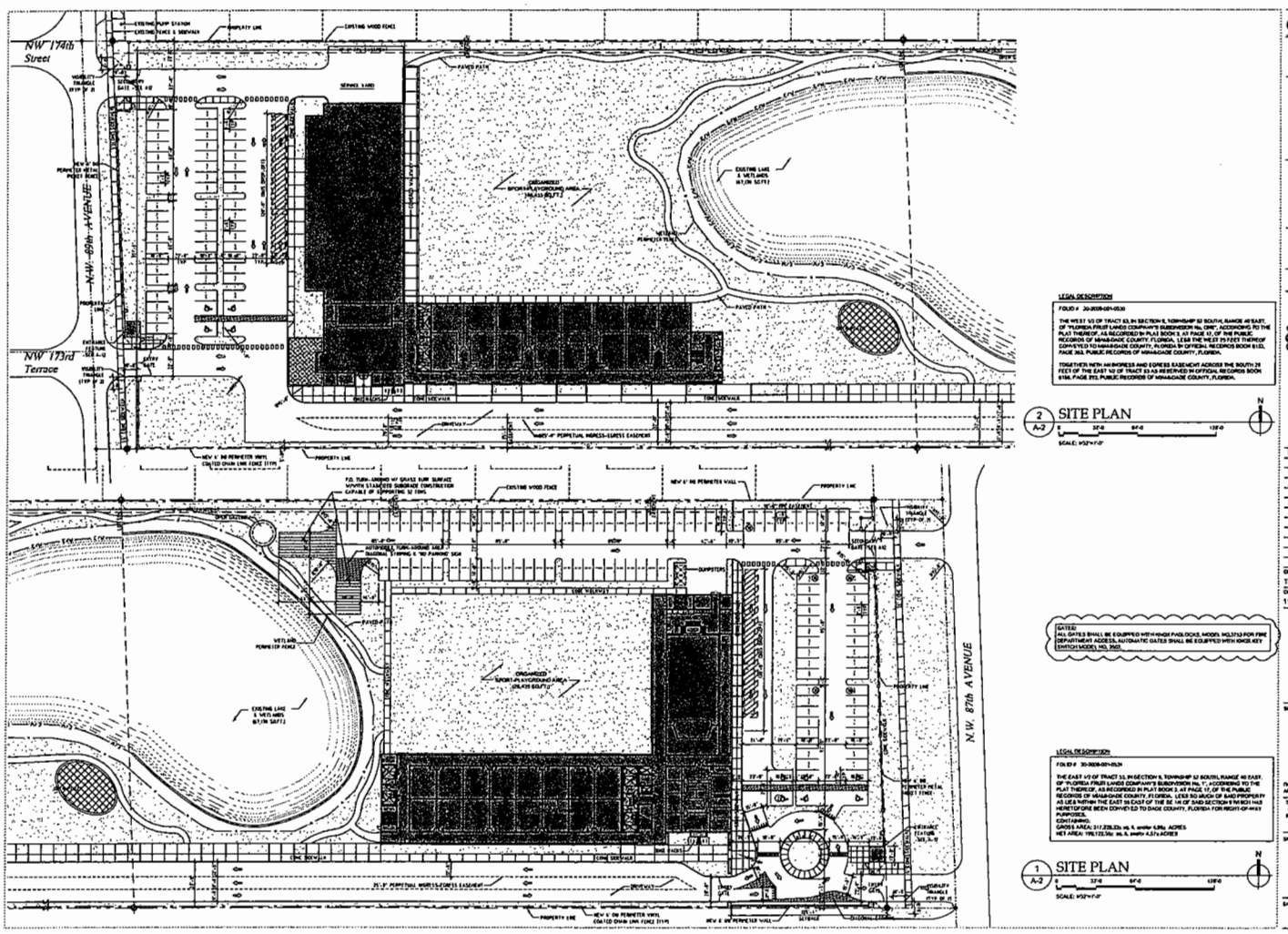
SHEET TITLE
LOCATION MAP & SITE INFORMATION

SHEET NUMBER
A-1

40



LEGAL DESCRIPTION

FOLIO # 30-2009-001-0530

THE WEST 1/2 OF TRACT 53, IN SECTION 8, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST 25 FEET THEREOF CONVEYED TO MIAMI-DADE COUNTY, FLORIDA IN OFFICIAL RECORDS BOOK 6153, PAGE 363, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH AN INGRESS AND EGRESS EASEMENT ACROSS THE SOUTH 25 FEET OF THE EAST 1/2 OF TRACT 53 AS RESERVED IN OFFICIAL RECORDS BOOK 6158, PAGE 292, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

2 A-2 SITE PLAN

SCALE: 1/32"=1'-0"

GATES:
ALL GATES SHALL BE EQUIPPED WITH KNOX PADLOCKS, MODEL NO.3753 FOR FIRE DEPARTMENT ACCESS. AUTOMATIC GATES SHALL BE EQUIPPED WITH KNOX KEY SWITCH MODEL NO. 3503.

LEGAL DESCRIPTION

FOLIO # 30-2009-001-0531

THE EAST 1/2 OF TRACT 53, IN SECTION 8, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS SO MUCH OF SAID PROPERTY AS LIES WITHIN THE EAST 25 EAST OF THE SE 1/4 OF SAID SECTION 8 WHICH HAS HERETOFORE BEEN CONVEYED TO DADE COUNTY, FLORIDA FOR RIGHT-OF-WAY PURPOSES.
CONTAINING:
GROSS AREA: 217,228.22± sq. ft. and/or 4.99± ACRES
NET AREA: 199,172.50± sq. ft. and/or 4.57± ACRES

1 A-2 SITE PLAN

SCALE: 1/32"=1'-0"

CIVICA
ARCHITECTURE · MARINE DESIGN
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
AA 0090001080

PROJECT:
MATER LAKES ACADEMY CHARTER SCHOOL
17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:
LUXOR PROPORTIES HOLDINGS, LLC.
6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:
D.I.C. APPROVAL
Z2006000064

CIVICA PROJECT No.:
080104

No.	DATE	REVISION	BY
1	09/13/08	STAFF CONSULTS	JG
2	10/30/08	STAFF CONSULTS	JG
3	09/19/08	STAFF CONSULTS	JG
	10/16/08	D & TRAFFIC	JG
	10/22/08	STAFF CONSULTS	JG

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, MA
AR - 0013160

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SHEET TITLE
SITE PLAN DETAIL

SHEET NUMBER
A-2

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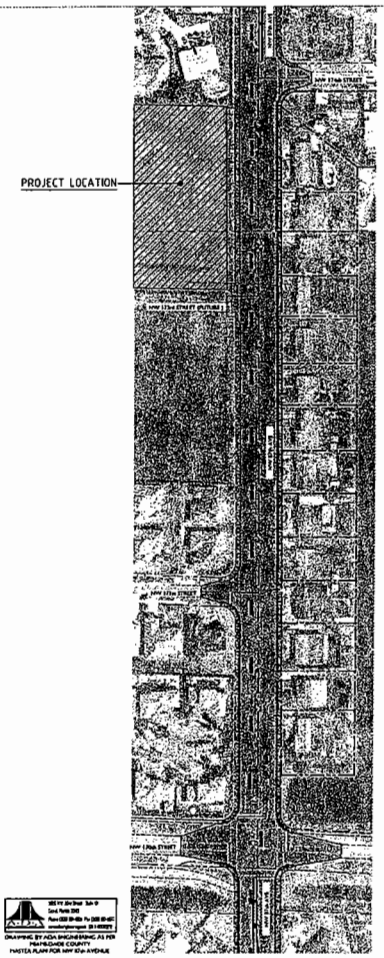
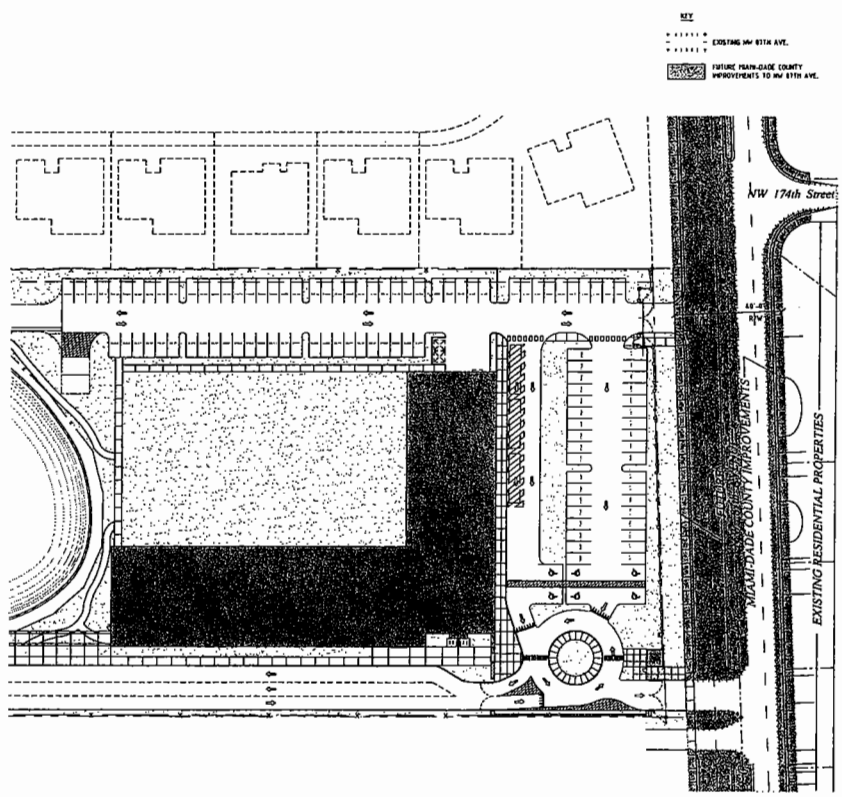
41



DRAWING BY ADA ENGINEERING AS PER MIAMI-DADE COUNTY MASTER PLAN FOR NW 87th AVENUE

2 A-2.1 FUTURE MIAMI-DADE COUNTY IMPROVEMENTS TO NW 87TH AVE.

N.T.S.



1 A-2.1 FUTURE MIAMI-DADE COUNTY IMPROVEMENTS TO NW 87TH AVE.

N.T.S.

CIVICA
ARCHITECTURE & DESIGN DESIGN
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
AA #0001093

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:

LUDOR PROPORTIES HOLDINGS, LLC.

6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:

D.I.C. APPROVAL
Z2006000004

CIVICA PROJECT No:
080104

No.	DATE	REVISION	BY
1	09/13/08	STAFF COMMENTS	JG
2	10/20/08	STAFF COMMENTS	JG
3	09/18/08	STAFF COMMENTS	JG
	10/27/08	TRAFFIC	JG

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLAMES, AIA
AR-0013169

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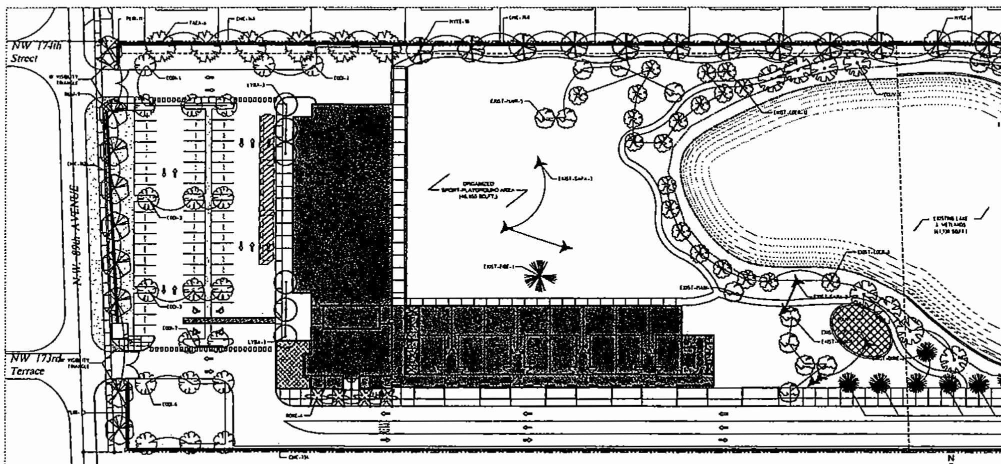
SHEET TITLE

FUTURE MIAMI-DADE COUNTY IMPROVEMENTS TO NW 87TH AVE.

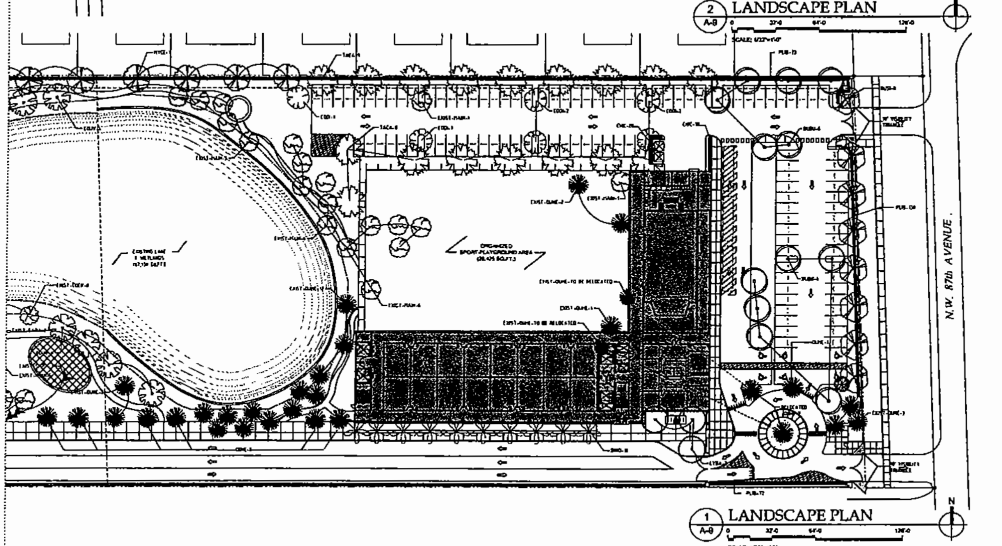
SHEET NUMBER

A-2.1

42



2 A-8 LANDSCAPE PLAN
SCALE: 1/32"=1'-0"



1 A-8 LANDSCAPE PLAN
SCALE: 1/32"=1'-0"

LANDSCAPE LEGEND						
Zoning District:	RU-P(?)	Gross Lot Area:	9.49	(acres)	413,299	(sq.ft.)
		[1] Net Lot Area:	7.95	(acres)	346,160	(sq.ft.)

OPEN SPACE REQUIREMENTS		REQUIRED	PROPOSED
A.	Square feet of open space required by Chapter 33, as indicated on site plan: [1] Net Lot area 346,160 (sq.ft.) x 40% = 138,464 sq.ft.	138,464	372,149
B.	Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: Total parking spaces 171 x 10 sq.ft. per parking space	1,710	1,730
C.	Total square feet of landscaped open space required by Chapter 33 = A + B	140,504	373,879

LAWN AREA CALCULATION		REQUIRED	PROPOSED
A.	Total square feet of landscaped open space required by Chapter 33	140,504	161,847
B.	Maximum lawn area (St. Augustine sod) permitted 25%	121,156	53,430 (33%)

TREES		REQUIRED	PROPOSED
A.	The number of trees required per net lot acre, less the area used for organized sports or playgrounds,[2] less the existing number of trees that meet the minimum requirements. 76 existing trees to remain. = 28 trees x (net lot acreage (7.95) - play area acreage (1.73)) - 76 existing trees = (28 x 6.22) - 76 = 177 - 76 = 99 new trees required	99 (101+76=177)	104 (104+76=192)
B.	30% palm species allowed (2 palm = 1 tree). Palms provided =	58 palms (29 trees)	14 palms (7 trees)
C.	% of native trees required = number of trees provided x 30% =	31	104
D.	Street trees (max. avg. spacing of 35' o.c.) 454 linear feet along street / 35	19	19
	Palms in street trees (max. avg. spacing of 25' o.c.) 0 linear feet along street / 25	-	-
E.	Street trees located directly beneath power lines (Max. avg. spacing 25' o.c.): 0 Linear feet along street / 25 = 0	n/a	n/a
F.	Total number of trees provided A+D+E	120 (120+76=196)	123 (123+79=202)

SHRUBS		REQUIRED	PROPOSED
A.	The total number of trees required x 10 = the number of shrubs required	1,990	2,081
B.	The total number of shrubs required x 30% = the number of native shrubs required	591	2,081

IRRIGATION: Required by Chapter 33.	Auto Irrigation	X	Hose Bib	

[1] Net Lot Area (Sec. 18A-3. Definitions) - For the purpose of this chapter, net lot area shall be the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.

[2] (Sec. 18A-6. Minimum standards.) (4) 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. 28,425 SF + 46,455 SF = 74,880 SF (1.72 ACRE)

TREE LEGEND										
SYMBOL USED ON PLAN			PLANT LIST		NATIVE		DROUGHT TOLERANCE	HEIGHT		CANOPY DIAMETER
Symbol	New	Existing	Scientific	Common	Yes	No		Installed	At Maturity	At Maturity
BUSI	10	-	Bursera Simaruba	Gumbo Limbo	X		High	12'	30'-45'	25'-40'
COD	26	-	Coccoloba Diversifolia	Pigeon Plum	X		High	10'	15'-25'	20'-30'
TACA	23	-	Tabebuia Caraiba	Yellow Trumpet	X		High	10'	20-30'	15'-25'
COUY	8	-	Coccoloba Uvifera	Sea Grape	X		High	10'	25'-30'	20'-30'
BUBU	12	-	Bucida Buceras	Black Olive	X		High	10'	40-50'	35'-50'
MYCE	16	-	Myrica Cerifera	Wax Myrtle	X		Moderate	10'	25'-30'	15'-25'
LYBA	9	-	Lysiloma Bahamensis	Wild Tamarind	X		Moderate	10'	20'-30'	20'-30'
QUVI	7	22	Quercus Virginiana	Oak	X		Moderate	-	50'	20'
MAIN	-	30	Mangifera Indica	Mango		X	Moderate	-	35-45'	-
COER	-	20	Conocarpus Erectus	Buttonwood	X		High	-	50'	20'
FIBE	-	1	Ficus Benjamina	Weeping Fig		X	High	-	45-60'	60-100'
PEAM	-	1	Persea Americana	Avocado	X		Moderate	-	60'	-
PALMS 2 = 1 TREE ROFE	4	-	Roystonea Regia	Royal Palm	X		High	12'	30'-60'	20-25'
BINO	10	-	Bismarckia Nobilis	Bismarck Palm	X		High	12'	40-70'	20-25'
SAPA	-	8	Sabal Palmetto	Palmetto	X		High	-	50'	10-15'
TOTAL	130	83	TOTAL NUMBER OF TREES ON SITE = 130 + 83 = 213 - (of them 22 palms count as 1/2 tree; tree count => 201)							

PLANT LEGEND						
Symbol	Scientific	Common	NATIVE SPECIES	QUANTITY	SIZE	HEIGHT
PLUB	Plumbago Auriculata "Imperial Blue"	Plumbago	YES	631	3 Gallons cans, 18" spread	2'-0"
CHIC	Chrysobalanus Icaco	Cocoplum	YES	1,450	3 Gallons cans, 18" x 18"	2'-0"
SOD	St. Augustine "Floratam"	St. Augustine	YES	as required	Solid sod	
	Planting Soil 70% Silica Sand 30% Everglades Muck			as required		
	Shredded Melaleuca Mulch (Grade B)			as required		

NOTES

SOD

St. Augustine "Floratam" for parking areas, Bahia Sod for playfields.

IRRIGATION

All landscape areas to receive 100% coverage by means of an automatic sprinkler system with rain sensor.

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 [illegible] edition and part 2 [illegible] edited by the Florida Department of Agriculture and Consumer Services, Divisions of Plant Industry.

Planting mix/backfill soil 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.

Palms shall be planted in a good grade of salt free sand [illegible] of good drainage. 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 noted for each type of plant: Turf: 6-6-2 N-P-K with micronutrients. Apply at a rate of 1 lb of nitrogen per 1000 s.f. Palms: 7-1-7 N-P-K with micronutrients.

Shrubs and Trees: 7-6-6 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 50% 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 weed 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. Exercise care in digging and work so as not to damage existing utilities in sod 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 a minimum of 6' away from all other utilities.

R.O.W. shrubs must be a minimum of 36" at the time of planting, and they will be grown & maintained at 72" at maturity.

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th St. Suite 208
Doral, FL 33126
tel: 305.593.9959
AA #26001080

PROJECT:
MATER LAKES ACADEMY CHARTER SCHOOL
17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:
LUXOR PROPERTIES HOLDINGS, LLC.
6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:
D.I.C. APPROVAL Z2008000064

CIVICA PROJECT No.:
080104

No.	DATE	REVISION	BY
1	09/12/08	STAFF COMMENTS	JG
2	10/20/08	STAFF COMMENTS	JG
2	09/19/08	STAFF COMMENTS	JG
3	10/07/08	-	TM
	10/16/08	D & TRAFFIC	JG
	10/20/08	STAFF COMMENTS	JG
	10/30/08	DERM	JG

DRAWN BY	APPROVED BY
TM	RL
DATE	SCALE:
11/06/2008	AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE
LANDSCAPE PLAN

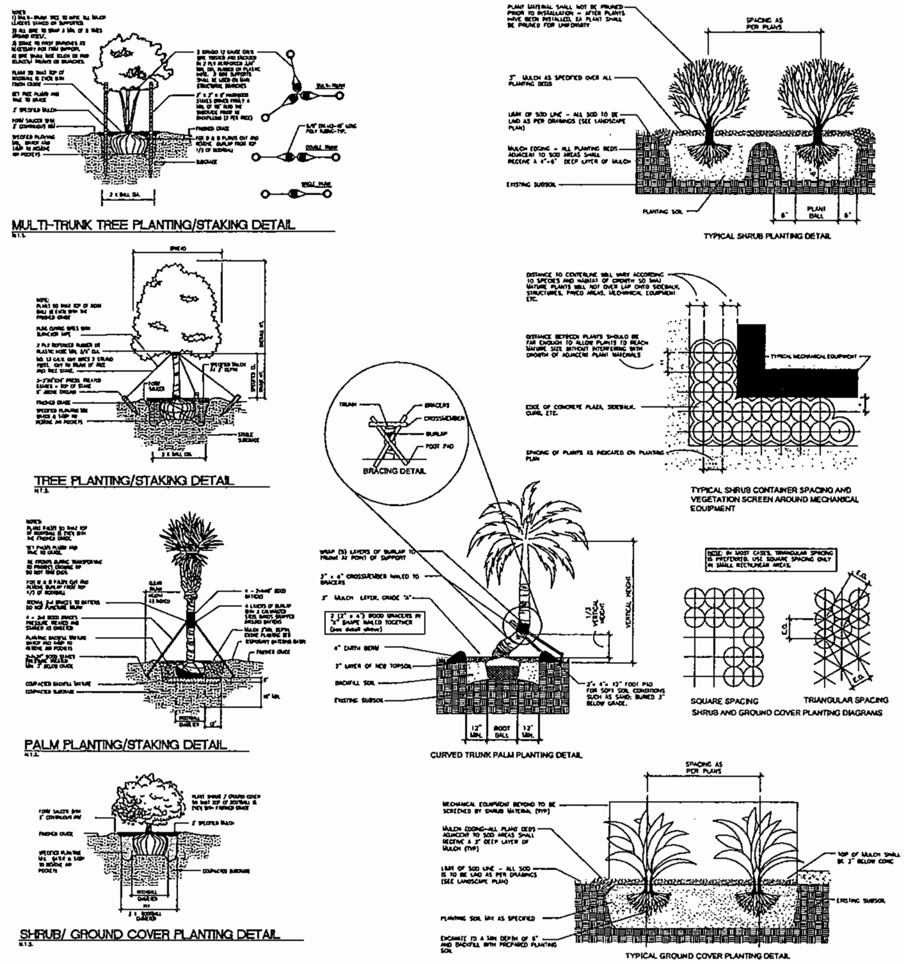
SHEET NUMBER
A-9

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-064
DATE: NOV 07 2008
ZONING

43

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL



C I V I C A

8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:

LUXOR PROPORTIES HOLDINGS, LLC.

6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:

D.I.C. APPROVAL Z2008000064

CIVICA PROJECT No.:

080106

No.	DATE	REVISION	BY
1	09/12/08	STAFF COMMENTS	JG
2	10/20/08	STAFF COMMENTS	JG

DRAWN BY	APPROVED BY
TM	RL
DATE	**SCALE:**
11/06/2008	AS SHOWN

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AR - 0013160

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SHEET TITLE

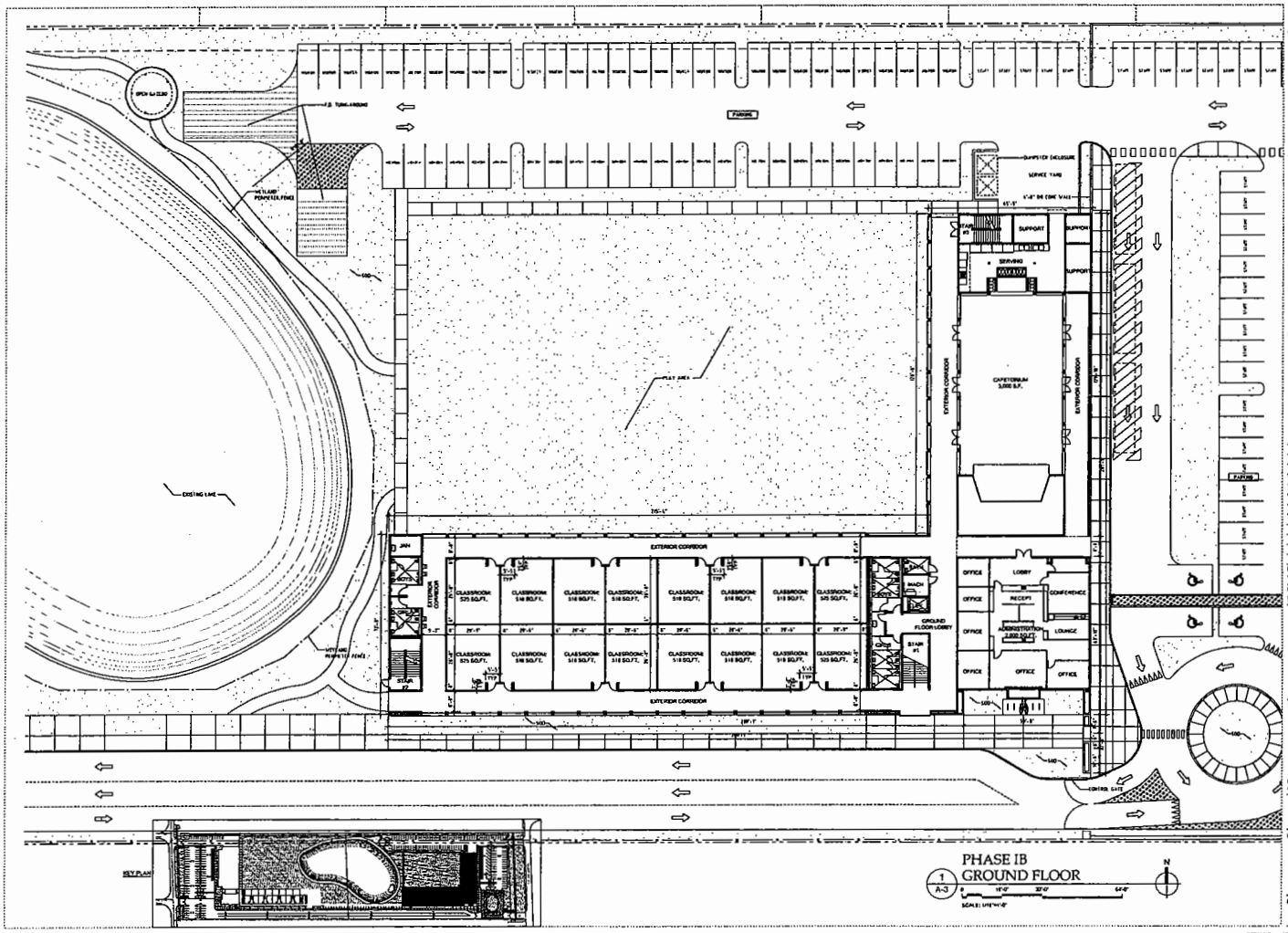
LANDSCAPE NOTES

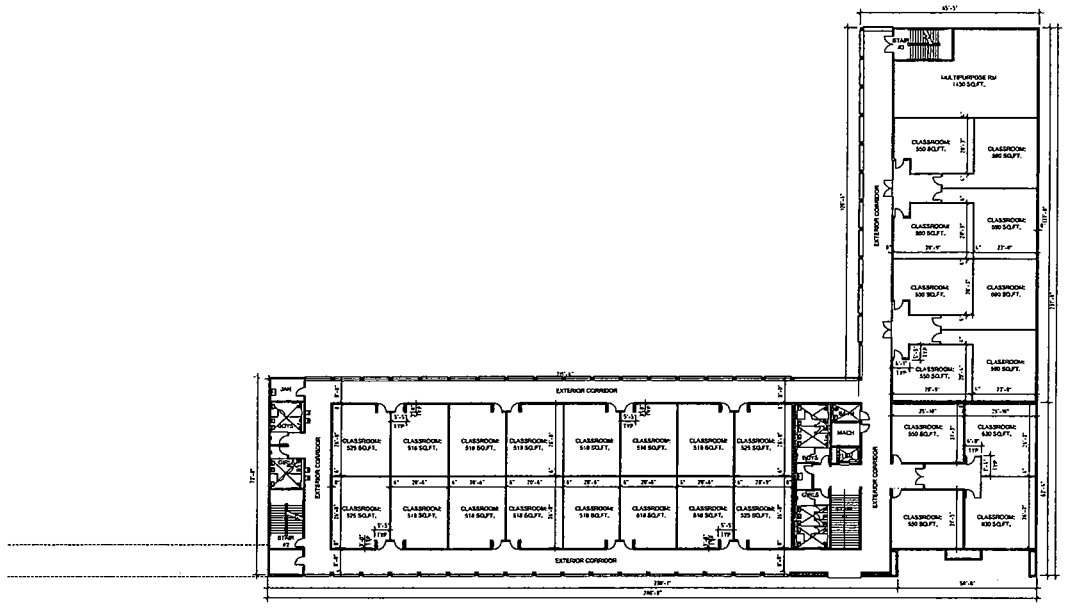
RECEIVED

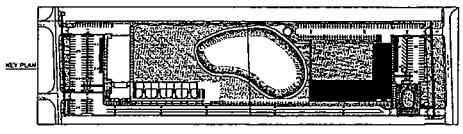
SHEET NUMBER

A-10

44


CIVICA
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
PROJECT:
MATER LAKES ACADEMY CHARTER SCHOOL
17300 & 17302 N.W. 67th Ave
MIAMI, FL 33014
APPLICANT:
LUXOR PROPERTIES HOLDINGS, LLC.
6073 NW 167th Street
Unit # C19
Hialeah, FL 33015
ISSUED FOR:
D.I.C. APPROVAL
CIVICA PROJECT No:
080104
DRAWN BY
APPROVED BY
TM
RL
DATE
SCALE:
11/06/2008
AS SHOWN
SEAL/SIGNATURE
SHEET TITLE
(PHASE IB) GROUND FLOOR
SHEET NUMBER
A-3
PHASE IB
GROUND FLOOR
1
A-3
EXTERIOR CORRIDOR
CAFETERIUM
SERVING
SUPPORT
LOBBY
OFFICE
RECEPT
CONFERENCE
LOUNGE
ADMINISTRATION
GROUND FLOOR LOBBY
STAIR #1
STAIR #2
CLASSROOM
PARKING
EXISTING LINE
KEY PLAN





1 A-4 PHASE IB SECOND FLOOR

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

N

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th St. Suite 208
Doral, FL 33126
tel: 305.593.9959
AA #26000063

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 67th Ave
MIAMI, FL 33014

APPLICANT:

LUXOR PROPORTIES HOLDINGS, LLC.

6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:
D.I.C.
APPROVAL
Z2006000064

CIVICA PROJECT No :
08710B

No.	DATE	REVISION	BY
1	09/17/08	27272 COMMENTS	JO
2	10/27/08	COMMENTS	JO

DRAWN BY	APPROVED BY
TM	RL
DATE	SCALE:
11/06/2008	AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, MA
AR - 0012168

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SHEET TITLE

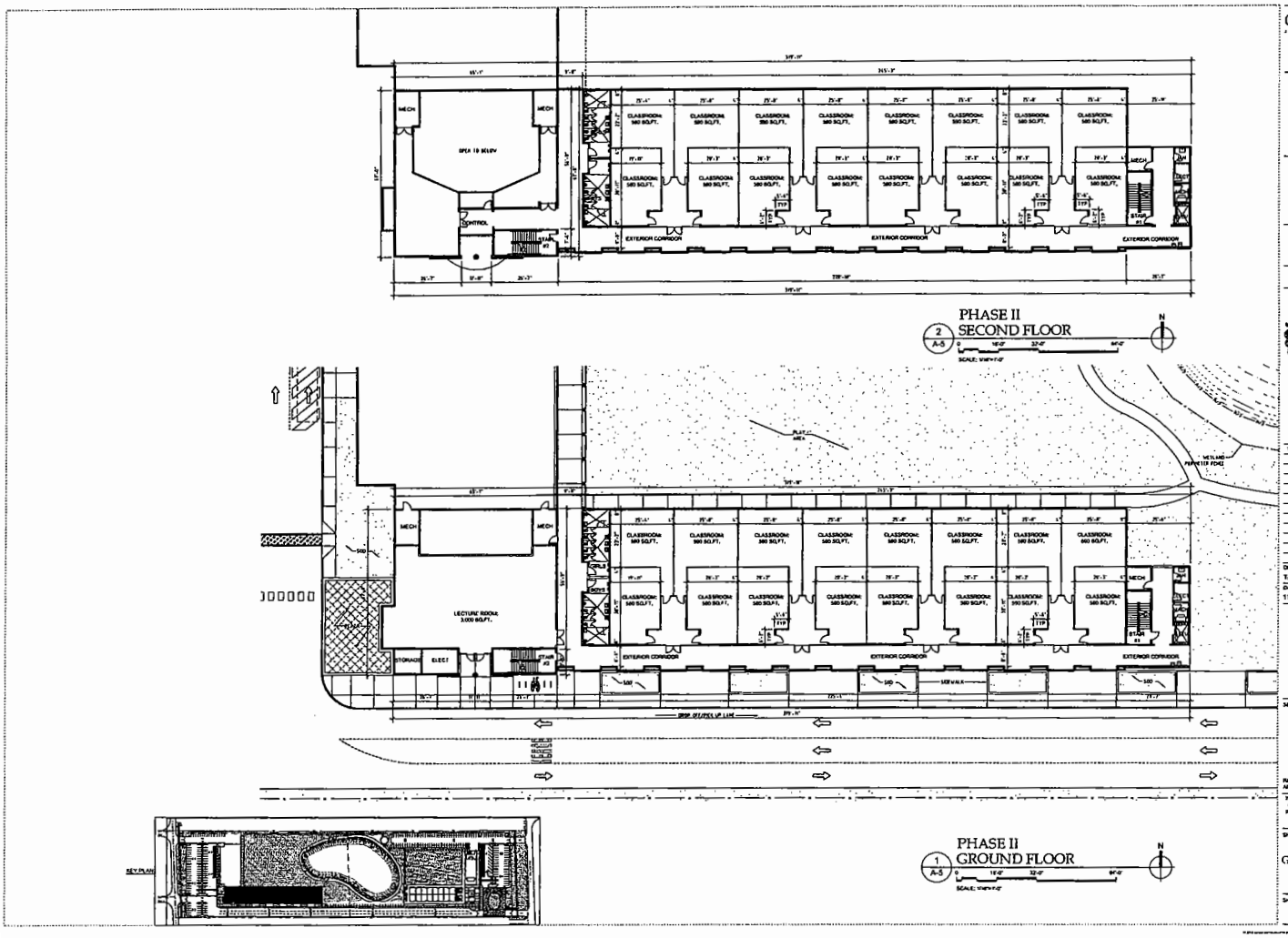
(PHASE IB) SECOND FLOOR

SHEET NUMBER

A-4

RECEIVED

46



CIVICA

8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9559

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 67th Ave
MIAMI, FL 33014

APPLICANT:

LUXOR PROPERTIES HOLDINGS, LLC.

6573 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:

D.I.C.
APPROVAL
ZJM0000004

CIVICA PROJECT No:

080104

No.	DATE	REVISION	BY
1	09/15/08	2ND D.I.C. COMMENTS	JG
2	10/20/08	3RD D.I.C. COMMENTS	JG

DRAWN BY: TAS
APPROVED BY: RL
DATE: 11/05/2008
SCALE: AS SHOWN

ROLANDO LLAMES, AIA
AR - 0013485

SHEET TITLE

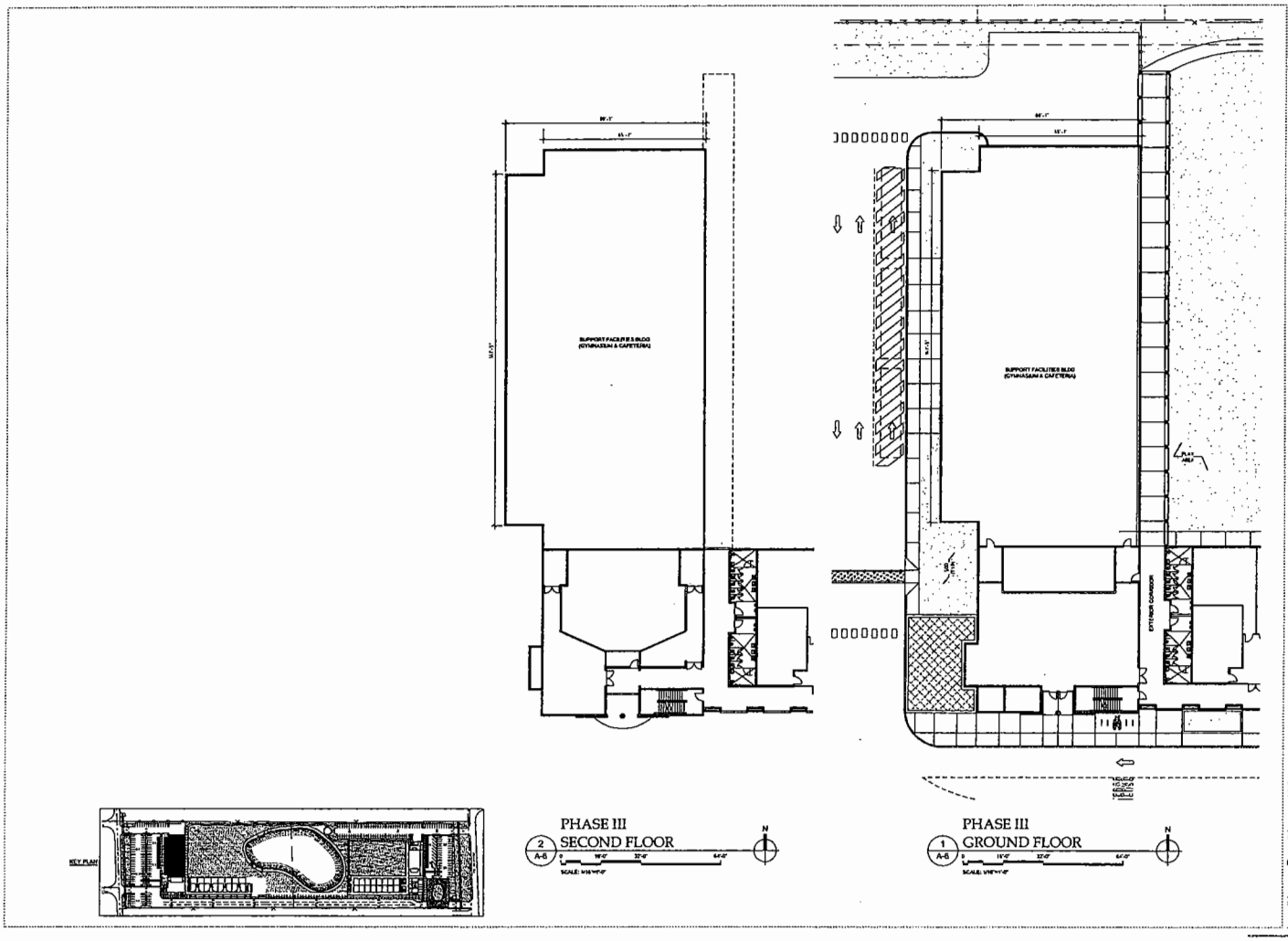
(PHASE II)
GROUND + SECOND FLOOR

SHEET NUMBER

A-5

RECEIVED

47



CIVICA
ARCHITECTURE & URBAN DESIGN
6373 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959

PROJECT:
MATER LAKES ACADEMY CHARTER SCHOOL
17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:
LUXOR PROPERTIES HOLDINGS, LLC.
6073 NW 167th Street
Unit # C10
Hialeah, FL 33015

ISSUED FOR:
D.I.C.
APPROVAL
ZND080004

CIVICA PROJECT No :
080104

No.	DATE	REVISION	BY
1	09/12/08	STAFF COMMENTS	JG
2	10/20/08	COMMENTS	JG

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, AIA
AR - 0011460

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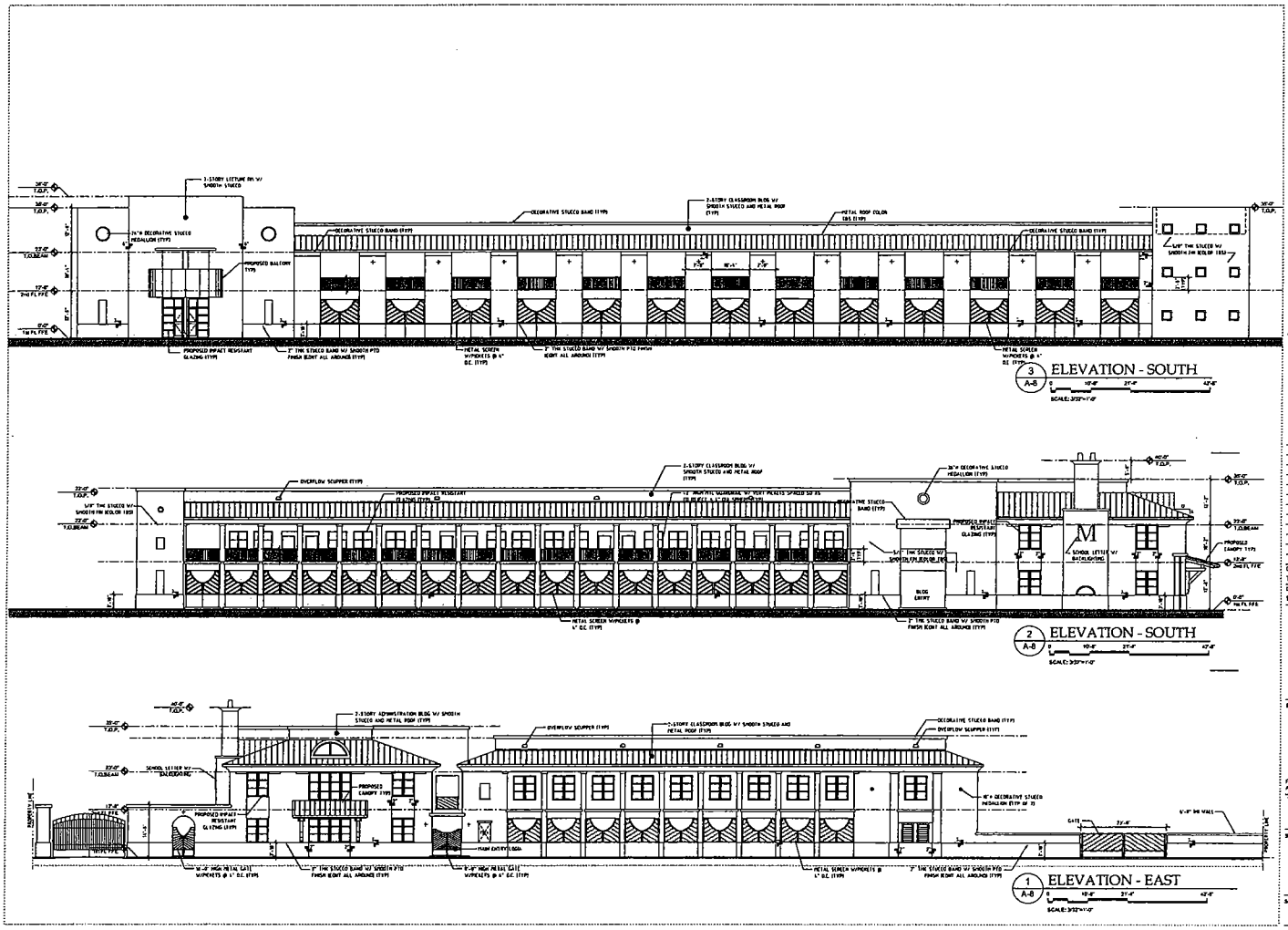
SHEET TITLE
(PHASE III)
GROUND + SECOND FLOOR

SHEET NUMBER
A-0

RECEIVED

48



CIVICA
ARCHITECTURE & INTERIOR DESIGN
6323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
AA #26000083

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 67th Ave
MIAMI, FL 33014

APPLICANT:

LUXOR PROPORTIES HOLDINGS, LLC.

6073 NW 167th Street
Unit # C19
Hialeah, FL 33015

ISSUED FOR:

D.I.C. APPROVAL
22008000064

CIVICA PROJECT No.:
080104

No.	DATE	REVISION	BY
1	08/13/08	STAFF COMMENTS	JG
2	10/20/08	STAFF COMMENTS	JG

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLANES, AIA
AR - 0013160

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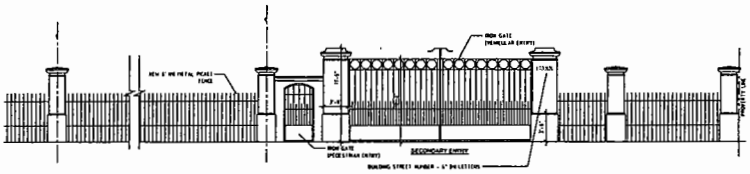
SHEET TITLE

ELEVATIONS

SHEET NUMBER: A-8

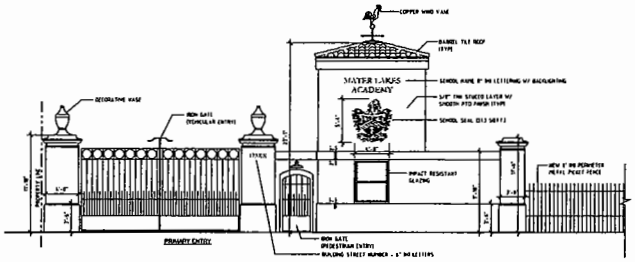
RECEIVED

49



2 A-12 SECONDARY ENTRY GATE

SCALE: 3/16"=1'-0"



1 A-12 PRIMARY ENTRY GATE

SCALE: 3/16"=1'-0"

CIVICA
ARCHITECTURE + URBAN DESIGN
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959
AA #0003183

PROJECT:

MATER LAKES ACADEMY CHARTER SCHOOL

17300 & 17302 N.W. 87th Ave
MIAMI, FL 33014

APPLICANT:

LUXOR PROPERTIES HOLDINGS, LLC.

6073 NW 167th Street
Unit # C10
Hialeah, FL 33015

ISSUED FOR:

D.I.C.
APPROVAL
ZAR#0000064

CIVICA PROJECT No:
08010K

NO.	DATE	REVISION	BY
1	08/13/08	1/13/09 COMMENTS	AS
2	10/20/08	COMMENTS	AS

DRAWN BY: TM
APPROVED BY: RL
DATE: 11/06/2008
SCALE: AS SHOWN

SEAL/SIGNATURE

ROLANDO LLAMES, AIA
AR--0013460

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SHEET TITLE

ENTRANCE FEATURE

SHEET NUMBER: A-12

RECEIVED

50

CHILD CARE CHECKLIST FOR CHARTER SCHOOLS

School Name: Mater Lakes Academy Charter School

School Address: 17300 & 17302 NW 87th Avenue, Miami-Dade County, Florida

Folio Numbers: 30-2009-001-0530; 30-2009-001-0531

Total Area of Site: 10.0± acres

Is this an expansion to an existing school? ☐ Yes ☑ No

If yes, indicate the # of students and grade levels previously approved:

_____ and the Resolution #: _____

Number of Children/Students requested: 1800 Grade Levels requested: K-12 Ages: 4-18

Number of Classrooms: 75 Total square footage of classroom area: 41,987± s.f.

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.): 92,437 ± s.f.

Total square footage of outdoor/recreation area: 74,880 ± s.f.

Number of parking spaces provided for staff, visitors, and transportation vehicles: 171

Days and hours of operation: Monday through Friday, 7:00 a.m. to 4:00 p.m.

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

Signed, sealed, executed and acknowledged on this 22 day of December, 2008 at Miami-Dade County, Florida.

By: _____
Jorge A. Lima, Esq.

Witnesses:
_____
_____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

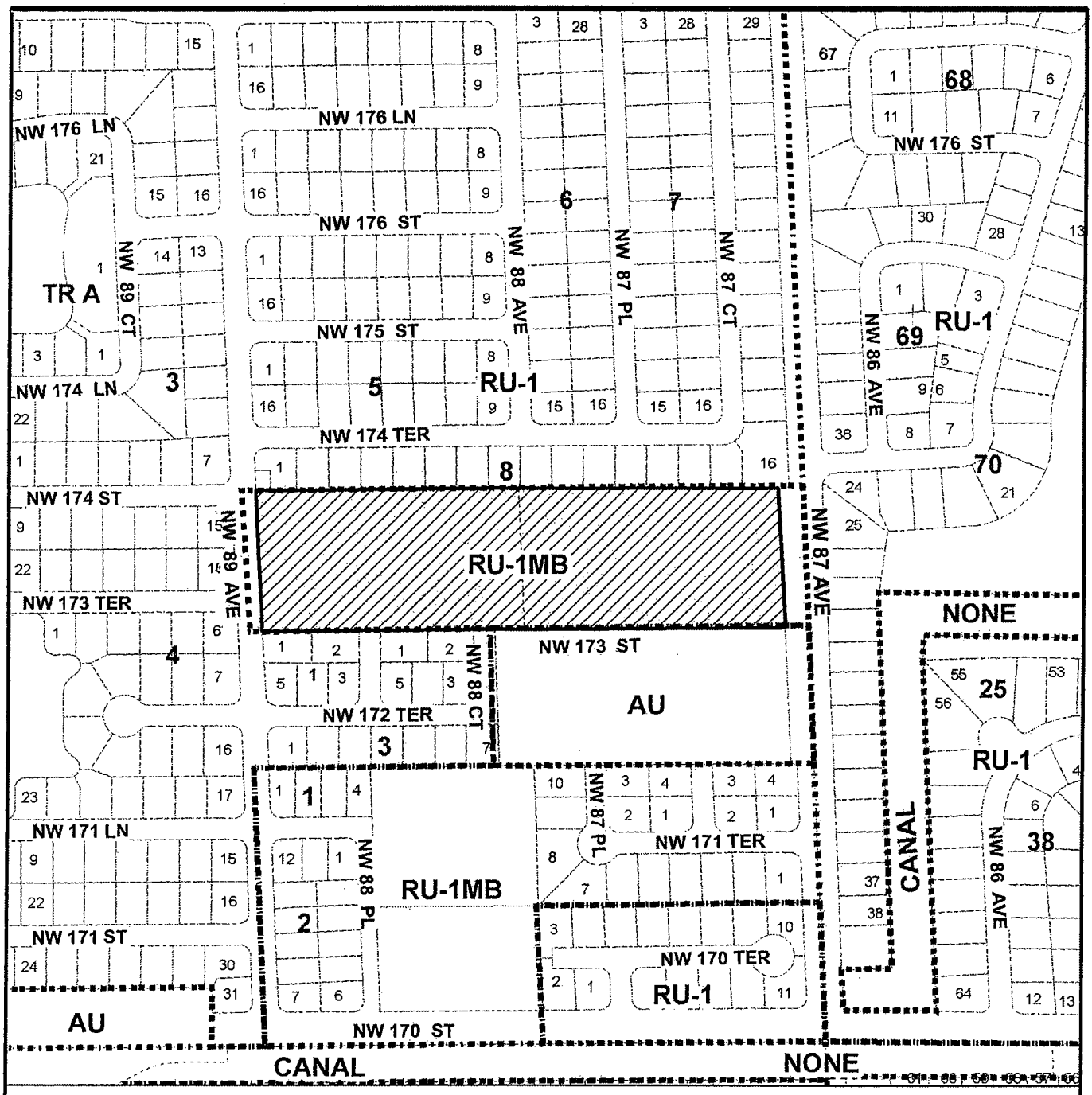
I hereby certify that on this 22nd day of December, 2008, before me personally appeared Jorge A. Lima, to me known to be the person described in and who executed the foreign instrument and he/she acknowledged to me that the execution thereof to be his/her free act for the use and purpose mentioned.

MY COMMISSION EXPIRES:

MERCEDES ARROJAS
MY COMMISSION # DD 751066
EXPIRES: January 23, 2012
Bonded Thru Notary Public Underwriters

5916654_v1

RECEIVED
208.064
DEC 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-064

SUBJECT PROPERTY

Section: 09 Township: 52 Range: 40
Applicant: LUXOR PROPERTY HOLDING, LLC.
Zoning Board: BCC
District Number: 12
Drafter ID: ERIC
Scale: NTS

CREATED ON: 04/22/2008

REVISION	DATE	BY

MIAMI-DADE COUNTY

AERIAL

Process Number

08-064

N
W E
S

SUBJECT PROPERTY

Section: 09 Township: 52 Range: 40
Applicant: LUXOR PROPERTY HOLDING, LLC.
Zoning Board: BCC
District Number: 12
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 04/22/2008

REVISION	DATE	BY

BCC – February 5, 2009
Item # 1 —— 08-064
Luxor Property Holding, LLC

This instrument was prepared by:

Name: Leila Batties
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS FOR CHARTER SCHOOL

THIS DECLARATION OF RESTRICTIONS is made this 14 day of JANUARY, 2009, by **LUXOR PROPERTY HOLDINGS, LLC,** a Florida limited liability company, (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain 10-acre parcel located at 17300 NW 87 Avenue, in unincorporated Miami-Dade County, and which is more particularly described as follows:

See attached Exhibit "A"

hereinafter referred to as the "Property;"

WHEREAS, the County previously adopted Resolution No. CZAB5-14-05 permitting the use of the Property for a residential community consisting of 50 dwelling units, and the County accepted the declaration of restrictions recorded at Official Records Book 24141, Pages 4135-4141 for same; and

WHEREAS, the Owner submitted to Miami-Dade County Application No. P.H. 08-64 (the "Application") seeking to permit the use of the Property as a charter school to be known as MATER LAKES ACADEMY (the "Charter School");

NOW THEREFORE, IN ORDER TO ASSURE the County that the representations made during consideration of the Application will be abided by, the Owner freely and voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

Received by
Zoning Agenda Coordinator
JAN 20 2009

1. A full set of plans shall be submitted to and meet with the approval of the Director of the Department of Planning and Zoning (the "Department") 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 thereto, 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. In the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled "Mater Lakes Academy Charter School," as prepared by Civica Architecture & Urban Design, dated stamped received 11/07/08, and consisting of 12 sheets, including the cover sheet.

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

4. The Owner shall submit to the Department for its review and approval a landscaping plan that 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. The Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments as contained within the DIC Report.

7. No outside speakers shall be permitted on the Property.

8. 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. The school gates shall be opened at least 30 minutes prior to the arrival and dismissal times.

10. The Charter School use shall be limited to grades kindergarten through 12th, and be limited to a maximum of 1800 students.

11. If the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:

(a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or

(b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or

(c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or

(d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

12. The Charter School shall be developed in four phases, as depicted on Sheet A-7 of the Plans, as follows:

Phase IA: 330 students in grades 6 – 12, temporary modular building on the west side of the Property;

Phase IB: 1,130 students in grades K – 12, temporary modular building on the west side of the Property and permanent classroom building on the east side of the Property;

Phase II: 1800 students in grades K – 12, temporary modular support building on the west side of the Property, permanent classroom building on the east side of the Property, and new classroom building on west side of the Property; and

Phase III: 1800 students in grades K – 12, permanent classroom buildings on the west and east side of the Property and a permanent support facilities building on the west side of the Property.

13. The Charter School shall maintain multiple staggered start/dismissal times as follows:

Phase IA:	7:30 a.m. – 2:00 p.m.	approximately 110 students
330 students	8:00 a.m. – 3:00 p.m.	approximately 110 students
Grades 6-12	8:30 a.m. – 3:30 p.m.	approximately 110 students
Phase IB:	7:00 a.m. – 2:00 p.m.	approximately 283 students
1130 students	7:30 a.m. – 2:30 p.m.	approximately 282 students
Grades K - 12	8:00 a.m. – 3:00 p.m.	approximately 283 students
	8:30 a.m. – 3:30 p.m.	approximately 282 students
Phase II:	7:00 a.m. – 2:00 p.m.	approximately 500 students
1800 students	7:30 a.m. – 2:30 p.m.	approximately 500 students
Grades K-12	8:00 a.m. – 3:00 p.m.	approximately 500 students
	8:30 a.m. – 3:30 p.m.	approximately 300 students
Phase III:	7:00 a.m. – 2:00 p.m.	approximately 500 students
1800 students	7:30 a.m. – 2:30 p.m.	approximately 500 students
Grades K-12	8:00 a.m. – 3:00 p.m.	approximately 500 students
	8:30 a.m. – 3:30 p.m.	approximately 300 students

14. The Owner shall provide the landscaping shown on the plans adjacent to the modular building prior to the issuance of the Certificate of Use for the modular building.

15. The temporary modular support building on the Property shall be removed prior to the beginning of the 2017-2018 school year.

16. The Owner shall maintain the 6' high security fence around the perimeter of the lake.

17. The Owner shall submit an Entrance Feature Maintenance Agreement to the Department within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown

18. Miscellaneous

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time of entering and inspecting the use of the Property 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 shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

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 this Declaration in whole, or in part, provided that such change has been approved by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property that is the subject of the modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/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 set forth in this Declaration. 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/her/its 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, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, 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.

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny

each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

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

[Signature Pages Follow]

IN WITNESS WHEREOF, LUXOR PROPERTY HOLDINGS, LLC, has caused these present to be signed in its name on this 14 day of January, 2009.

WITNESSES:

Witness

Ricardo Fraga
Printed Name

Witness

WANDA RODRIGUEZ
Printed Name

LUXOR PROPERTY HOLDINGS, LLC,
a Florida limited liability company

By: _____
Signature

Jesus Freiria, Manager
Printed Name / Title

Address:
6073 N.W. 167 st. C-19
Hialeah, Fl. 33015

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14 day of January, 2009, by Jesus Freiria, as manager of Luxor Property Holdings, LLC, on behalf of said limited liability company, who is personally known to me or has produced drivers license as identification.

My Commission Expires:

Notary Public – State of Florida

WANDA RODRIGUEZ
Printed Name

WANDA RODRIGUEZ
Notary Public - State of Florida
My Commission Expires Feb 4, 2012
Commission # DD 750991
Bonded Through National Notary Assn.

Exhibit "A"

PARCEL 1

The West 1/2 of Tract 53, in Section 9, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. ONE, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, Public Records of Miami-Dade County, Florida. LESS the West 25 feet thereof conveyed to Miami-Dade County, Florida in Official Records Book 8133, Page 363, Public Records of Miami-Dade County, Florida.

AND

PARCEL 2

The East 1/2 of Tract 53, in Section 9, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. ONE, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, Public Records of Miami-Dade County, Florida. LESS so much of said property as lies within the East 55 feet of the SE 1/4 of said Section 9, which has heretofore been conveyed to Miami-Dade County, Florida for road right-of-way purposes.

2. CARLISLE GROUP IV, LTD.
(Applicant)

09-2-CC-2 (09-1)
BCC/District 3
Hearing Date: 2/5/09

Property Owner (if different from applicant) **Miami-Dade Transit**

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
1965	ABC Machinery Equip. Co.	Zone change from RU-1 to IU-1.	BCC	Appeal approved, Application approved.
1965	ABC Machinery Equip. Co.	Zone change from RU-1 to IU-1.	ZAB	Recommended for approval.

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.

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Carlisle Group IV., LTD **PH:** Z09-001 (09-2-CC-2)

SECTION: 21-53-41 **DATE:** February 5, 2009

COMMISSION DISTRICT: 3 **ITEM NO.:** 2

==========

A. INTRODUCTION

- **REQUEST:**

  SPECIAL EXCEPTION to permit site plan approval for a residential development in the Rapid Transit Zone.

  Plans are on file and may be examined in the Department of Planning and Zoning, entitled "Everett Stewart Sr. Brownsville Phase I," as prepared by Corwil Architects, Inc. and consisting of 30 sheets and "Everett Stewart Senior Village Brownsville Village Phase 1," as prepared by JFS Design, Inc. Landscape Architects, consisting of 5 sheets, all dated stamped received 1/05/09. Plans may be modified at public hearing.

- **SUMMARY OF REQUEST:** The applicant is seeking to develop the property with a 90 unit multi-family apartment building and a parking structure.

- **LOCATION:** The southeast corner of NW 29 Avenue and NW 53 Street, Miami-Dade County, Florida.

- **SIZE:** 2.7 acres

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for the Brownsville Rapid Transit Station and the Dr. Martin Luther King, Jr. Corridor Subzone which is designated in the CDMP as a Rapid Transit Station and Urban Center.

2. **Objective LU-7.** Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

3. **Policy LU-7A**. Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the

range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.

4. **Policy LU-7B.** It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid transit stations that is well designed, conducive to both pedestrian and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians, pedestrian accommodations shall include, as appropriate, continuous sidewalks to the transit station, small blocks and closely intersecting streets, buildings oriented to the street or other pedestrian paths, parking lots predominately to the rear and sides of buildings, primary buildings entrances as close to the street or transit stop as to the parking lot, shade trees, awnings, and other weather protection for pedestrians.

5. **Policy LU-7F.** Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) with ¼ mile walking distance from the stations and 20 du/ac or higher with 700 feet of the station, and a minimum of 10 du/ac between ¼ and ½ mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within ¼ mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between ¼ and ½ mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.

6. **Policy LU-9F.** Miami-Dade County shall formulate and adopt zoning or other regulations to implement the policies for development and design of Metropolitan and Community Urban Centers established in the CDMP through individual ordinances for each urban center.

7. **Urban Center.** 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 nearby expressway or major roadways to ensure a high level of countywide accessibility.

   The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create

identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

The core of the centers should contain business, employment, civic, and/or high or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses that 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 and 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 of these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be 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 entertainment uses, 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 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 major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Streets 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-edged 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 fixture 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 promenade, 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 may 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. 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.

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

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

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

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Land Use Policy LU-7F.

8. **Policy MT-8B.** In the planning and design of rapid transit sites and stations and transit centers, high priority shall be given to providing a safe, attractive and comfortable environment for pedestrians and transit users; such amenities shall include weather protection, ample paved walkways, sidewalks, lighting, and landscaping, and ancillary uses that provide conveniences to transit patrons such as cafes, news stands and sundries sales.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-1; Parking Lot (Brownsville Rapid Transit Center)	Community Urban Center Dr. Martin Luther King, Jr. Corridor Subzone
Surrounding Properties:	
NORTH: RU-1Z and BU-3; one-story single-family residence, vacant	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-3; Metrorail parking lot	Low Density Residential, 2.5 to 6 dua
EAST: BU-2 ; Metrorail station and parking lot	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; one-story single-family residences	Low Density Residential, 2.5 to 6 dua

The subject property is located at the southeast corner of NW 29 Avenue and NW 53 Street, Miami-Dade County, Florida. The surrounding area is characterized by single family residences to the north and west and the Miami-Dade Transit station and parking lot to the east and south.

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**
Urban Design:	**Acceptable**

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 the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets

or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33C-2 Rapid Transit Zone.

(A) Definition. The "Rapid Transit Zone" consists of all land area, including surface, subsurface, and appurtenant airspace, heretofore or hereafter designated by the Board of County Commissioners as necessary for the construction of the fixed-guideway portion of the Stage 1 Rapid Transit System, including all station sites, parking areas and yard and maintenance shop facilities.

(B) Designation of land included. The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979 and Exhibit 10, May 26, 1983, certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Planning and Zoning, as the Rapid Transit Zone for the Stage 1 Fixed-Guideway Rapid Transit System. The Director of the Department of Planning and Zoning shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.

(C) Jurisdiction of County. Jurisdiction for purposes of building and zoning approvals (including, but not limited to, site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, district boundary changes, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments), water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks where applicable) and utility regulation, all of which relate to the uses specifically delineated in subsection (D) below, shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary.

(D) Permitted land uses. The following land uses are permitted within the Rapid Transit Zone and no others:

(1) Fixed guideways for the Rapid Transit System.

(2) Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, in-station advertising displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.

(3) Parking lots and parking structures.

(4) Bus stops and shelters.

(5) Streets and sidewalks.

(6) Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.

(7) Landscaping.

(8) Bikeways, parks, community gardening, playgrounds, power substations and other uses necessary for the construction, operation and maintenance of the Rapid Transit System.

(9) (a) Such other uses, including commercial, office and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership thereof.

(b) Subzones; development regulations, standards and criteria. In the unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall become part of this chapter. Said ordinances shall identify the boundaries of the individual subzones and shall establish development regulations and site plan review standards and criteria for those land uses permitted pursuant to subsection (9)(a) herein and approved pursuant to subsection (9)(c) herein.

(c)Requests for approval of development of those land uses permitted pursuant to subsection (9)(a) herein within a subzone created pursuant to subsection (9)(b) herein shall be made by filing an application in accordance with the provisions of Section 33-304. Said application shall be considered a special exception for site plan approval to be considered and acted upon directly by the Board of County Commissioners pursuant to the criteria established in Section 33-311(d) and the provisions of the applicable subzone.

(E) Effect on existing land uses. All land areas included by this section within the Rapid Transit Zone upon which uses other than those specified in subsection (D) of this section were authorized or permitted prior to October 27, 1978 may be used as follows:

(1) *Existing structures.* All existing buildings or structures and all uses for which building permits have already been issued prior to the effective date of this article and which have complied with the applicable provisions of the South Florida Building Code, may be continued or constructed in accordance with the approved plans and specifications therefore. Alterations, improvements, or expansions of existing structures shall be subject to the provisions of paragraph (2) hereof.

(2) *All other lands.* No applications for site or plan approvals and/or building permits shall be issued for new facilities within the Rapid Transit Zone except in the following circumstances:

(a) The estimated construction costs does not exceed ten thousand dollars ($10,000.00) in any consecutive two-year period; or

(b) The Miami-Dade Transit Agency certifies that approval of the application will not have an adverse impact upon a material element of the Stage I System. The Miami-Dade Transit Agency shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification. The decision of the Agency may be appealed to the Board of County Commissioners within thirty (30) days from the date of the written explanation by filing a notice of appeal with the Clerk of the Board of County Commissioners. The Board of County Commissioners, after giving public notice as required by Chapter 33 of the Code, shall hear the appeal and either affirm, deny or modify the decision of the Agency. Appeals from the Board of County Commissioners' action shall be in accordance with Section 33-316 of this Code.

Section 33C-7. Dr. Martin Luther King, Jr. Corridor Subzone.

(1) *Boundaries.* Pursuant to the provisions of Section 33C-2(D)9(b), the Dr. Martin Luther King Jr. Corridor Subzone (MLK Corridor Subzone) of the Rapid Transit Zone is hereby established; the boundaries of the Subzone include all portions of the Rapid Transit Zone located north of NW 51st Street and east of NW 32nd Avenue, as described in and incorporated into Section 33C-2(B) hereof; said boundaries shall be certified by the Clerk of the Board as part of this section, and transmitted to the Department of Planning and Zoning for custody.

(2) *Development regulations.* The following development regulations shall apply within the MLK Corridor Subzone:

(a) Mixed uses, as provided by Section 33C-2(D)(9)(a) shall be permitted, said uses including but not limited to, residential, office, hotel, clubs, restaurants, theatres, retail, etc.

(b) Parking for single use projects shall be provided at no less than ninety (90) percent or no greater than one hundred ten (110) percent of the following standards:

i. Residential—One (1) parking space for each dwelling unit.
ii. Office—One (1) parking space for each four hundred (400) square feet of gross floor area.

iii. Hotel—One (1) parking space for every two (2) guestrooms.

iv. Other uses—Ninety (90) percent of the required parking per Section 33-124.

(c) Parking for mixed-use projects (two (2) or more land uses) shall be calculated by applying the ULI Shared Parking Methodology (Library of Congress Card Number 8351648) to the parking requirements as specified above. Parking shall fulfill between ninety (90) percent and one hundred ten (110) percent of the ULI calculation.

(d) Setbacks. See site plan review standards and criteria herein.

(e) The maximum floor area ratio shall not exceed 3.0.

(f) The maximum building height shall not exceed one hundred fifty (150) feet.

(g) The minimum open space shall be twenty-five (25) percent; said open space may be provided at grade or on abovegrade surfaces, provided that at least fifteen (15) percent is outdoor at grade, and shall include landscape areas improved and maintained with grass, shrubbery, and trees, water fountains and features, art displays, and other landscape elements and features.

(h) Sign(s), to direct traffic flow and locate entrances and exits to developments and/or to identify developments within the subzone area and on abutting properties shall be permitted in connection with any permitted uses. Said signs shall be reviewed by the Department of Planning and Zoning and Miami-Dade Transit Agency for compliance with the standards and criteria set forth in Section 33C-7(3) below.

(3) Site plan review standards and criteria. The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards and criteria shall be utilized as a guide by the Developmental Impact Committee or the Department of Planning and Zoning and by the Board of County Commissioners in the consideration of requests for special exception for site plan approvals with the MLK Corridor Subzone:

(a) All development shall conform foremost with the guidelines for development of Urban Centers contained in the Comprehensive Development Master Plan, and shall be reviewed for its compatibility with the Miami-Dade County Urban Design Manual, the Metrorail compendium of design criteria, and, as applicable, the Brownsville Station Area design and development plan, the Northside Station Area design and development plan and the Dr. Martin Luther King, Jr. Station Area Design and Development Plan.

(b) Mixed, twenty-four-hour activity uses should be encouraged to be incorporated into the design of development projects.

(c) Setbacks may not be required due to the unique locational characteristics associated with the MLK Corridor Subzone site; however, building locations shall be reviewed to assure compatibility with surrounding existing, proposed, and anticipated development and uses and to assure that no visual or other safety hazards are created in connection with existing, proposed, and anticipated pedestrian and vehicular circulation systems.

(d) Pedestrian open space, in the form of plazas, arcades, courtyards, landscaped areas, etc., particularly at the level of the station, with convenient connections between the station and restaurants, theatres, retail uses, etc., so as to provide easy access thereto, should be encouraged to be incorporated into the design of all development projects.

(e) The scale of all development projects should be designed to be compatible with surrounding existing, proposed, and anticipated development and uses, and, therein, step-down buildings may be encouraged to be incorporated into the design of the project, and all development should be architecturally and aesthetically compatible with the station and enhance the surrounding area.

(f) Open space and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects; outdoor graphics and exterior art

displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.

(g) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, but not be limited to, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.

(h) All development projects should be designed so that the pedestrian and vehicular circulation systems adequately serve the needs of the project and are compatible and functional with the circulation systems exterior to the site.

(i) All development projects should be designed with a coordinated outdoor lighting and signage system that is adequate for and an integral part of the project and that is com

(j) patible and harmonious with the project and the surrounding area.

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions as indicated in their memoranda.

H. ANALYSIS:

The 2.7 acre subject property is located at the southeast corner of NW 29 Avenue and NW 53 Street. The subject property is located on the northwestern portion of a larger contiguous site leased to the applicant by Miami-Dade Transit. The applicant is seeking a special exception to permit site plan approval for a residential development in the Rapid Transit Zone. The plans submitted in conjunction with this application indicate the development of the property with a 10 story, 90 unit multi-family apartment building and a three story parking structure. The proposed multi-family apartment building consists of a mixture of 1, 2, and 3 bedroom apartments located along the southwestern portion of the property abutting NW 53 Street and NW 29 Avenue. The main entrance to the property will be from NW 53 Street but the apartment building can also be accessed from the parking structure which is located along the southern portion of the subject property. The concourse to the Brownsville Metrorail station is located east of the site with the rail being located on NW 27 Avenue. The proposed parking structure will provide 221 parking spaces of which 93 will accommodate the apartment building and the 100 parking spaces will be reserved for Miami Dade Transit.

The Brownsville Metrorail station is located in unincorporated Miami-Dade County and within the Rapid Transit Zone as provided for in Chapter 33C of the Code of Miami-Dade County and the Dr. Martin Luther King, Jr. Corridor Subzone as provided for in Chapter 33C-7 of the Code of Miami-Dade County. Section 33C-2(D)(9)(a) allows for uses including commercial, office, and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership. In addition, Section 33C-2(D)(9)(b) requires that in the

unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall identify the boundaries of the individual subzones and establish development regulations and site plan review standards and criteria for those land uses permitted pursuant to subsection (9)(a) and approved pursuant to subsection (9)(c). Section 33C-2(D)(9)(c) states that requests for approval of development permitted pursuant to (9)(a) and (b) are a special exception for site plan approval to be considered and acted upon by the Board of County Commissioners on these regulations. Jurisdiction of this application belongs to the Board of County Commissioners. The Dr. Martin Luther King, Jr. Corridor Subzone was approved on March 17, 1981 pursuant to Ordinance No. 81-31.

The subject property is designated by the CDMP as a Rapid Transit Station, within a Community Urban Center. The subject land uses immediately adjoining the north, east, west and south of the subject property are zoned RU-1Z, Single Family Zero Lot Line District, BU-3, Business Liberal District, and BU-2, Business Special District and RU-1, Single Family Residential District and RU-3, Four Unit Apartment District are developed primarily with single-family residences and the Miami-Dade Transit station and parking lot.

Site plan review standards and criteria are created to encourage logic, imagination and variety in the design process in an attempt to insure congruity of the proposed development and its compatibility with the surrounding area. As previously mentioned, the proposed residential development and parking structure are consistent with the Dr. Martin Luther King, Jr. Corridor Subzone (Section 33C-7). The 90-unit, 10-story residential building is located on the northwestern portion of the site and abuts existing single-family residences. This development represents the initial phase of affordable housing planned for development at the Brownsville Station. Staff recognizes that the scale, mass and placement of the apartment building will have an affect on the surrounding community. However, in designing the building, the applicant has recognized the need for a gradual transition of building mass by using an architectural design that minimizes the impact on the surrounding neighborhood. The applicant has limited the maximum building height on the western perimeter to 6 stories, approximately 60' above grade and 10-stories further to the east. The residential building's western boundary measures approximately 647' in length, while the six story portion of the building, at 60' represents 16% of the overall street frontage. Furthermore, the cumulative dimensions of building setbacks and existing right-of-way provide a minimum of 110 feet of separation between the existing single-family neighborhood and the proposed development. The applicant has also provided 150,096 square feet of open space which includes a tot lot and a domino court. Additionally, Section 33C-7 permits maximum building heights of 150' and the proposed apartment building will be 98' at its highest point. The applicant has provided abundant landscaping which includes Cocoplums, Royal Palms along NW 29 Avenue and Live Oaks, Blueberry Flax Lily, Desert Cassia along with retaining the existing trees on the site along NW 53 Street. Parking will not be an issue, as the allowable uses within the Rapid Transit Zone are proposed to promote transit use. As previously mentioned, the three-story parking structure will provide 221 parking spaces of which 93 will accommodate the 10-story apartment building and 100 spaces are devoted to transit use. The applicant has designed the site in accordance with standard Urban Center guidelines which encourage high density developments and has also incorporated Section 33C-7 guidelines into the design. As such, the application is **consistent** with both the CDMP and in keeping with the spirit and intent of Section 33C-7 of the Code of Miami-Dade County.

The Department of Environmental Resources Management **(DERM) has no objections** to this application and indicates in their memorandum 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 **(PWD) has no objections** to this application but indicates additional improvements

may be needed at time of permitting. Their memorandum indicates that this application meets the traffic concurrency criteria because it lies within the urban infill area. Notwithstanding, the location of the proposed apartment building adjacent to the transit station will encourage residents to utilize rapid transit, thus reducing the overall traffic to be generated by the proposed use. Miami-Dade Transit **(MDT) has no objections** to this application. However, during construction, the applicant is required to retain 100 parking spaces for transit patrons, must locate accessible/stroller spaces within the surface lot closest to the walkway for the Metrorail Station, keep open the southern-most parking lot driveway entrance/exit from NW 29 Avenue and have any use of the remaining surface lot area as a construction staging area reviewed and approved by MDT. The Miami-Dade Fire Rescue **(MDFR) does not object** to this application. However, the applicant must comply with the conditions as set forth in their memorandum.

The CDMP states that Miami-Dade shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporarily to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. The proposed apartment building and parking structure has been designed to be compatible with the surrounding area, consistent with the CDMP as it pertains to development around rapid transit stations, and meets the development standards for the Dr. Martin Luther King, Jr. Corridor Subzone development standards. In addition, staff is of the opinion that the site plan maintains the basic intent and purpose of the zoning and other land use regulations, and would not be detrimental to the community. Based on all of the aforementioned, staff recommends approval under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

I. RECOMMENDATION: Approval with conditions under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

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 and Occupancy; said plan to include among other things but not limited thereto, 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Everett Stewart Senior Brownsville Village Phase I," as prepared by Corwil Architect, Inc. and consisting of 30 sheets and "Everett Stewart Senior Village Brownsville Village Phase I," as prepared by JFS Design, Inc. Landscape Architects, consisting of 5 sheets, all dated stamped received 1/05/09.

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

4. 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 and Occupancy.

5. That the applicant obtain a Certificate of Use and Occupancy from 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.

6. That the applicant comply with all the conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.

7. That the applicant comply with all the conditions and requirements of the Department of Environment Resources Management (DERM) as contained in their memorandum.

8. That the applicant comply with all the conditions and requirements of Miami-Dade Transit (MDT) as contained in their memorandum.

9. That a cross-access parking agreement be submitted to the Department at time of building permit issuance. Said agreement shall allow 100 parking spaces to be reserved for parking to serve the station.

DATE INSPECTED:
DATE TYPED: 1/7/09
DATE REVISED: 1/7/09, 1/8/09, 1/9/09, 1/10/09, 1/13/09, 1/26/09
DATE FINALIZED:
MCL:MTF:NN:CI

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

Memorandum

MIAMI-DADE COUNTY

Date: January 6, 2009

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

From: John Garcia
Principal Planner
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC/Special Exception Zoning Application No. 09-001
Carlisle Group IV, Ltd.
(Everett Stewart Sr. Brownsville Village - Phase 1)

Project Description

Miami-Dade Transit (MDT) has reviewed the subject application for Phase 1 and as the Master Site Plan and has incorporated staff's comments and recommendations subject to approval of this application. The subject property for the entire project is approximately 2.70 acres and is located at the south side of NW 53rd Street and east side of NW 29th Avenue (immediately west of the Brownsville Metrorail station site) in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Routes 27, 46/Liberty City Connection, 54 and 254 Brownsville Circulator directly at the Brownsville Metrorail station. The Route 32 provides service along NW 32nd Avenue which is approximately one half mile from the proposed site. The service headways for these routes (in minutes) are as follows:

Metrobus Route Service Summary
Carlisle Group IV, Ltd. (Brownsville Station) 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		
27	15	15	24	60	20	30	0.0	F
32	24	30	30	N/A	40	60	0.5	F
46	30	N/A	N/A	N/A	N/A	N/A	0.0	F
54	20	30	30	N/A	30	30	0.0	F
254/Brownsville Circulator	N/A	30	N/A	N/A	N/A	N/A	0.0	F

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 Program (TIP) shows under the Miami-Dade Transit section the Orange Line Phase 2 North Corridor Metrorail extension extending the Metrorail alignment north along NW 27th Avenue from the existing Dr. Martin Luther King, Jr. station to a terminus just south of the Florida Turnpike. The 2030 Long Range Transportation Plan (LRTP) identifies the same improvement as a Highway and Transit Priority 1 improvement.

The 2008 ten-year Transit Development Plan (TDP) does not show any programmed or planned improvements for the routes illustrated above or for new service within the immediate area of the application.

MDT Comments/Recommendations

For the Phase 1 proposed 10-story/90-unit multi-family building and the proposed 3-story parking garage, MDT has the following comments:

Transit Patron Parking: There are currently approximately 420 existing surface parking spaces provided for Metrorail patrons at this station. During the construction of the Phase 1 dwelling units, the MDT station surface parking spaces will be located to the south of the construction zone. A minimum of 100 of the available spaces will be reserved for Transit patrons and the developer cannot overtake these spaces for construction crew parking, staging or any other uses during all of the Phase 1 construction. The accessible/stroller spaces within this surface lot during the Phase 1 construction shall be located closest to the walkway for the Metrorail station as shown on the Master Site Plan. Any relocation required to accommodate this requirement shall be completed by the developer. Additionally, the southern-most parking lot driveway entrance/exit from NW 29th Avenue shall also remain open and un-obstructed by any construction equipment during the Phase 1 construction. Furthermore, any use of the remaining surface lot area as a construction staging area must be reviewed and approved by MDT's Office of Safety and Security prior to any actions by the developer so that any impact to the surface parking lot is minimized.

ADA (Americans with Disabilities Act): MDT recommends that the accessible/stroller parking spaces for the Phase 1 parking garage should be located on opposite sides of the garage elevator and walkway opening (ground floor) as illustrated in the site plan. ADA requirements call for a specific number of accessible/stroller parking spaces for parking structures and we insist that the developer conform to the ADA requirements. Push-button open-door mechanisms must be installed at all garage entrance/exit doorways, whether leading to any of the housing units or to any walkways including the Metrorail walkway as required under ADA requirements.

Phase 1 Loading Zone: The Phase 1 loading zone is self-sufficient and will be entered/exited to/from NW 29th Avenue without affecting Metrobus/Metrorail operations. MDT has no objections to this zone.

For the Master Site Plan of this development (for all future phases), MDT has the following comments:

Bus Bays: Currently, there are five (5) existing bus bays at the Brownsville Metrorail station along the front entrance of the station. These bus bays are for routes serving NW 27th Avenue, NW 54th Street and circulator routes serving the Brownsville and surrounding areas. These existing bus bays at the Brownsville Metrorail station provide connections for cross-town Metrobus routes in addition to bus-to-rail/rail-to-bus connections. There will be no change or obstruction allowed at any time to these existing bus bays.

Transit Patron Parking: MDT requires that the dedicated 100 transit parking spaces within the future 3-story parking garage structure for Phases 2-5 be located closest to the covered walkway for the Metrorail station. When parking spaces are temporarily transferred to the Phase 1 parking garage during construction of the future garage the same would apply as to lessen the distance that Metrorail patrons would have to walk.

ADA (Americans with Disabilities Act): The accessible/stroller spaces required for the 100 dedicated transit parking spaces to be located within the future Phase 2-5 parking garage shall be situated closest to the transit accessible covered walkway to the Metrorail station entrance/exit. ADA requirements call for a specific number of accessible/stroller parking spaces for parking structures and we insist that the developer conform to the ADA requirements. As with the Phase 1 parking garage, push-button open-door mechanisms must be installed at all Phase 2-5 garage entrance/exit doorways, whether leading to any housing units or to the Metrorail walkway as required under ADA requirements.

Covered Walkway to Metrorail station: MDT requires that the developer provide a covered, canopied walkway from the future Phase 2-5 parking garage structure to the fare-gate entrance of the Brownsville Metrorail station.

Future Phase Loading Zones: The loading zone situated between the southwestern most dwelling units (future Phase 5) and the Phase 2-5 parking garage is self-sufficient and will be entered/exited to/from NW 29th Avenue. MDT has no objections to this zone as access to and from this loading zone will be from NW 29th Avenue and will not affect Metrobus/Metrorail operations. Any concerns with the other two loading zones on the easternmost side of the Master Site Plan (located adjacent to the current Kiss and Ride driveway) have been mitigated by the developer with the creation of the separate service vehicle driveway. Essentially, the developer has proposed using the existing Metrobus driveway on NW 27th Avenue as a joint-use driveway. MDT requires that the developer maintain the exclusivity of the Kiss and Ride driveway for transit patrons and build a separate driveway which would serve the proposed loading zones on the eastern side of the Master Site Plan. This new "service/loading zone" driveway will then merge with the Kiss and Ride driveway both exiting onto the Bus driveway near the exit onto NW 53rd Street. MDT requires that first priority be given at this merging point to **all** exiting Metrobuses with stop signs for the Kiss and Ride/service vehicles. The service/loading zone driveway and the Kiss and Ride driveway must be separated by curbing with decorative fencing and landscaping. MDT recommends that any fencing dividing the service/loading zone driveway from the Kiss and Ride driveway be of material more secure than chain link fencing and should be higher than 5 feet high and can be of the same decorative style to any other fencing the developer may install elsewhere within the entire project. MDT is not opposed to the developer shifting the Kiss and Ride driveway closer to the Metrobus driveway so that the new "loading zone" driveway has as much space as needed; provided

that a divider (curbing with a minimum 4 foot high decorative fence) be installed by the developer between the Metrobus and Kiss and Ride driveways along with an accessible sidewalk or walkway which is sufficiently wide enough under ADA standards on the drop-off curb-side. This Kiss and Ride/Accessible sidewalk or walkway shall feed into the covered and canopied walkway that connects the future Phase 2-5 parking garage structure to the fare-gate entrance of the Brownsville Metrorail station. If the developer decides to shift the Kiss and Ride driveway closer to the Metrobus driveway, the current and existing width of the Kiss and Ride driveway shall be maintained. The Metrobus driveway shall not be altered or modified at any time by the developer except to reconfigure the merging lanes and exit onto NW 53rd Street.

In essence, these proposed requirements and recommendations would eliminate the potential safety hazard of service vehicles backing up into on-coming Kiss and Ride vehicular traffic.

MDT's Proposed Orange Line Phase 2 rail extension: The proposed North Corridor heavy rail extension will not impact this development site. The proposed guideway alignment will run further north of this application site along NW 27th Avenue north of the Dr. Martin Luther King, Jr. station. The existing and planned transit improvements provide a great opportunity for this development to maximize the benefits of mass transit to serve the users of this project.

Based on the information presented, but dependant on the compliance of MDT's requests being approved, MDT has no objections to Phase 1 and the Master Site Plan of 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.

Memorandum

MIAMI-DADE COUNTY

Date: January 6, 2009

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

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

Subject: #Z2009000001
Carlisle Group IV, Ltd.
North of N.W. 51st Street and West of N.W. 27th Avenue
Special Exception to Permit a Residential Use in the Business and Industrial Zoning Districts
(IU-1/RU-4/BU-2/RU-3) (2.70 Acres)

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

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

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

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

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

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

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

Tree Preservation
Tree Removal Permit 2008-TREE-PER-00510 was issued for this property to Carlisle Group IV Ltd, on November 4, 2008 and is scheduled to expire on November 4, 2009. Please be advised that this permit is only for the northwest portion of this property; therefore, any other trees not permitted will require preservation. A new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00510 will be required prior to removal or relocation of any other tree on the subject property.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. The applicant is advised to contact the DERM Tree Program at (305) 372-6574 for further information.

The following comments are also offered as they contain Code requirements, which are applicable to certain land uses permitted in the underlying zoning classification.

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

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.

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

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# Z2009000001
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:CARLISLE GROUP IV, LTD.

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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

Raul A Pino, P.L.S.
07-JAN-09

REVISION 1

Memorandum

Date: 20-JAN-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000001

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated January 14, 2009.
APPROVAL:
- This application is approved with the following conditions:
- Before permitting applicant must provide all the required setup sites for MDFR vehicles and show their dimensions.

Service Impact/Demand:

Development for the above Z2009000001
located at THE SOUTHEAST CORNER OF NW 29 AVENUE AND NW 53 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0966 is proposed as the following:

90 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: 25.25 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 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 65' Aerial, Squad, Battalion

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated for Phase 1 only. Substantial changes to the plan will require additional service impact analysis.

DATE: 01/14/09

TEAM METRO

ENFORCEMENT HISTORY

CARLISLE GROUP IV, LTD.	THE SOUTHEAST CORNER OF NW 29 AVENUE AND NW 53 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000001

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200904000222 No ONC violation found; case closed 1/14/09.

Andrea Williams

25

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: CARLISLE GROUP IV, LTD.

NAME AND ADDRESS	Percentage of Ownership
CARLISLE GROUP IV, LLC (FOR PROFIT) SEE ATTACHED FOR FURTHER DISCLOSURE	.01%
2950 SW 27TH AVENUE, SUITE 200 COCONUT GROVE, FLORIDA 33133	
MATTHEW S. GREER, MANAGER	60%
LLOYD J. BOGGIO, MEMBER	32%
THE SAGRA, LLC, MEMBER	8%

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

Need Attachment pending breakdown of SAGRA, LLC.

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JAN - 5 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

MIADOCS 3230735 1
12/19/08

NAME OF PURCHASER:_____

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

Date of contract:_____

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

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

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

Signature:_____

MATTHEW S. GREER, AS MANAGER OF CARLISLE GROUP IV, LLC
(Applicant)

Sworn to and subscribed before me this 23 day of Dec, 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

MONICA LONDONO
MY COMMISSION # DD 597574
EXPIRES: September 20, 2010
Bonded Thru Notary Public Underwriters

My commission expires: 9/20/2010

*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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2009-001
JAN - 5 2009
ZONING HEARINGS SECTION
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BY_____

MIADOCS 3230735 1
12/19/08

DISCLOSURE OF INTEREST

EVERETT STEWART, SR.
VILLAGE

Applicant Entity:	**Carlisle Group IV, Ltd.** A Florida Limited partnership
General Partner (.01% owner):	**Carlisle Group IV, LLC (For-Profit)** A Florida Limited Liability Company
Members:	Matthew Greer, Manager (60% owner) Lloyd J. Boggio (32% owner) The Sagra, LLC (8% owner) *
Officers:	Lloyd J. Boggio, President Bruce Greer, Vice President Matthew Greer, Vice President Mitchell Rosenstein, Treasurer Elizabeth Wong, Secretary
Directors/Shareholders:	NA
Limited Partner (99.99% owner):	Lloyd J. Boggio &/or assigns
***The Sagra, LLC**	Matthew Greer, Manager/Member

MIADOCS 2652220 1

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

DISCLOSURE OF INTEREST

EVERETT STEWART, SR.
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General Partner (.01% owner):	**Carlisle Group IV, LLC (For-Profit)** A Florida Limited Liability Company
Members:	Matthew Greer, Manager (60% owner) Lloyd J. Boggio (32% owner) The Sagra, LLC (8% owner)
Officers:	Lloyd J. Boggio, President Bruce Greer, Vice President Matthew Greer, Vice President Mitchell Rosenstein, Treasurer Elizabeth Wong, Secretary
Directors/Shareholders:	NA
Limited Partner (99.99% owner):	Lloyd J. Boggio &/or assigns

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209001
JAN - 5 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DE-
BY

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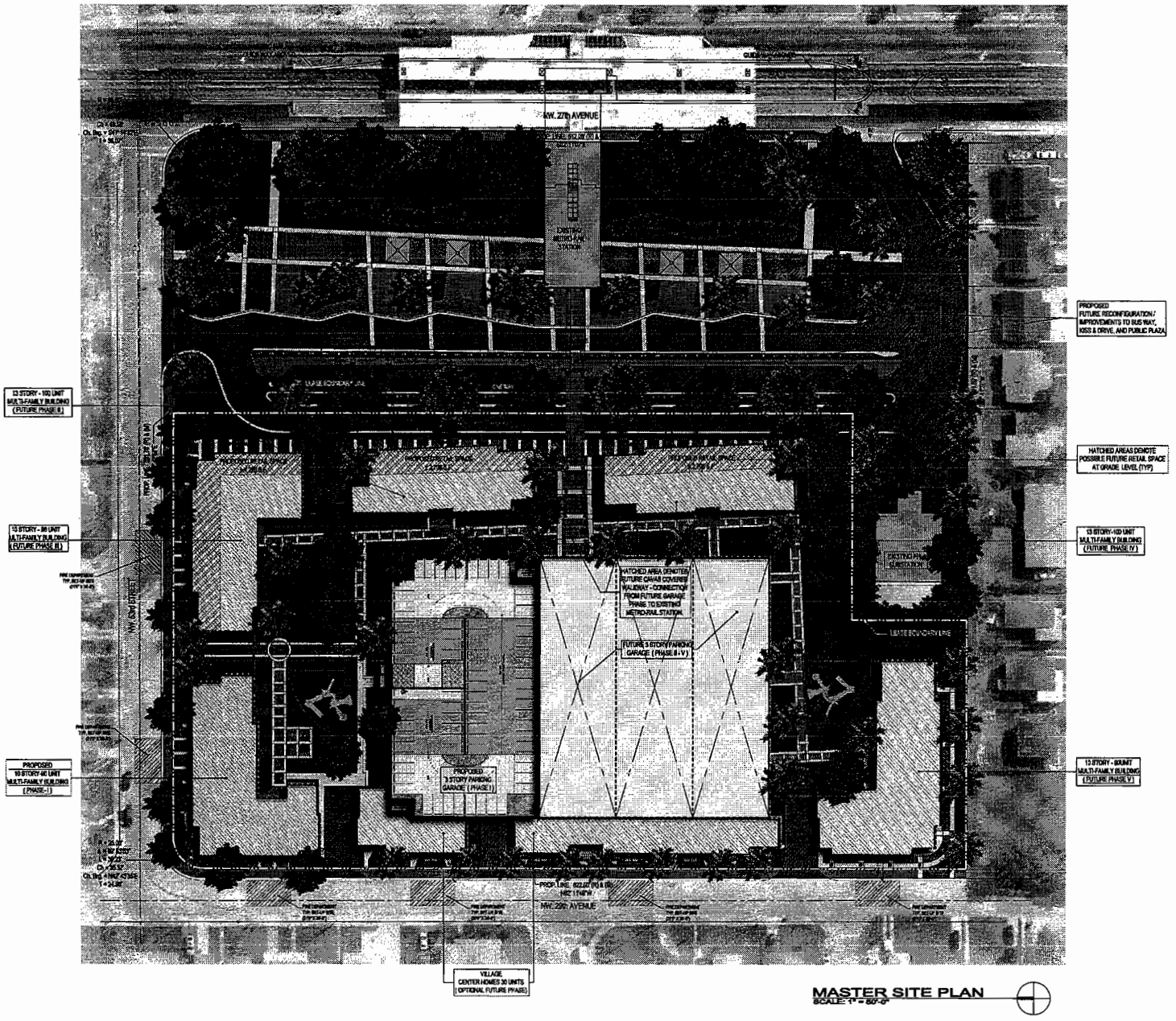
MIAMI-DADE COUNTY
PROCESS #: 2008-002
DATE: JAN 05 2009
BY: B.K.



MASTER SITE PLAN
SCALE: 1" = 50'-0"

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC No. AA-C002181 TEL: (305) 448-7303

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

SEAL

THIS DRAWING IS THE PROPERTY OF CORWIL ARCHITECTS INC. UNLESS OTHERWISE PROVIDED FOR BY CONTRACT, THE CONTENTS OF THIS DRAWING ARE CONFIDENTIAL AND SHALL NOT BE TRANSMITTED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY THE ARCHITECTS/ENGINEERS.

SHEET TITLE
MASTER SITE PLAN

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	1 A-1.01

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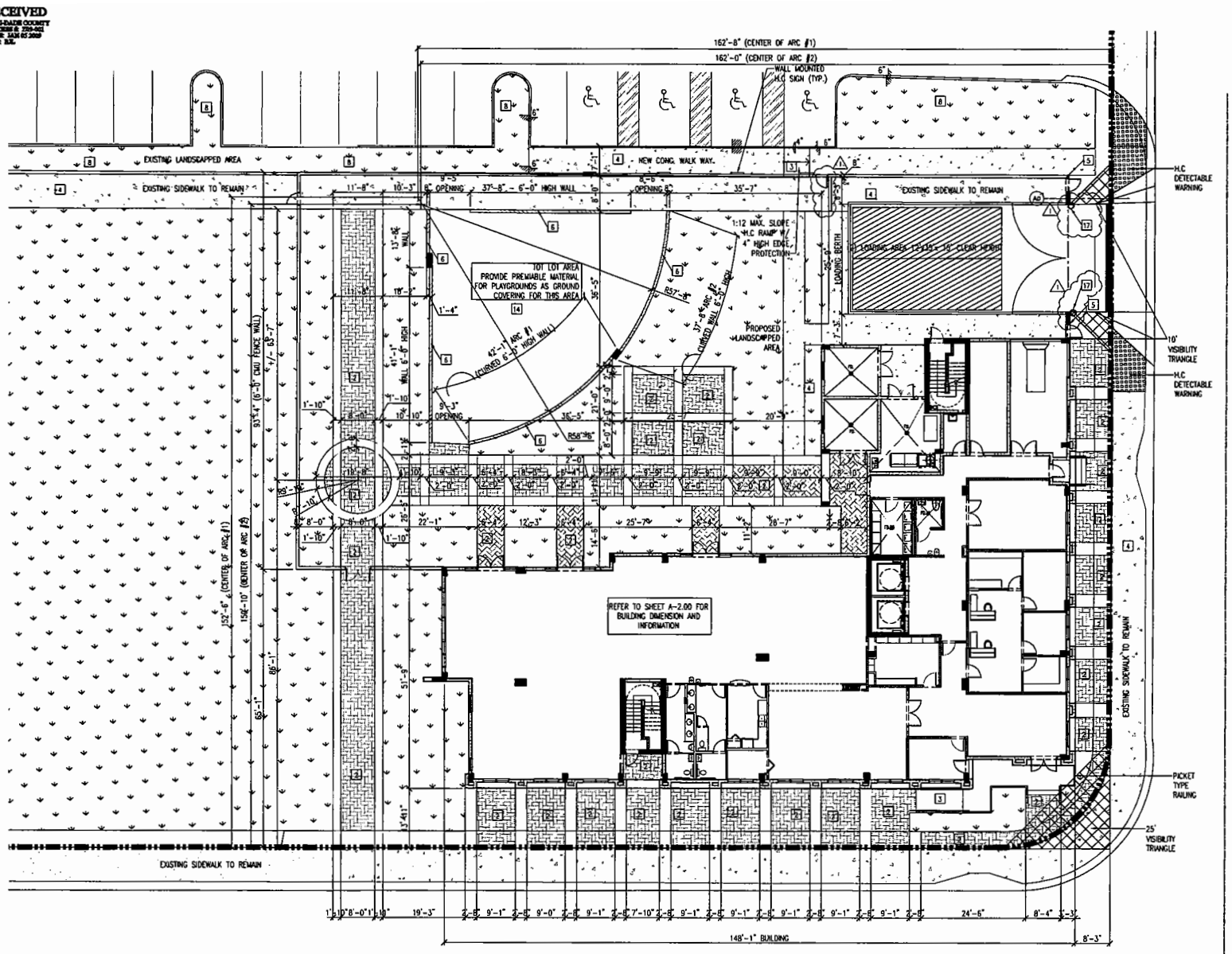
MIAMI-DADE COUNTY
PROCESS #: 2008-000
DATE: JAN 05 2009
BY: RK



PARTIAL SITE PLAN/ GROUND FLOOR - PHASE I
SCALE: 3/32"=1'-0"

PATTERN LEGEND

- EXISTING LANDSCAPED AREA
- BRICK PAVERS (TYP) SEE TYPICAL PAVER DETAIL, SHEET A-1.02
- NEW CONCRETE WALKS (REFER TO DETAIL 8, SHEET A-1.01
- DETECTABLE WARNING TILE/SHEET TO BE SELECTED. APPLY AS PER MANUF. RECOMMENDATIONS.
- PAINT STRIPPED PEDESTRIAN CROSSWALK AREA
- PROPERTY LINE
- EXISTING CONC. PAVERS, SIDEWALKS AND PLAZAS TO REMAIN, U.O.N.
- NEW LANDSCAPED / SODDED AREA, SEE LANDSCAPING DRAWINGS.
- EXISTING ASPHALT, PAVEMENT TO REMAIN. REFER TO CIVIL DRAWINGS FOR DETAILS

SITE NOTES

1. LOT SHALL BE GRADED TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER ONTO ADJACENT PROPERTY. REFER TO CIVIL DRAWINGS.
2. PROVIDE "HYLOAY WATERPROOFING MEMBRANE TO ALL CONCRETE AND MASONRY WALLS EXPOSED TO EARTH.
3. R-1 MONSTER RADIUS TO BE PROVIDED. REFER TO CIVIL DRAWINGS FOR DETAILS.
4. CONTRACTOR SHALL PROVIDE 3 (THREE) DIFFERENT TYPES OF DETECTABLE WARNING MATERIALS. COLOR, TYPE AND FINISH SHALL BE SELECTED BY OWNER/ARCHITECT.
5. ACTUAL LOCATION FOR DETECTABLE WARNING SHALL BE COORDINATED IN FIELD AND AS PER PREVAILING CODES AND STANDARDS.
6. ALL PEDESTRIAN ROUTE SHALL SLOPE TO MEET AT CROSS WALKS. 2% MAX. SLOPE SHALL BE MAINTAIN AT ALL WALKING SURFACES. REFER TO CIVIL DRAWINGS FOR ELEV.
7. 7" MAX. THRESHOLD AT ALL EGRESS DOORS (TYP).
8. COORDINATE ALL WORK WITH ALL OTHER TRADES.
9. ALL GRADE SHALL SLOPE AWAY FROM BUILDING WALLS.
10. PROVIDE A CONCRETE SPLASH BLOCK AT ALL SOD AREAS WHERE DRAINS DISCHARGE DIRECTLY TO GRADE.

GENERAL MATERIAL NOTES

1. ALL MATERIAL SHALL BE NEW AND FREE OF DEFECTS.
2. CONTRACTOR SHALL FOLLOW ALL PREVAILING STANDARD GUIDELINE, CODES & ORDINANCE PERTAINING TO WORK BEING PERFORMED.
3. CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER OF ANY & ALL DISCREPANCIES.
4. CONTRACTOR SHALL PROVIDE MARK-UP & SHOP DRAWINGS AS REQUIRED BY ARCHITECT.

LEGEND

1. NEW LANDSCAPED AREA
2. BRICK PAVERS. REFER TO R/A-1.02 FOR DETAIL.
3. H.C. RAMP @ 1:12 MAX. SLOPE
4. 5'-0" WIDE CONCRETE SIDEWALK.
5. ACCESS CONTROLLED GATES
6. 6'-0" HIGH CONCRETE FENCE WALL. REFER TO R/A-1.02
7. EXISTING METRO-RAIL STATION
8. EXISTING LANDSCAPED PLAZA, WITH ALL EXISTING COMPONENTS TO REMAIN AS-IS, U.O.N.
9. EXISTING BUS WAY TO REMAIN.
10. EXISTING KISS & RIDE TO REMAIN.
11. EXISTING ASPHALT PARKING TO REMAIN.
12. EXISTING ACCESSIBLE SPACES TO REMAIN.
13. NEW ACCESSIBLE PARKING WITH ACCESSIBLE ROUTE TO PHASE I - MULTI-USE FACILITY BUILDING.
14. 101-LOT (BY OTHERS)
15. STOP SIGN
16. YIELD SIGN
17. PROVIDE PARABOLIC MIRRORS, AS SHOWN
18. EXISTING ACCESSIBLE SPACES TO REMAIN.

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2006

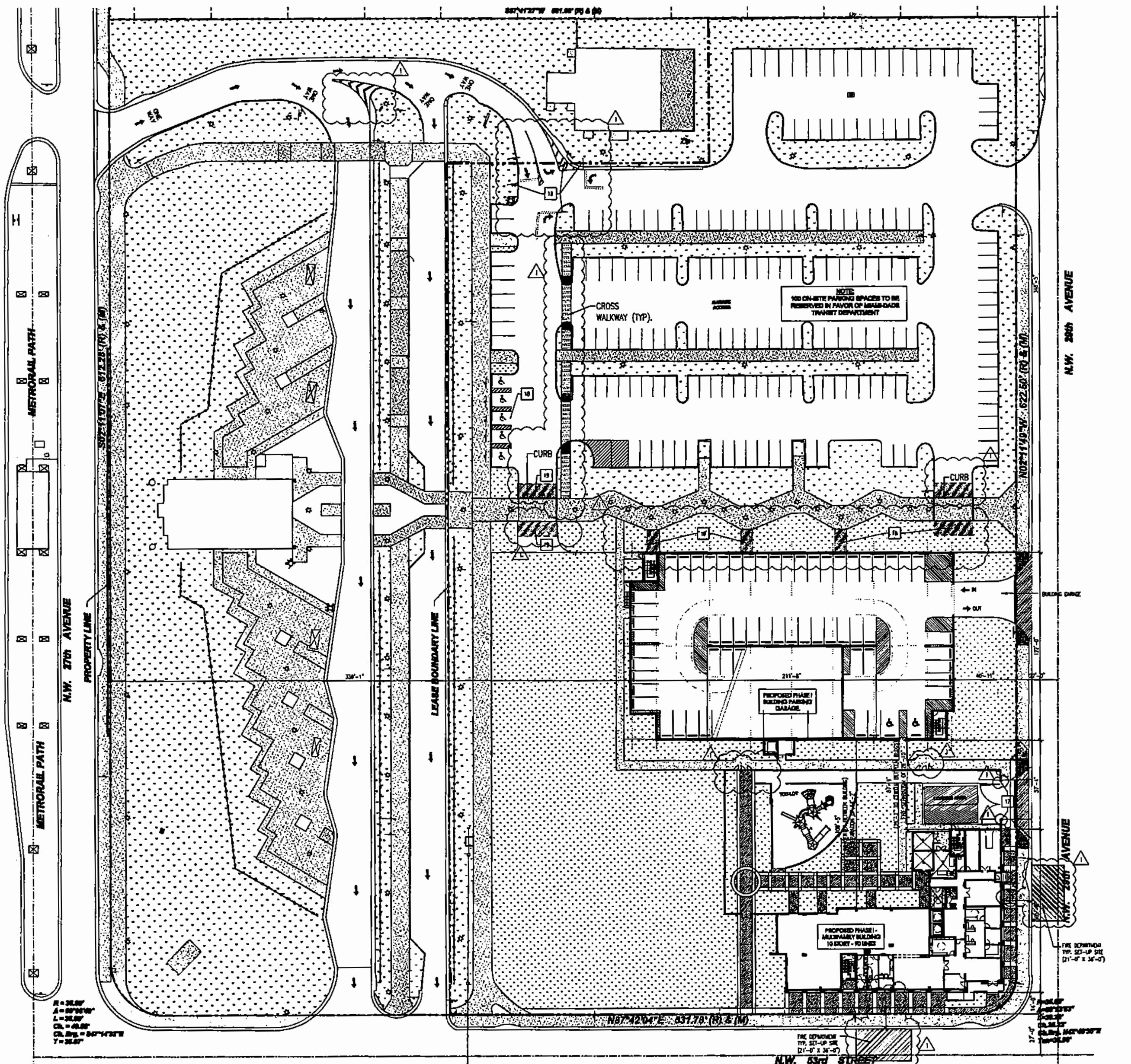
SEAL

THE DRAWING & THE PROPERTY OF CORWIL ARCHITECTS INC. UNLESS OTHERWISE PROVIDED FOR BY CONTRACT, THE CONTENTS OF THE DRAWING ARE CONFIDENTIAL AND SHALL NOT BE FURNISHED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY THE ARCHITECTS/ENGINEERS.

SHEET TITLE
PARTIAL SITE PLAN PHASE I

DATE: 09-15-08
JOB NO. 2008-06
DRAWN BY: VB/FG/YR/ML
APPR BY: AMC
FILE: 2008-06
SHEET NO.
A-1.03

RECEIVED
MIAMI-DADE COUNTY



GARAGE SITE PLAN - PHASE I

SCALE: 1/32"=1'-0"

PATTERN LEGEND

- EXISTING LANDSCAPED AREA
- BRICK PAVERS (TYP) SEE TYPICAL PAVER DETAIL, SHEET A-1.02
- NEW CONCRETE WALKS (REFER TO DETAIL/ 6, SHEET A-1.01
- DETECTABLE WARNING TILE/SHEET TO BE SELECTED. APPLY AS PER MANUF. RECOMMENDATIONS.
- PAINT STRIPPED PEDESTRIAN CROSSWALK AREA
- ℄ PROPERTY LINE
- EXISTING CONC. PAVERS, SIDEWALKS AND PLAZAS TO REMAIN, U.O.N.
- NEW LANDSCAPED / SODDED AREA, SEE LANDSCAPING DRAWINGS.
- EXISTING ASPHALT, PAVEMENT TO REMAIN. REFER TO CIVIL DRAWINGS FOR DETAILS

SITE NOTES

1. LOT SHALL BE GRADED TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER ONTO ADJACENT PROPERTY. REFER TO CIVIL DRAWINGS.
2. PROVIDE "VULCLAY WATERPROOFING MEMBRANE TO ALL CONCRETE AND MASONRY WALLS EXPOSED TO EARTH.
3. R→DENOTES RADIUS TO BE PROVIDED. REFER TO CIVIL DRAWINGS FOR DETAILS.
4. CONTRACTOR SHALL PROVIDE 3 (THREE) DIFFERENT TYPES OF DETECTABLE WARNING MATERIALS. COLOR, TYPE AND FINISH SHALL BE SELECTED BY OWNER/ARCHITECT.
5. ACTUAL LOCATION FOR DETECTABLE WARNING SHALL BE COORDINATED IN FIELD AND AS PER PREVAILING CODES AND STANDARDS.
6. ALL PEDESTRIAN ROUTE SHALL SLOPE TO MEET AT CROSS WALKS. 2% MAX. SLOPE SHALL BE MAINTAIN AT ALL WALKING SURFACES. REFER TO CIVIL DRAWINGS FOR ELEV.
7. ½" MAX. THRESHOLD AT ALL EGRESS DOORS (TYP).
8. COORDINATE ALL WORK WITH ALL OTHER TRADES.
9. ALL GRADE SHALL SLOPE AWAY FROM BUILDING WALLS.
10. PROVIDE A CONCRETE SPLASH BLOCK AT ALL SOD AREAS WHERE DRAINS DISCHARGE DIRECTLY TO GRADE.

GENERAL MATERIAL NOTES

1. ALL MATERIAL SHALL BE NEW AND FREE OF DEFECTS.
2. CONTRACTOR SHALL FOLLOW ALL PREVAILING STANDARD GUIDELINE, CODES & ORDINANCE PERTAINING TO WORK BEING PREFORMED.
3. CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER OF ANY & ALL DISCREPANCIES.
4. CONTRACTOR SHALL PROVIDE MARK-UP & SHOP DRAWINGS AS REQUIRED BY ARCHITECT.

LEGEND

1. NEW LANDSCAPED AREA
2. BRICK PAVERS, REFER TO 9/A-1.02 FOR DETAIL.
3. H.C. RAMP @ 1:12 MAX. SLOPE
4. 5'-0" WIDE CONCRETE SIDEWALK.
5. ACCESS CONTROLLED GATES
6. 6'-0" HIGH CONCRETE FENCE WALL. REFER TO 8/A-1.02
7. EXISTING METRO-RAIL STATION
8. EXISTING LANDSCAPED PLAZA, WITH ALL EXISTING COMPONENTS TO REMAIN AS-IS, U.O.N.
9. EXISTING BUS WAY TO REMAIN.
10. EXISTING KISS & RIDE TO REMAIN.
11. EXISTING ASPHALT PARKING TO REMAIN.
12. EXISTING ACCESSIBLE SPACES TO REMAIN.
13. NEW ACCESSIBLE PARKING WITH ACCESSIBLE ROUTE TO PHASE I - MULTIFAMILY BUILDING.
14. TOT-LOT (BY OTHERS)
15. STOP SIGN
16. YIELD SIGN
17. PROVIDE PARABOLIC MIRRORS, AS SHOWN
18. EXISTING ACCESSIBLE SPACES TO REMAIN.
19. REMOVE EXISTING CONCRETE WALK AREA - SOD AS REQUIRED

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

SEAL

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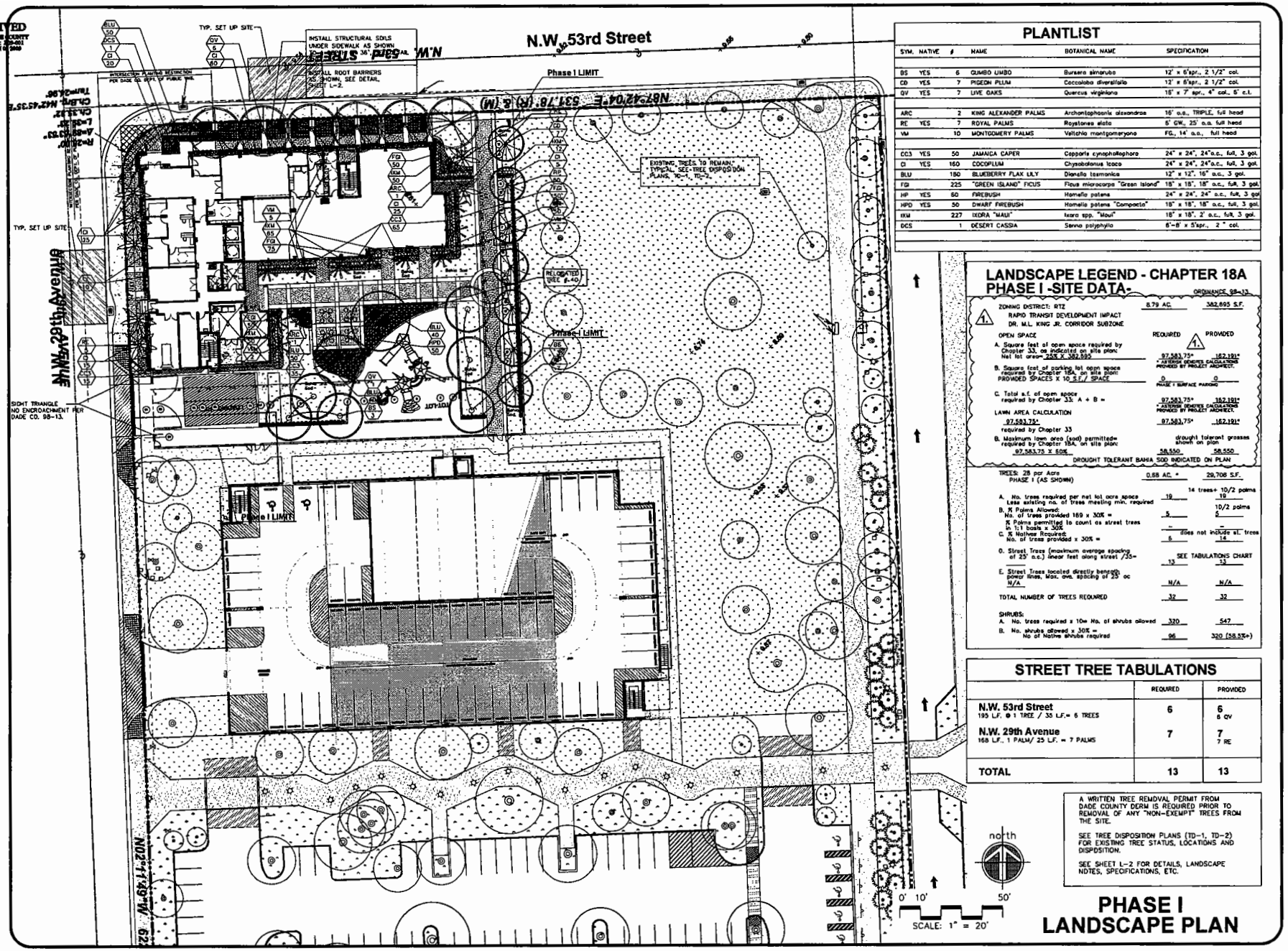
SHEET TITLE
GARAGE SITE PLAN PHASE II

DATE	09-15-08
JOB NO	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-1.02A



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MIAMI-DADE COUNTY
PROCESS #: 2008-001
DATE: JAN 0 2008
BY: BAL

PLANTLIST

SYM.	NATIVE	#	NAME	BOTANICAL NAME	SPECIFICATION
BS	YES	6	GUMBO LIMBO	Bursera simaruba	12' x 6'spr., 2 1/2" col.
CD	YES	7	PIGEON PLUM	Coccoloba diversifolia	12' x 6'spr., 2 1/2" col.
QV	YES	7	LIVE OAKS	Quercus virginiana	16' x 7' spr., 4" col., 5' c.t.
ARC		2	KING ALEXANDER PALMS	Archontophoenix alexandrae	16' o.a., TRIPLE, full head
RE	YES	7	ROYAL PALMS	Roystonea elata	8' GW., 25' o.a. full head
WM		10	MONTGOMERY PALMS	Veitchia montgomeryana	FG., 14' o.a., full head
CC3	YES	50	JAMAICA CAPER	Capparis cynophallophora	24" x 24", 24"o.c., full, 3 gal.
CI	YES	160	COCOPLUM	Chrysobalanus icaco	24" x 24", 24"o.c., full, 3 gal.
BLU		180	BLUEBERRY FLAX LILY	Dianella tasmanica	12" x 12", 16" o.c., 3 gal.
FGI		225	"GREEN ISLAND" FICUS	Ficus microcarpa "Green Island"	18" x 18", 18" o.c., full, 3 gal.
HP	YES	60	FIREBUSH	Hamelia patens	24" x 24", 24" o.c., full, 3 gal.
HPD	YES	50	DWARF FIREBUSH	Hamelia patens "Compacta"	18" x 18", 18" o.c., full, 3 gal.
IKM		227	IXORA "MAUI"	Ixora spp. "Maui"	18" x 18", 2' o.c., full, 3 gal.
DCS		1	DESERT CASSIA	Senna polyphylla	6'-8' x 5'spr., 2 " col.

LANDSCAPE LEGEND - CHAPTER 18A
PHASE I -SITE DATA-

ORDINANCE 98-13

ZONING DISTRICT: RTZ — 8.79 AC. — 382,695 S.F.
RAPID TRANSIT DEVELOPMENT IMPACT
DR, M.L. KING JR. CORRIDOR SUBZONE

	REQUIRED	PROVIDED
OPEN SPACE		1.
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area= 25% X 382,695	97,583.75*	162,191*
B. Square feet of parking lot open space required by Chapter 18A, on site plan: PROVIDED SPACES X 10 S.F./ SPACE	0	0
C. Total s.f. of open space required by Chapter 33: A + B =	97,583.75*	382,191*
LAWN AREA CALCULATION		
97,583.75* required by Chapter 33	97,583.75*	162,191*
B. Maximum lawn area (sod) permitted= required by Chapter 18A, on site plan: 97,583.75 X 50%	58,550	drought tolerant grasses shown on plan 58,550

* ASTERISK DENOTES CALCULATIONS PROVIDED BY PROJECT ARCHITECT.
DROUGHT TOLERANT BAHIA SOD INDICATED ON PLAN

TREES: 28 per Acre — PHASE I (AS SHOWN)	0.68 AC. *	29,708 S.F.
A. No. trees required per net lot acre space — Less existing no. of trees meeting min. required	19	14 trees+ 10/2 palms 19
B. % Palms Allowed: No. of trees provided 189 x 30% =	5	10/2 palms 5
% Palms permitted to count as street trees in 1:1 basis x 30%	–	–
C. % Natives Required: No. of trees provided x 30% =	6	does not include st. trees 14
D. Street Trees (maximum average spacing of 25' o.c.) linear feet along street /25=	13	SEE TABULATIONS CHART 13
E. Street Trees located directly beneath power lines, Max. ave. spacing of 25' oc N/A	N/A	N/A
TOTAL NUMBER OF TREES REQUIRED	32	32
SHRUBS: A. No. trees required x 10= No. of shrubs allowed	320	547
B. No. shrubs allowed x 30% = No. of Native shrubs required	96	320 (58.5%+)

STREET TREE TABULATIONS

	REQUIRED	PROVIDED
N.W. 53rd Street 195 L.F. @ 1 TREE / 35 L.F.= 6 TREES	6	6 6 QV
N.W. 29th Avenue 168 L.F., 1 PALM/ 25 L.F. = 7 PALMS	7	7 7 RE
TOTAL	13	13

A WRITTEN TREE REMOVAL PERMIT FROM DADE COUNTY DERM IS REQUIRED PRIOR TO REMOVAL OF ANY "NON-EXEMPT" TREES FROM THE SITE.

SEE TREE DISPOSITION PLANS (TD-1, TD-2) FOR EXISTING TREE STATUS, LOCATIONS AND DISPOSITION.

SEE SHEET L-2 FOR DETAILS, LANDSCAPE NOTES, SPECIFICATIONS, ETC.

PHASE I LANDSCAPE PLAN

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 000393
Landscape Design
Irrigation Design
1833 N.W. 140th Terr
Pembroke Pines, FL
33028
TEL: (954) 447-1852
FAX: (954) 442-8225
jimmy@jfsdesignfl.com

EVERETT-STEWART SENIOR VILLAGE
BROWNSVILLE VILLAGE PHASE I

BROWNSVILLE METRORAIL STATION
5200 N.W. 27th Ave.
MIAMI-DADE, FLORIDA

No.:	Date:	Revision
1.	10/07/08	Per County Planning Dept. and DERM comments.

designed:	J. F. SOCASH
drawn:	B. DIAZ
checked:	T.Y. MORAN
approved:	J. F. SOCASH
project #:	08-56
scale:	1"=20'
date:	Sept. 15, 2008
cad ref:	08-56-61

JAMES F. SOCASH
RLA # 0001132

Drawing:
L-1

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 000393
Landscape Design
Irrigation Design
jimmy@jfsdesignfl.com
1933 NW 140th Terr.
Pembroke Pines, Fl.
33028
TEL: (954) 441-1882
FAX: (954) 442-8225

EVERETT-STEWART SENIOR VILLAGE
BROWNSVILLE VILLAGE PHASE I

BROWNSVILLE METRORAIL STATION
5200 N.W. 27th Ave.
MIAMI-DADE, FLORIDA

No.	Date	Revision
1.	1/9/09	Per County Planning Dept. and DERM comments.

designed:	J. F. SOCASH
drawn:	B. DIAZ
checked:	T.Y. MORAN
approved:	J. F. SOCASH
project #:	08-56
scale:	AS SHOWN
date:	Sept. 15, 2008
cad ref:	08-56-62

JAMES F. SOCASH
RLA # 666707

Drawing:
L-2

NOTES, DETAILS, SPECIFICATIONS, ETC.

FERTILIZATION:

ONE COMPLETE APPLICATION OF GRANULAR FERTILIZER SHALL BE APPLIED PRIOR TO FINAL ACCEPTANCE AND APPROVAL BY THE LANDSCAPE ARCHITECT. AN ADDITIONAL FERTILIZATION PROGRAM SHALL BE SUBMITTED TO THE PROJECT MANAGER FOR AN ANNUAL FERTILIZATION APPLICATION PROGRAM. FERTILIZERS SHALL BE PER ATLANTIC -AFEC FERTILIZER & CHEMICAL (AFEC) OR AN APPROVED EQUAL. CONTRACTOR SHALL SUBMIT FERTILIZATION AS A SEPARATE ITEM IN THE BID.

FERTILIZATION SHALL BE AS FOLLOWS: TREES: 12-06-08 (AFEC # 5230) RATE: 15 LBS/ INCH OF DIA. @ DBH PALMS: 12-04-12 (AFEC # 7216) RATE: 15 LBS/ INCH OF DIA. @ DBH SHRUBS AND GROUNDCOVERS: (12-06-08 AFEC # 5230) RATE: 15 OZ/ FT. OF HEIGHT

LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL BE FLORIDA NO. 1 OR BETTER.

2. CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE LOCATION OF AND AVOID AND PROTECT UTILITY LINES, BURIED CABLES, AND OTHER UTILITIES.

3. TREE, PALM, ACCENT AND BED LINES ARE TO BE LOCATED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

4. ALL PLANTING SOIL SHALL BE 50/50 TOPSOIL-SAND MIX, FREE OF CLAY, STONES, ROCKS OR OTHER FOREIGN MATTER. THIS SPECIFICATION INCLUDES ALL BACKFILL FOR ALL LANDSCAPE AREAS.

SODDED-LAWN AREAS:
2" DEPTH PLANTING SOIL SPREAD IN PLACE - THROUGHOUT.
GROUNDCOVER PLANTING BEDS:
6" DEPTH PLANTING SOIL SPREAD IN PLACE - THROUGHOUT.
SHRUB AND HEDGE PLANTING AREAS:
12" DEPTH PLANTING SOIL SPREAD IN PLACE - THROUGHOUT.
TREES, PALMS, SPECIMEN PLANT MATERIAL:
24" DEPTH PLANTING SOIL SPREAD IN PLACE -OR- TO THE DEPTH OF THE ROOTBALL OR CONTAINER, WHICHEVER IS GREATEST, THROUGHOUT.
LANDSCAPE ISLANDS AND BUILDING FOUNDATIONS:
EXCAVATE AND REMOVE ALL LIMEROCK, ROCKS, DEBRIS, ETC. TO A DEPTH OF 12" AND BACKFILL W/ 50/50 TOPSOIL-SAND MIX. BUILDING FOUNDATIONS SHALL BE THE SAME FOR A WIDTH OF 36" FROM THE BUILDING BASE.

THE SITE CONTRACTOR SHALL BE RESPONSIBLE TO BRING ALL GRADES TO WITHIN 2" OF FINAL GRADES. THIS SHALL INCLUDE A 2" APPLICATION OF 50/50 TOPSOIL-SAND MIX FOR ALL LANDSCAPE AND AREAS TO BE SODDED.

THE LANDSCAPE CONTRACTOR SHALL CALCULATE AND SUBMIT AN ITEMIZED PRICE FOR THE 2" APPLICATION OF 50/50 MIX FOR ALL SOD AREAS AS A REFERENCE IN THE CASE THAT THERE WOULD BE A DISCREPANCY BETWEEN SITE AND LANDSCAPE CONTRACTORS AND NOTIFY THE SITE CONTRACTOR OR PROJECT SUPERINTENDENT AS TO THIS DISCREPANCY. IT WILL THEN BE DETERMINED WHICH PARTY WILL PROVIDE THIS 2" TOPSOIL-SAND SOIL APPLICATION AND SUBSEQUENT PAYMENT.
OTHER PLANTING SOIL MIXES TO BE ADDED, I.E. FOR TREES, PALMS, SPECIMEN PLANTS, SHRUBS, AND GROUNDCOVERS SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR AND BE INCLUSIVE WITH THE LANDSCAPE BID.

5. CONTRACTOR SHALL COORDINATE WITH THE IRRIGATION CONTRACTOR AND LEAVE PROVISIONS FOR ALL.

6. ALL PLANTING BEDS SHALL BE MULCHED TO A DEPTH OF 3" WITH AN APPROVED RECYCLED MULCH BY THE PRESIDING GOVERNING AGENCY. NO HEAVY METALS, I.E. ARSENIC, ETC. ARE TO BE CONTAINED IN THE MULCH, THE CONTRACTOR SHALL PROVIDE CERTIFICATION OR PROOF THAT ALL MULCH IS FREE OF HEAVY METALS OR SIMILAR ENVIRONMENTAL CONTAMINANTS.

7. SOD SHALL BE ARGENTINE 'BAHIA' OR ST. AUGUSTINE 'FLORATAM' AS SHOWN ON PLAN, STRONGLY ROOTED, FREE FROM WEED, FUNGUS, INSECTS AND DISEASE. CONTRACTOR SHALL SOD ALL AREAS AS INDICATED ON THE PLANS OR AS DIRECTED. CONTRACTOR SHALL BE PAID BY THE TOTAL SODDED AREA X THE UNIT PRICE SUBMITTED (FIELD VERIFIED).

8. SOD SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AS DEFINED BY FDOT. SOD SHALL CARRY A 6-MONTH WARRANTY.

9. ALL TREES, PALMS, SHRUBS AND GROUNDCOVERS SHALL CARRY A 1-YEAR WARRANTY FROM THE DATE OF FINAL ACCEPTANCE.

10. ALL TREES AND PALMS SHALL BE STAKED PER ACCEPTED STANDARDS BY THE FLORIDA NURSERYMEN & GROWERS ASSOCIATION (FNGA).
THERE SHALL BE ONE FINAL INSPECTION FOR APPROVAL BY THE PRESIDING GOVERNING AGENCY. CONTRACTOR SHALL INSURE THAT THE PLANS, DETAILS, SPECIFICATIONS AND NOTES HAVE BEEN ADHERED TO AND THAT THE LANDSCAPE AND IRRIGATION INSTALLATION IS COMPLIANT TO ALL ITEMS AS DIRECTED ON THE PLANS PRIOR TO SCHEDULING OF THE FINAL INSPECTION.

11. THE PLANT LIST IS INTENDED ONLY AS AN AID TO BIDDING. ANY DISCREPANCIES FOUND BETWEEN THE QUANTITIES ON THE PLAN AND PLANT LIST THE QUANTITIES ON THE PLAN SHALL BE HELD VALID.

12. IRRIGATION SHALL PROVIDED FOR A 100% COVERAGE W/ A 100% OVERLAP AUTOMATIC SYSTEM W/ RAIN MOISTURE SENSOR AS PER FLORIDA XERISCAPE LAW REQUIREMENTS. NO OVERSPRAY SHALL FALL ONTO PAVED SURFACES. ALL GUIDELINES AS OUTLINED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) SHALL BE STRICTLY ADHERED.

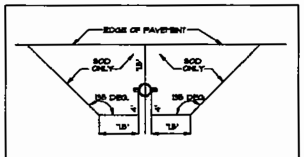
13. EXISTING IRRIGATION SYSTEM (IF APPLICABLE) SHALL BE RETROFITTED TO COMPLY WITH THOSE SPECIFICATIONS AS OUTLINED ABOVE.

14. CONTRACTOR SHALL PROVIDE A WATER TRUCK DURING PLANTING TO INSURE PROPER WATERING-IN DURING INSTALLATION AND WILL BE RESPONSIBLE FOR CONTINUAL WATERING UNTIL FINAL ACCEPTANCE BY THE OWNER.

15. ALL TREES AND PLANT MATERIAL TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION. CONTRACTOR SHALL INSTALL PROTECTIVE BARRIERS SUCH AS 'TENAX' ORANGE SAFETY FENCING OR SIMILAR, TO BE INSTALLED AT THE BEGINNING OF THE PROJECT. BARRIERS SHALL BE LOCATED TO INCLUDE THE DRIP LINE OF THE TREES, PALMS AND PLANT MATERIAL. THE CONTRACTOR SHALL TAKE EXTRA CAUTION TO PREVENT ANY DAMAGE TO THE TRUNK, ROOT ZONES AND GRADE.

16. EXISTING TREES TO REMAIN SHALL BE TRIMMED PER ANSI-300 STANDARDS. SUPERVISION OF THE TRIMMING SHALL BE PERFORMED BY A CERTIFIED ARBORIST TO INSURE QUALITY WORK.

17. REMOVAL OF ANY TREES OR PALMS WILL REQUIRE A WRITTEN "TREE REMOVAL PERMIT" FROM THE LOCAL GOVERNING AGENCY PRIOR TO REMOVAL. NON-NATIVE TREES CLASSIFIED AS "NUISANCE" TREES MAY BE EXEMPT FROM THE PERMIT.



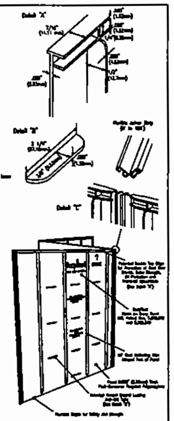
REQUIREMENTS APPLY TO FIRE HYDRANTS, SIAMESE CONNECTIONS AND ANY OTHER FIRE EQUIPMENT FOR UTILIZING FIRE HOSE, ON PUBLIC OR PRIVATE PROPERTY.
BY THE AUTHORITY OF THE FLORIDA BUILDING CODE.

THE CLEAR ZONE SHALL BE FREE OF LANDSCAPE (EXCEPT SOD), MAILBOXES, PARKING, LAMP-POSTS AND ALL OTHER OBJECTS.
EXCEPTIONS: OTHER FIRE FIGHTING EQUIPMENT OR TRAFFIC POSTS TO PREVENT FIRE FIGHTING EQUIPMENT.

FIRE HYDRANT CLEAR ZONE DETAIL

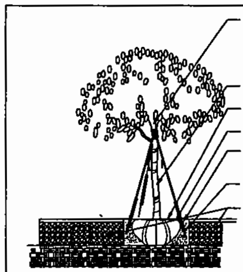
N.T.S.

LB 12-2 Specifications
36" DeepRoot Tree Root Barriers



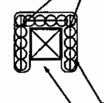
DEEP ROOT TREE BARRIER (36") DETAIL

N.T.S.



TREE PLANTING-STRUCTURAL SOIL DETAIL

N.T.S.



PLANT HEDGE-TYPE MATERIAL AROUND ALL GROUND-MOUNTED EQUIPMENT - TYPICAL FOR ALL FPL TRANSFORMER BOXES OR PADS, TELEPHONE AND CABLE BOXES, SANITARY LIFT STATIONS, IRRIGATION PUMPS OR ANY OTHER ABOVE-GROUND UTILITY EQUIPMENT.

CLEARANCES FOR ANY AND ALL UNDERGROUND UTILITIES MUST BE COORDINATED WITH THE LOCAL GOVERNING AGENCY AND/OR THE INDIVIDUAL UTILITIES AND/OR U.N.C.L.E. - TEL: 1 (800) 432-4770

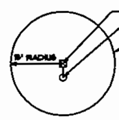
PLANT MATERIAL TO BE COCOPLUM OR OTHERWISE SPECIFIED ON THE PLANS- 3 GAL. 24" X 24", 2' O.C. OR LARGER PER THE LOCAL REQUIREMENTS. QUANTITY TO BE PER THE SIZE OF THE UTILITY. PROVIDE UNIT PRICE AND BILL PER QUANTITY INSTALLED.

3" MIN. APPROVED RECYCLED MULCH FOR ALL PLANTING AREAS.

PROVIDE OPENING FOR ACCESS ON ONE SIDE ONLY- OR AS REQUIRED BY THE UTILITY.

TYPICAL PLANTING SCREEN FOR GROUND-MOUNTED EQUIPMENT

N.T.S.



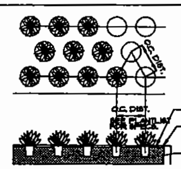
MINIMUM 15' CLEARANCE OF ALL TREES FROM ALL LIGHT FIXTURES. CLEARANCE TO BE FROM THE LIGHT FIXTURE OR LAMP, NOT THE LIGHT POST.

CONTRACTOR TO ADJUST ANY AND ALL TREES IN THE FIELD TO PROVIDE FOR MIN. 15' CLEARANCE FOR ANY SITUATIONS NOT PER PLAN.

MINIMUM CLEARANCE FOR ALL SMALL TREES AND PALMS IS 15 FEET. PER FPL GUIDELINES SEE FPL'S "PLANT THE RIGHT TREE IN THE RIGHT PLACE" FOR TREE AND PALM SIZES AND LIST.

MINIMUM TREE CLEARANCE FROM LIGHT FIXTURES

N.T.S.



GROUNDCOVER PLANTING DETAIL

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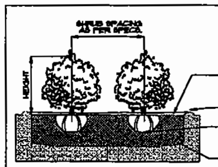
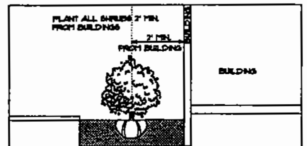


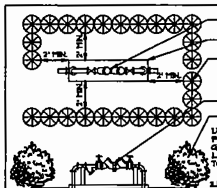
SHRUB PLANTING DETAIL

N.T.S.



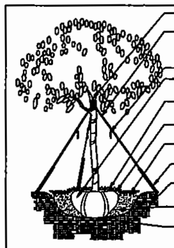
SHRUB PLANTING ADJACENT TO BUILDINGS DETAIL

N.T.S.



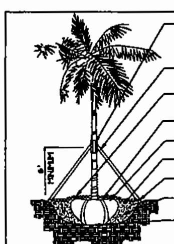
TYPICAL PLANTING SCREEN FOR ABOVE-GROUND UTILITIES

N.T.S.



TREE PLANTING DETAIL

N.T.S.



PALM PLANTING DETAIL

N.T.S.

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-091
DATE: JAN 21 2009

34

CU-STRUCTURAL SOIL® SPECIFICATIONS

PART 1 - DESCRIPTION AND SPECIFICATION

1.1 GENERAL

A. The work of this section consists of all Structural Soil work and related items as indicated on the drawings or as specified herein and includes, but is not limited to, the following:

1. CU Soil™ is a proprietary material patented by Cornell University (US Patent # 5,849,069). Only licensed producers are allowed to supply this material, meeting the specifications described in this text. For a list of licensed CU-Soil® producers, call AMEREQ, INC. at 1-800-832-8788.

2. The non-highlighted areas are for the specifier's information only. Since these are the specifications under which we have licensed producers to make CU-Structural Soil® (to meet both engineering and horticultural requirements) they should not be made available to unlicensed contractors.

1.2 REFERENCES AND STANDARDS

A. The following references are used herein and shall mean:
1. ASTM: American Society of Testing Materials
2. USDA: United States Department of Agriculture
3. AASHTO: American Association of State Highway and Transportation Officials
4. Standard Specifications: Regional or Municipal Standard Specifications Documentation for the location of proposed usage
5. AOAC: Association of Official Agricultural Chemists

1.3 SAMPLES AND SUBMITTALS

A. At least 30 days prior to ordering materials, the Contractor shall submit to the Engineers representative samples, certificates, manufacturer's literature and certified tests for materials specified below. No materials shall be ordered until the required samples, certificates, manufacturer's literature and test results have been reviewed and approved by the Engineer. Delivered materials shall closely match the approved samples. Approval shall not constitute final acceptance. The engineer reserves the right to reject, on or after delivery, any material that does not meet these specifications.

B. Submit two, one-half cubic foot representative samples of Clay Loam and one, one cubic foot representative samples Structural Soil mixes in this section for testing, analysis and approval. Submit one set of samples for every 500 CY of material to be delivered. In the event of multiple source fields for Clay Loam, submit a minimum of one set of samples per source field or stockpile. Samples shall be taken randomly throughout the field or stockpile at locations as directed by the Engineer and packaged in the presence of the Engineer. Samples shall be labeled to include the location of the source of the material, the date of the sample and the Contractor's name. One of the two samples is to be used by testing laboratory for testing purposes. The second sample of all Clay Loam and Structural Soil shall be submitted to the Engineer at the same time as test analysis as a record of the soil color and texture.

CU-STRUCTURAL SOIL® SPECIFICATIONS

1. Submit the locations of all source fields for Clay Loam.
2. Submit a list of all chemicals and herbicides applied to the Clay Loam for the last five years and a list of all crops grown in the Clay Loam source fields for the last three years.

C. Submit soil test analysis reports for each sample of Clay Loam and Structural Soil from an approved soil-testing laboratory. The test results shall report the following:
1. The soil testing laboratory shall be approved by the Engineer. The testing laboratory for particle size and chemical analysis may be a public agricultural extension service agency or agricultural experiment station.
2. Submit a bulk density of the sample and particle size analysis including the following gradient of mineral content:
USDA Designation Size in mm.
Gravel <2 mm
Sand 0.05 - 2 mm
Silt 0.002-0.05 mm
Clay minus 0.002 mm
Sieve analysis shall be performed and compared to USDA Soil Classification System.
Sieve analysis shall be done by a combined hydrometer and wet sieving using sodium hexametaphosphate as a dispersant in compliance with ASTM D422 after destruction of organic matter by hydrogen peroxide.
3. Submit a chemical analysis, performed in accordance with current AOAC Standards, including the following:
a. pH and Buffer pH.
b. Percent organic matter as determined by the loss of ignition of oven dried samples. Test samples shall be oven dried to a constant weight at a temperature of 230 degrees F, plus or minus 9 degrees.
c. Analysis for nutrient levels by parts per million including nitrate nitrogen, ammonium nitrogen, phosphorus, potassium, magnesium, manganese, iron, zinc, calcium and extractable aluminum. Nutrient test shall include the testing laboratory recommendations for supplemental additions to the soil as calculated by the amount of material to be added per volume of soil for the type of plants to be grown in the soil.
d. Analysis for levels of toxic elements and compounds including arsenic, boron, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, zinc and PCB. Test results shall be stated in milligrams per kilogram.
e. Soluble salt by electrical conductivity of a 1:2 soil/water sample measured in Millimho per cm.
f. Cation Exchange Capacity (CEC).
g. Carbon/Nitrogen Ratio.
4. Submit 5-point minimum moisture density curve AASHTO T 99 test results for each Structural Soil sample without removing oversized aggregate.
5. Submit California Bearing Ratio test results for each Structural Soil sample compacted to peak standard density. The soaked CBR shall equal or exceed a value of 50.
6. Submit measured dry-weight percentage of stone in the mixture.
7. The approved Structural Soil samples shall be the standard for each lot of 500 cubic yards of material.
8. All testing and analysis shall be at the expense of the Contractor.

D. Maintenance Instructions: Prior to the time of Final Acceptance of the Work, submit maintenance instructions for the use, removal and replacement of Structural Soil for the licensee's (Amereq Corp.) use. The instructions shall be reviewed by the Project Engineer as a pre-condition for Final Acceptance of the Work.

E. Submit to the Engineer for review a proposed plan and vertical section layout of all Structural Soil.

F. Submit one cubic foot sample per each 500 cubic yards of required material, and for each sample, the following analysis for all Crushed Stone. The soil testing laboratory shall be approved by the Engineer.
1. Provide a particle size analysis including the following gradient of mineral content:

B. Fertilizer percentages of weight of ingredients and application rates shall be as recommended by the soil testing results.

2.3 SULFUR (if needed)

A. Sulfur shall be commercial granular, 96% pure sulfur, delivered in containers with the name of the manufacturer, material and analysis appearing on the container.

B. Sulfur used to lower soil pH above 6.5 shall be ferrous sulfate formulation.

2.4 LIME (if needed)

A. Agricultural limestone containing a minimum of 85% carbonates. Minimum gradation: 100% passing 10 mesh sieve; 98% passing 20 mesh sieve; 55% passing 60 mesh sieve and 40% passing 100 mesh sieve.

2.5 CRUSHED STONE

A. Crushed Stone shall be a DOT certified crushed stone. Granite and limestone have been successfully used in this application. 90-100% of the stone should pass the 1.5 inch sieve, 20-55% should pass the 1.0 inch sieve and 10% should pass the 0.75 inch sieve. A ratio of nominal maximum to nominal minimum particle size of 2 is required.

B. Acceptable aggregate dimensions will not exceed 2.5:1.0 for any two dimensions chosen.

C. Minimum 90% with one fractured face, minimum 75% with two or more fractured faces.

D. Results of Aggregate Soundness Loss test shall not exceed 18%.

E. Losses from LA Abrasion tests shall not exceed 40%.

2.6 HYDROGEL

A. Hydrogel shall be a potassium propenoate-propenamide copolymer Hydrogel (Gelscape® Hydrogel Tackifier) as manufactured by Amereq Corp. (800) 832-8788

2.7 WATER

A. The Contractor shall be responsible to furnish his own supply of water to the site at no extra cost. All work injured or damaged due to the lack of water, or the use of too much water, shall be the Contractor's responsibility to correct. Water shall be free from impurities injurious to vegetation.

2.8 STRUCTURAL SOIL

A. A uniformly blended mixture of crushed Stone, Clay Loam and Hydrogel, mixed to the following proportion:
Material Unit of Weight
Crushed Stone 100 units dry weight
Loam as determined by the test of the mix (approx. 20 units)
Hydrogel 0.03 units dry weight
Total moisture AASHTO T-99 optimum moisture

B. The initial mix design for testing shall be determined by adjusting the ratio between the Crushed Stone and the clay loam. Adjust final mix dry weight mixing proportion to decrease soil in mixture if CBR test results fail to meet acceptance (CBR 50).

PART 3 - CONSTRUCTION METHODS

3.1 MIX DESIGN

A. Prepare sample Structural Soil mixes to determine the ratio of mix components. Submit for approval.
1. Submit samples and the test results of each mix component for approval. Based on samples and the analysis of the mix components, the Engineer and the Contractor will jointly determine a mix ratio to be tested for conformance with the requirements of the specifications. For Structural Soil quantities greater than 500 cubic yards, test the mix ratio for each Clay Loam or Crushed Stone where the testing indicates a significant difference in physical analysis of the Clay Loam or Crushed Stone as determined by the Engineer.
2. The Contractor shall prepare the samples of the proposed mix ratio options and obtain soil test as described in paragraph 1.3 C. Submit the samples of each of the mixes with the test results.

CU-STRUCTURAL SOIL SPECIFICATIONS

EVERETT-STEWART SENIOR VILLAGE
BROWNSVILLE VILLAGE PHASE I

BROWNSVILLE METRORAIL STATION
5200 N.W. 27th Ave.
MIAMI-DADE, FLORIDA

No.	Date	Revision
1.	[illegible]	Per County Planning Dept. and DERM comments

designed: J. F. SOCASH
drawn: B. DIAZ
checked: T.Y. MORAN
approved: J. F. SOCASH
project #: 08-56
scale: AS SHOWN
date: Sept. 8, 2008
cad ref: 08-56-63

JAMES F. SOCASH
RLA # 000002

Drawing:
L-3

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 000393
Landscape Design
Irrigation Design
1633 NW 140th Terr.
Pembroke Pines, FL
33028
TEL: (954) 441-1882
FAX: (954) 442-8228
jimmy@jfsdesign.com

RECEIVED

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 0000393
Landscape Design
Irrigation Design
Jimmy@jfsdesignfl.com

1533 NW 49th Terr.
Fort Lauderdale, FL
33309
TEL: (954) 447-1662
FAX: (954) 442-6225

EVERETT-STEWART SENIOR VILLAGE
BROWNSVILLE VILLAGE PHASE I
BROWNSVILLE METRORAIL STATION
5200 N.W. 27th Ave.
MIAMI-DADE, FLORIDA

No.	Date	Revision
1.	10/4/06	Per County Planning Dept. and Zoning comments

designed: J.P. BOCCIARI
drawn: B. DIAZ
checked: T.Y. MORAN
approved: J.P. BOCCIARI
project #: 05-56
scale: 1"=40'
date: Sept. 8, 2006
cad ref: 05-56-tp

JOHN P. BOCCIARI
FLA. #0009053

Drawing:

TD-1

TREE PROTECTION DETAIL

NOTES:

1. SEE SHEET L-1, LANDSCAPE PLAN FOR PROPOSED TREE AND PALM LOCATIONS.
2. THE CONTRACTOR SHALL REMOVE ALL TREES AND HEDGES AS PER PLANS AND AS APPROVED BY THE LOCAL GOVERNING AUTHORITIES. THE CONTRACTOR SHALL TREE AND HEDGE REMOVAL SHALL INCLUDE ALL TRUNKS, ROOTS AND STUMPS. ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT AN APPROVED SITE. ALL HOLES AND DEPRESSIONS SHALL BE BACKFILLED WITH CLEAN, APPROVED BACKFILL.
3. NOTE: LOCATIONS SHOWN FOR THE EXISTING TREES ARE APPROXIMATE. EXISTING TREES ARE TO BE FIELD VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO ANY PAVING AND ANY OTHER SUCH WORK WHICH WILL BE AFFECTED BY ANY TREES TO REMAIN.
4. ALL TREES AND PALMS TO BE RELOCATED SHALL BE ALL ACCEPTED BY OWNER'S REPRESENTATIVE AND NATIONAL PROPERTY ASSOCIATION AS DEFINED BY THE NATIONAL PROPERTY ASSOCIATION AND ALL TRANSPLANT SPECIFICATIONS. ALL TREES AND PALMS TO BE RELOCATED WITH UTMOST CARE TO PREVENT DAMAGE AND TRANSPLANT SHOCK. ALL TREES AND PALMS TO BE RELOCATED SHALL BE IDENTIFIED TO THE PROJECT MANAGER FOR REVIEW AND APPROVAL PRIOR TO RELOCATION.
5. ALL TREES AND PALMS TO BE RELOCATED SHALL BE STAGED AND BRACED TO INSURE STABILITY AND THROUGHOUT EACH PHASE DURING THE PLANT ROOT REGENERATION PERIOD.
6. CONTRACTOR SHALL MEET WITH THE PROJECT ARBORIST AND LANDSCAPE ARCHITECT AT VARIOUS TIMES PRIOR TO TREE AND PALM RELOCATION TO NAME DISCREPANCIES WITH RESPECT TO PROPOSED PAVING, BUILDING, ATTENTED AND LIMITS OF PROPERTY.
7. ALL INVASIVE EXOTIC VEGETATION AND OTHER PLANTS LISTED AS CATEGORY I ON THE EXOTIC PEST PLANT COUNCIL'S LIST OF EXOTIC PEST PLANTS IN FLORIDA SHALL BE REMOVED FROM THE SITE AND MAINTENANCE SHALL GUARANTEE CONTROL OF RE-INVASION.
8. CONTRACTOR SHALL ESTABLISH AN IRRIGATION SYSTEM TO PROVIDE FREE AND POST-TRANSPLANT IRRIGATION FOR ALL TREES AND PALMS TO BE RELOCATED. PRIOR TO BEING ESTABLISHED, CONCURRENTLY WITH IRRIGATION PRE AND POST TO OBTAIN PLANT ESTABLISHMENT.
9. CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST AND LANDSCAPE ARCHITECT ALL RELOCATED TREES AND PALMS AT THE FINAL GRADE OF THE SITE.
10. SEE TP-2 FOR PLANTING DETAIL AND TREE TRANSPLANT DETAIL.

A WRITTEN TREE REMOVAL PERMIT FROM MIAMI-DADE COUNTY DERM IS REQUIRED PRIOR TO REMOVAL OR RELOCATION OF ANY TREES ON THIS PROPERTY.

SEE SHEET TD-2 FOR TREE INVENTORY, AND TREE TRANSPLANT DETAILS.

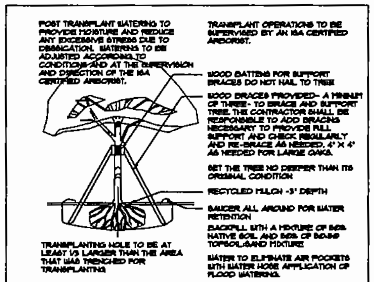
TREE DISPOSITION PLAN

RECEIVED
MIAMI-DADE COUNTY
NOV 06 2006
PLANNING & ZONING
DATE STAMP

TREE NUM	SYM	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	DBH inches	CONDITION %	STATUS	CANOPY	CANOPY LOSS	REMARKS
10/6/2008		EVERETT-STEWARD SENIOR VILLAGE PHASE I-BROWNSVILLE STATION, 5200 N.W. 27th Ave., MIAMI-DADE, FL.									
21	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	8.5	35	REMAIN	177		Co-dominant, Retracted
22	BS	GUMBO LIMBO	Bursera simaruba	28	25	18	55	REMAIN	491		SPECIMEN-SIZED
23	BAU	HONG KONG ORCHID	Bauhinia spp.	18	20	14	60	REMAIN	314		Trunk damage
23A	BAU	HONG KONG ORCHID	Bauhinia spp.	20	20	11	50	REMAIN	314		Decline
24	FA	STRANGLER FIG	Ficus aurea	25	30	64	25	REMAIN	314		SPECIMEN-SIZED- Decline, retracted, larg
25	BAU	HONG KONG ORCHID	Bauhinia spp.	22	20	10	45	REMAIN	314		Trunk damage, retracted
26	BAU	HONG KONG ORCHID	Bauhinia spp.	18	20	8	50	REMOVE	314	314	Retracted
27	BAU	HONG KONG ORCHID	Bauhinia spp.	22	16	8	60	REMOVE	201	201	Decline
28	BAU	HONG KONG ORCHID	Bauhinia spp.	12	10	5	40	REMOVE	78	78	Lopping
29	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	8	35	REMOVE	201	201	Trunk damage, retracted, decline
30	BAU	HONG KONG ORCHID	Bauhinia spp.	22	20	10	60	REMOVE	314	314	Trunk damage
31	BAU	HONG KONG ORCHID	Bauhinia spp.	27	25	10	45	REMOVE	491	491	Trunk damage
32	BAU	HONG KONG ORCHID	Bauhinia spp.	18	14	6	35	REMOVE	254	254	Decline
33	NO	OLEANDER	Nerium oleander	8	8	4,3,2	30	REMOVE	50	50	Decline
34	BAU	HONG KONG ORCHID	Bauhinia spp.	20	25	13	50	REMOVE	491	491	Trunk damage, decline
35	BAU	HONG KONG ORCHID	Bauhinia spp.	20	25	7,10	60	REMOVE	491	491	Co-dominant trunks
36	CR	PITCH APPLE	Clusia rosea	20	25	6,5,9	55	REMAIN	491		SPECIMEN-SIZED, Multi trunks
37	CR	PITCH APPLE	Clusia rosea	18	18	6,4,4	30	REMOVE	254	254	Mult. trunks, broken at base
38	QV	LIVE OAK	Quercus virginiana	18	25	16	65	REMAIN	491		
39	QV	LIVE OAK	Quercus virginiana	20	25	17	60	REMOVE	491	491	Co-dominant trunks, included bark
40	QV	LIVE OAK	Quercus virginiana	25	32	16	55	RELOCATE	804		Co-dominant trunks
41	QV	LIVE OAK	Quercus virginiana	18	20	8,7	45	REMAIN	314	314	Co-dominant trunks, included bark
42	QV	LIVE OAK	Quercus virginiana	18	20	7	60	REMAIN	314		
43	QV	LIVE OAK	Quercus virginiana	18	20	14	65	REMOVE	314	314	Poor structure
44	QV	LIVE OAK	Quercus virginiana	20	20	13	50	REMOVE	314	314	Co-dominant trunks, included bark
45	QV	LIVE OAK	Quercus virginiana	20	18	9	50	REMOVE	254	254	Co-dominant trunks, included bark
46	QV	LIVE OAK	Quercus virginiana	18	22	10	55	REMAIN	380		
47	QV	LIVE OAK	Quercus virginiana	18	18	9	55	REMAIN	254		Co-dominant trunks, included bark
48	QV	LIVE OAK	Quercus virginiana	22	28	15	60	REMAIN	491		
49	QV	LIVE OAK	Quercus virginiana	18	24	12	60	REMAIN	452		
50	QV	LIVE OAK	Quercus virginiana	18	22	13	50	REMAIN	380		
51	QV	LIVE OAK	Quercus virginiana	18	25	11	60	REMAIN	491		
52	QV	LIVE OAK	Quercus virginiana	35	35	16	45	REMAIN	962		
53	QV	LIVE OAK	Quercus virginiana	20	20	10	55	REMAIN	314		
54	QV	LIVE OAK	Quercus virginiana	30	30	16	40	REMAIN	706		SPECIMEN-SIZED, Multiple trunks, included
55	QV	LIVE OAK	Quercus virginiana	22	25	12	30	REMAIN	491		
56	BAU	HONG KONG ORCHID	Bauhinia spp.	22	18	10	35	REMAIN	201		Multiple trunks, included bark
57	BAU	HONG KONG ORCHID	Bauhinia spp.	24	22	10,10	30	REMAIN	380		SPECIMEN-SIZED, Decline
58	BAU	HONG KONG ORCHID	Bauhinia spp.	18	15	8	35	REMAIN	177		Decline
59	BAU	HONG KONG ORCHID	Bauhinia spp.	22	20	11	30	REMAIN	314		Decline
60	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	2,6,7	35	REMAIN	254		Decline
61	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	9	35	REMAIN	254		Decline
62	BAU	HONG KONG ORCHID	Bauhinia spp.	14	10	7	35	REMAIN	79		Decline
63		INTENTIONALLY DELETED									Decline
64	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	8	40	REMAIN	201		Decline
65	BAU	HONG KONG ORCHID	Bauhinia spp.	18	15	7	40	REMAIN	177		Decline
66	BAU	HONG KONG ORCHID	Bauhinia spp.	18	16	9	40	REMAIN	177		Decline
67	SP	SABAL PALM	Sabal palmetto	10	12	10	70	REMAIN	113		
68		INTENTIONALLY DELETED									
69	SP	SABAL PALM	Sabal palmetto	30	12	10	45	REMAIN	113		Trunk damage and nutritional deficiencies
70		INTENTIONALLY DELETED									
71	SP	SABAL PALM	Sabal palmetto	20	12	10	75	REMAIN	113		
72	SP	SABAL PALM	Sabal palmetto	18	12	10	70	REMAIN	113		
73	SP	SABAL PALM	Sabal palmetto	18	12	10	80	REMAIN	113		
74	BB	BLACK OLIVE	Bucida buceras	12	10	8	10	REMAIN	79		Decline
75	BB	BLACK OLIVE	Bucida buceras	24	20	11	55	REMAIN	314		
76	BB	BLACK OLIVE	Bucida buceras	20	18	10	45	REMAIN	254		
77	BB	BLACK OLIVE	Bucida buceras	24	24	12	65	REMAIN	452		
78	BB	BLACK OLIVE	Bucida buceras	20	20	10	60	REMAIN	314		
79	BB	BLACK OLIVE	Bucida buceras	22	20	11	50	REMAIN	314		
80	BB	BLACK OLIVE	Bucida buceras	24	30	15	40	REMAIN	706		Decline
81	SP	SABAL PALM	Sabal palmetto	22	12	10	50	REMAIN	113		Nutritional deficiencies
82	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
83	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
84	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
85	SP	SABAL PALM	Sabal palmetto	22	12	10	70	REMAIN	113		
86	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
87	SP	SABAL PALM	Sabal palmetto	22	12	10	70	REMAIN	113		
88	SP	SABAL PALM	Sabal palmetto	20	12	10	70	REMAIN	113		
89	QV	LIVE OAK	Quercus virginiana	22	25	16	55	REMAIN	491		Multiple trunks, included bark
90	QV	LIVE OAK	Quercus virginiana	24	22	13	55	REMAIN	380		Multiple trunks, included bark
91	QV	LIVE OAK	Quercus virginiana	22	24	11	65	REMAIN	452		Co-dominant trunks
92	QV	LIVE OAK	Quercus virginiana	28	30	16	60	REMAIN	706		Included bark
93	QV	LIVE OAK	Quercus virginiana	30	30	18	55	REMAIN	706		SPECIMEN-SIZED, Included bark, root proble
94	QV	LIVE OAK	Quercus virginiana	25	28	15	55	REMAIN	616		Co-dominant trunks, included bark
95	QV	LIVE OAK	Quercus virginiana	18	15	14	50	REMAIN	177		
96		DEAD					0				
97	CR	PITCH APPLE	Clusia rosea	15	18	8	55	REMAIN	254		
99	BAU	HONG KONG ORCHID	Bauhinia spp.	20	24	12,12	45	REMAIN	452		SPECIMEN-SIZED, Co-dominant trunks
100	QV	LIVE OAK	Quercus virginiana	34	26	17	60	REMAIN	531		Included bark
101	QV	LIVE OAK	Quercus virginiana	18	24	14	55	REMAIN	452		
102	QV	LIVE OAK	Quercus virginiana	24	18	13	50	REMAIN	254		
103	QV	LIVE OAK	Quercus virginiana	34	30	21	45	REMAIN	706		SPECIMEN-SIZED, Trunk damage
104	QV	LIVE OAK	Quercus virginiana	28	25	14,13	50	REMAIN	491		SPECIMEN-SIZED, Co-dominant trunks
105	QV	LIVE OAK	Quercus virginiana	28	26	16	65	REMAIN	962		Included bark
106	TH	PINK TABEBUIA	Tabebuia heterophylla	14	10	4	45	REMAIN	78		
107	TH	PINK TABEBUIA	Tabebuia heterophylla	14	8	5	35	REMAIN	50		Trunk damage
108	TH	PINK TABEBUIA	Tabebuia heterophylla	14	10	4,2	30	REMAIN	78		Decline
109	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
110	SP	SABAL PALM	Sabal palmetto	18	12	10	70	REMAIN	113		
111	SP	SABAL PALM	Sabal palmetto	23	12	10	70	REMAIN	113		
112	SP	SABAL PALM	Sabal palmetto	22	12	10	70	REMAIN	113		
113	SP	SABAL PALM	Sabal palmetto	28	12	10	70	REMAIN	113		
114	SP	SABAL PALM	Sabal palmetto	22	12	10	70	REMAIN	113		
115	SP	SABAL PALM	Sabal palmetto	22	17	10	60	REMAIN	113		
116	SP	SABAL PALM	Sabal palmetto	24	12	10	70	REMAIN	113		
117	QV	LIVE OAK	Quercus virginiana	20	25	14	55	REMAIN	491		
118	QV	LIVE OAK	Quercus virginiana	20	25	19	50	REMAIN	491		SPECIMEN-SIZED
119	QV	LIVE OAK	Quercus virginiana	24	25	14	65	REMAIN	491		
120	QV	LIVE OAK	Quercus virginiana	22	22	17	40	REMAIN	380		Decline
121	QV	LIVE OAK	Quercus virginiana	28	30	28	55	REMAIN	706		SPECIMEN-SIZED
122		DEAD						REMOVE			
123	QV	LIVE OAK	Quercus virginiana	28	35	28	60	REMAIN	962		SPECIMEN-SIZED, Included bark
124	QV	LIVE OAK	Quercus virginiana	23	25	13	55	REMAIN	491		Included bark
125	QV	LIVE OAK	Quercus virginiana	24	25	18,13	40	REMAIN	491		SPECIMEN-SIZED, Trunk damage
126	QV	LIVE OAK	Quercus virginiana	24	25	17	45	REMAIN	491		Poor form
127	TH	PINK TABEBUIA	Tabebuia heterophylla	14	10	6	35	REMAIN	79		
128	TH	PINK TABEBUIA	Tabebuia heterophylla	14	10	5	35	REMAIN	79		
129	BAU	HONG KONG ORCHID	Bauhinia spp.	18	22	8,7	45	REMAIN	314		
130	BAU	HONG KONG ORCHID	Bauhinia spp.	20	24	14	50	REMAIN	452		
131	BAU	HONG KONG ORCHID	Bauhinia spp.	20	20	10	45	REMAIN	314		
132	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	10	35	REMAIN	254		Trunk split
133	CR	PITCH APPLE	Clusia rosea	18	20	7,6	55	REMAIN	314		Co-dominant trunks
134	CR	PITCH APPLE	Clusia rosea	24	25	7,8,6	60	REMAIN	491		SPECIMEN-SIZED, Multiple trunks
135	BAU	HONG KONG ORCHID	Bauhinia spp.	20	18	12	43	REMAIN	254		
136	BAU	HONG KONG ORCHID	Bauhinia spp.	18	18	11	45	REMAIN	254		
137	QV	LIVE OAK	Quercus virginiana	20	20	13	50	REMAIN	314		
138	QV	LIVE OAK	Quercus virginiana	24	30	17	55	REMAIN	706		
139	QV	LIVE OAK	Quercus virginiana	23	25	15	60	REMAIN	491		
140	QV	LIVE OAK	Quercus virginiana	25	25	14	60	REMAIN	491		
141	QV	LIVE OAK	Quercus virginiana	28	30	16	55	REMAIN	531		
142	QV	LIVE OAK	Quercus virginiana	25	30	17,17	60	REMAIN	706		
143	QV	LIVE OAK	Quercus virginiana	25	25	9	50	REMAIN	491		
144	QV	LIVE OAK	Quercus virginiana	25	25	11,8,10,14,8	60	REMAIN	491		
145	QV	LIVE OAK	Quercus virginiana	25	25	13,12,17	60	REMAIN	491		
146	QV	LIVE OAK	Quercus virginiana	30	35	12,20,14	50	REMAIN	962		
147	QV	LIVE OAK	Quercus virginiana	30	40	25	35	REMAIN	1257		
148	QV	LIVE OAK	Quercus virginiana	22	28	13	45	REMAIN	616		
149	QV	LIVE OAK	Quercus virginiana	28	35	17	60	REMAIN	962		
150	QV	LIVE OAK	Quercus virginiana	28	30	18	50	REMAIN	706		Included bark
151	QV	LIVE OAK	Quercus virginiana	25	30	17	50	REMAIN	706		Included bark
152	QV	LIVE OAK	Quercus virginiana	30	30	18	50	REMAIN	706		SPECIMEN-SIZED, Included bark
153	BB	BLACK OLIVE	Bucida buceras	30	30	19	50	REMAIN	706		SPECIMEN-SIZED, Included bark
154	SP	SABAL PALM	Sabal palmetto	23	12	10	70	REMAIN	113		
155	SP	SABAL PALM	Sabal palmetto	27	17	10	70	REMAIN	113		
156	SP	SABAL PALM	Sabal palmetto	22	12	10	70	REMAIN	113		
157	SP	SABAL PALM	Sabal palmetto	18	12	10	70	REMAIN	113		
158	SP	SABAL PALM	Sabal palmetto	20	12	10	70	REMAIN	113		
159	SP	SABAL PALM	Sabal palmetto	18	12	10	70	REMAIN	113		
160	SP	SABAL PALM	Sabal palmetto	15	12	10	70	REMAIN	113		
161	SP	SABAL PALM	Sabal palmetto	15	12	10	70	REMAIN	113		
162	BAU	HONG KONG ORCHID	Bauhinia spp.	18	16	13	40	REMAIN	201		
163	BAU	HONG KONG ORCHID	Bauhinia spp.	28	28	13	50	REMAIN	531		
164	QV	LIVE OAK	Quercus virginiana	28	20	19	40	REMAIN	314		SPECIMEN-SIZED, Co-dominant trunks, incl
165	BAU	HONG KONG ORCHID	Bauhinia spp.	28	20	11	45	REMAIN	314		
166	BAU	HONG KONG ORCHID	Bauhinia spp.	18	20	9	45	REMAIN	314		
167	BAU	HONG KONG ORCHID	Bauhinia spp.	24	20	10	45	REMAIN	314		
168	BAU	HONG KONG ORCHID	Bauhinia spp.	22	24	12	45	REMAIN	452		
169	QV	LIVE OAK	Quercus virginiana	22	20	19	40	REMAIN	314		
170	QV	LIVE OAK	Quercus virginiana	24	35	28	65	REMAIN	962		SPECIMEN-SIZED, Included bark
171	QV	LIVE OAK	Quercus virginiana	22	28	14	50	REMAIN	616		
172	QV	LIVE OAK	Quercus virginiana	28	25	12	65	REMAIN	491		
173	QV	LIVE OAK	Quercus virginiana	28	30	15	65	REMAIN	706		
174	QV	LIVE OAK	Quercus virginiana	22	20	10	45	REMAIN	314		
175	QV	LIVE OAK	Quercus virginiana	22	28	15	65	REMAIN	616		
176	QV	LIVE OAK	Quercus virginiana	24	22	10	60	REMAIN	380		
177	QV	LIVE OAK	Quercus virginiana	27	26	14	55	REMAIN	531		
178	QV	LIVE OAK	Quercus virginiana	30	30	18	60	REMAIN	706		SPECIMEN-SIZED
179	CR	PITCH APPLE	Clusia rosea	18	12	10	55	REMAIN	113		
180	CR	PITCH APPLE	Clusia rosea	27	24	16,6	65	REMAIN	452		SPECIMEN-SIZED
181	PSL	STRAWBERRY GUAVA	Psidium littorale	8	8	2	70	REMAIN	50		
182	QV	LIVE OAK	Quercus virginiana	18	18	16	30	REMAIN	254		
183	BB	BLACK OLIVE	Bucida buceras	28	28	18	65	REMAIN	616		SPECIMEN-SIZED
184	PSL	STRAWBERRY GUAVA	Psidium littorale	6	10	2,2,2,1	40	REMAIN	79		Trunk damage
185	PSL	STRAWBERRY GUAVA	Psidium littorale	8	8	2,2	30	REMAIN	50		
186	PSL	STRAWBERRY GUAVA	Psidium littorale	8	6	2,2	40	REMAIN	50		
187	PSL	STRAWBERRY GUAVA	Psidium littorale	6	4	2,2,2	40	REMAIN	50		
188	PSL	STRAWBERRY GUAVA	Psidium littorale	8	8	4,2	40	REMAIN	50		
189	PSL	STRAWBERRY GUAVA	Psidium littorale	10	8	2,2,1	40	REMAIN	50		
190	PSL	STRAWBERRY GUAVA	Psidium littorale	8	8	2,3	40	REMAIN	50		
191	FA	STRANGLER FIG	Ficus aurea	15	12	38	50	REMAIN	113		SPECIMEN-SIZED, stump
192	BB	BLACK OLIVE	Bucida buceras	28	40	16	55	REMAIN	1257		
		ADDITIONAL FIELD SURVEY AND MEASUREMENT PERFORMED ON OCTOBER 6, 2008.									
		SPECIMEN-SIZED REFER TO 18" DBH PER MIAMI-DADE TREE PRESERVATION ORDINANCE.							59873	4828	

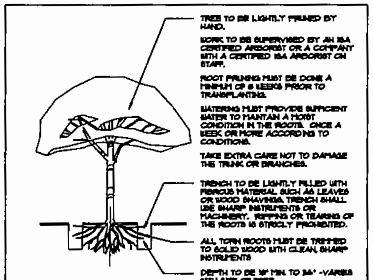
* I certify that all the statements of fact in this appraisal are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith.
Jeremy T. Chancey, FL-0782A, ISA Certified Arborist

CALCULATIONS ARE APPROXIMATE PER FIELD OBSERVATION AND INVENTORY
LOCATIONS ARE PER FIELD NOTES AND ARE APPROXIMATE, EXACT LOCATIONS ARE TO BE SURVEY LOCATED, PRIOR TO ANY WORK TO DETERMINE EXACT LOCATIONS OF ALL TREES AND PALMS.
PROHIBITED SPECIES ARE NOT CALCULATED PER DADE CO. TREE PRESERVATION ORDINANCE



TREE TRANSPLANT DETAIL

REF. "THE LANDSCAPE MANUAL" DADE CO. DEPT. OF PLANNING & ZONING, 2001 N.T.A.



ROOT PRUNING DETAIL

REF. "THE LANDSCAPE MANUAL" DADE CO. DEPT. OF PLANNING & ZONING, 2001 N.T.A.

A WRITTEN TREE REMOVAL PERMIT FROM MIAMI-DADE COUNTY DERM IS REQUIRED PRIOR TO REMOVAL OR RELOCATION OF ANY TREES ON THIS PROPERTY.

SEE SHEET TD-1 FOR EXISTING TREE LOCATIONS AND MISCELLANEOUS NOTES.

TREE DISPOSITION PLAN

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 000393
Landscape Design
Irrigation Design
1833 NW 140th Terr.
Pembroke Pines, FL 33028
TEL: (954) 441-1882
FAX: (954) 442-6228
jimmy@jfsdesign.com

EVERETT-STEWART SENIOR VILLAGE
BROWNSVILLE VILLAGE PHASE I
BROWNSVILLE METRORAIL STATION
5200 N.W. 27th Ave.
MIAMI-DADE, FLORIDA

No.	Date	Revision
1.	10/07/08	Per County Planning Dept. and DERM comments.

designed: J. F. SOCASH
drawn: B. DIAZ
checked: T.Y. MORAN
approved: J. F. SOCASH
project #: 06-56
scale: AS SHOWN
date: Sept. 15, 2008
cad ref: 06-56-53

JAMES F. SOCASH RLA # 0000102

Drawing: TD-2

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MIAMI-DADE COUNTY
PROCESS #: Z08-001
DATE: JAN 14 2009

37

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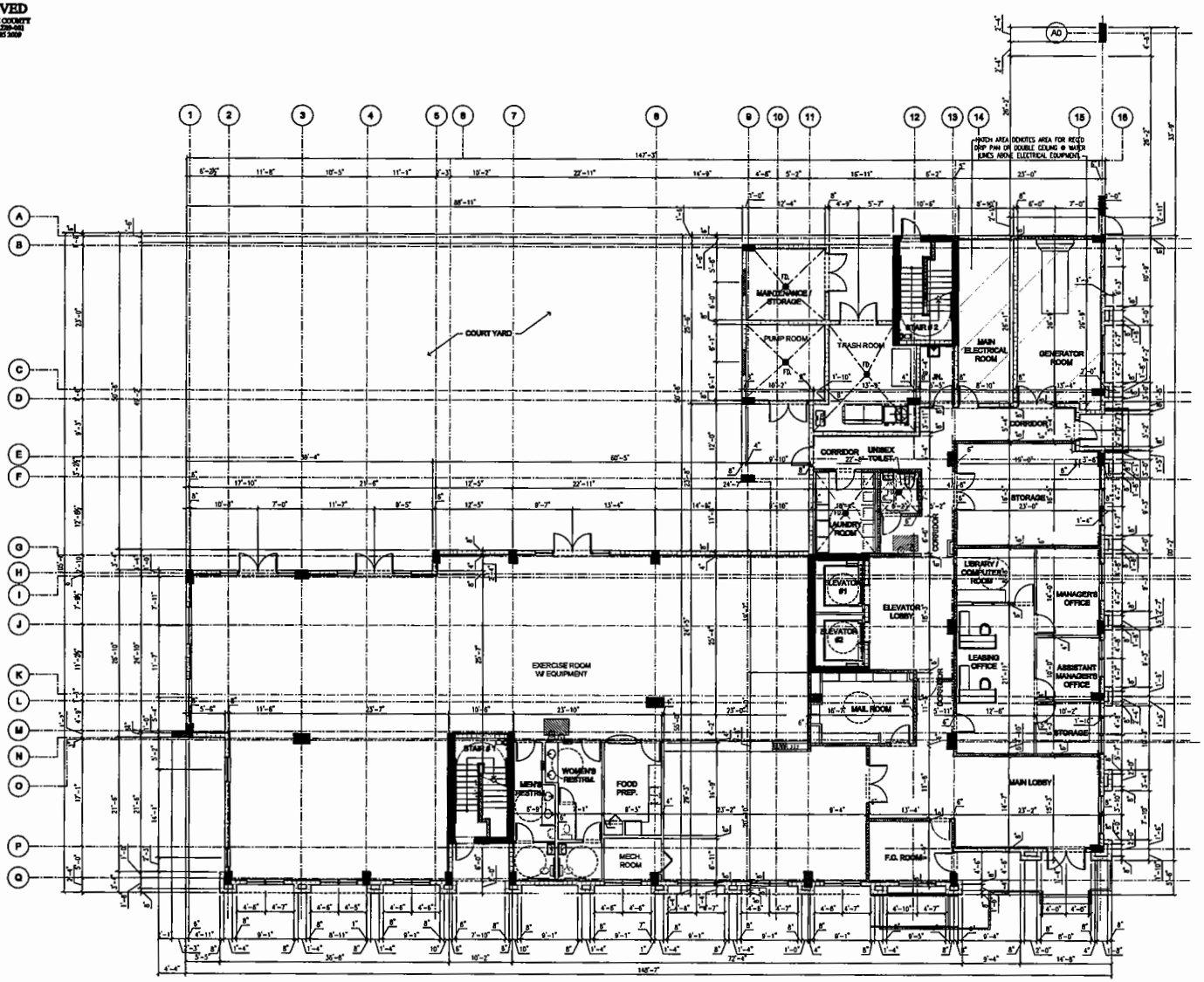
DATE: JAN 05 2009
BY: R.R.



WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- A — WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) — DENOTES QUANTITY
- 1 — DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ — CENTER LINE
- E.P. — ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- WS — WALL TYPE SEE SHEET A-8.2
- S1 — STORE FRONT TYPE
- L1 — LOUVER TYPE

GROUND FLOOR PLAN

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

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C002151 TEL: (305)-446-7383

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2006

SEAL

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SHEET TITLE
GROUND FLOOR PLAN

DATE	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-2.00

38

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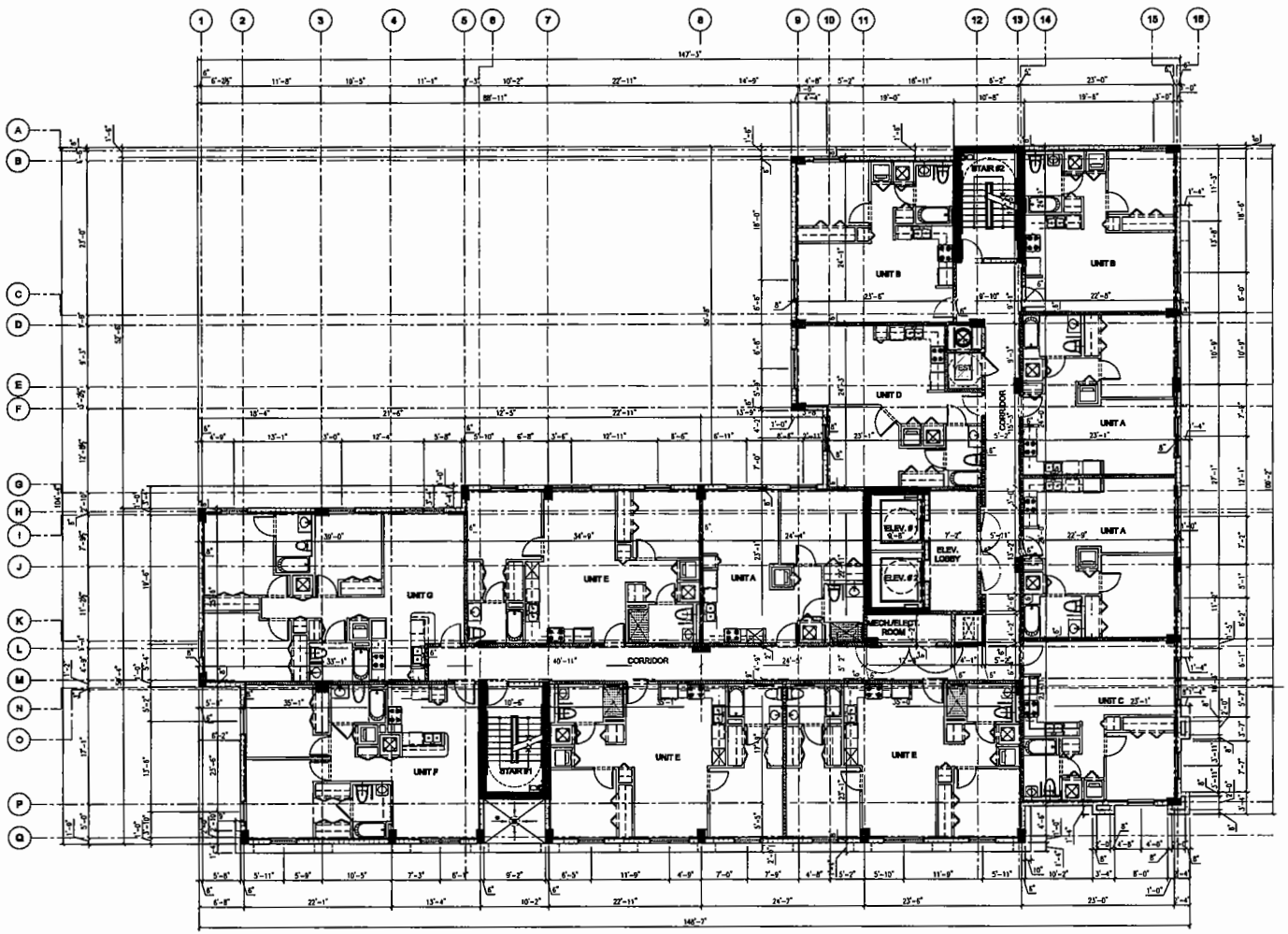

SECOND FLOOR PLAN

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

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-8" MIN. (UNLESS OTHERWISE NOTED)
- A — WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) — DENOTES QUANTITY
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- ℄ — CENTER LINE
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- WS — WALL TYPE SEE SHEET A-8.2
- S1 — STORE FRONT TYPE
- L1 — LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. NO. AA-C000151 TEL (305) 448-7363

PROJECT NAME:

EVERETT STEWART SR.

BROWNSVILLE VILLAGE PHASE I

AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:

THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS

	COMMENTS
1	11/17/2008

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SHEET TITLE

SECOND FLOOR PLAN

DATE:	09-15-08
JOB NO.	2008-06
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FILE	2008-06
SHEET NO.	

A-2.01

39

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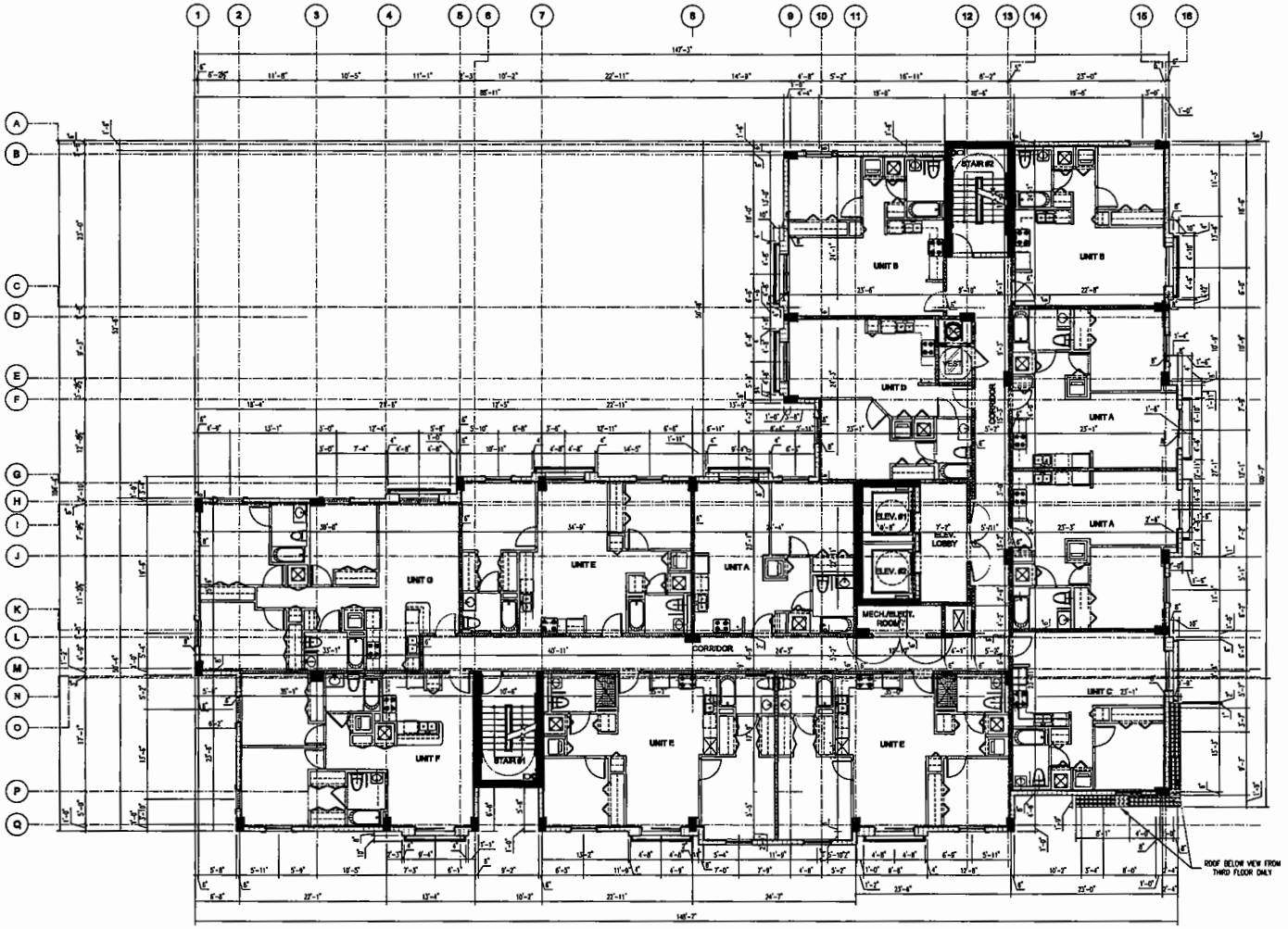

THIRD THRU SIXTH FLOOR PLAN
SCALE: 1/8"=1'-0"

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- A — WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) — DENOTES QUANTITY
- 1 — DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ — CENTER LINE
- E.P. — ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- WS — WALL TYPE SEE SHEET A-8.2
- S1 — STORE FRONT TYPE
- L1 — LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. NO. AA-C002151 TEL: (305) 448-7343

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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SHEET TITLE
THIRD THRU SIXTH FLOOR PLAN

DATE	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-2.02

40

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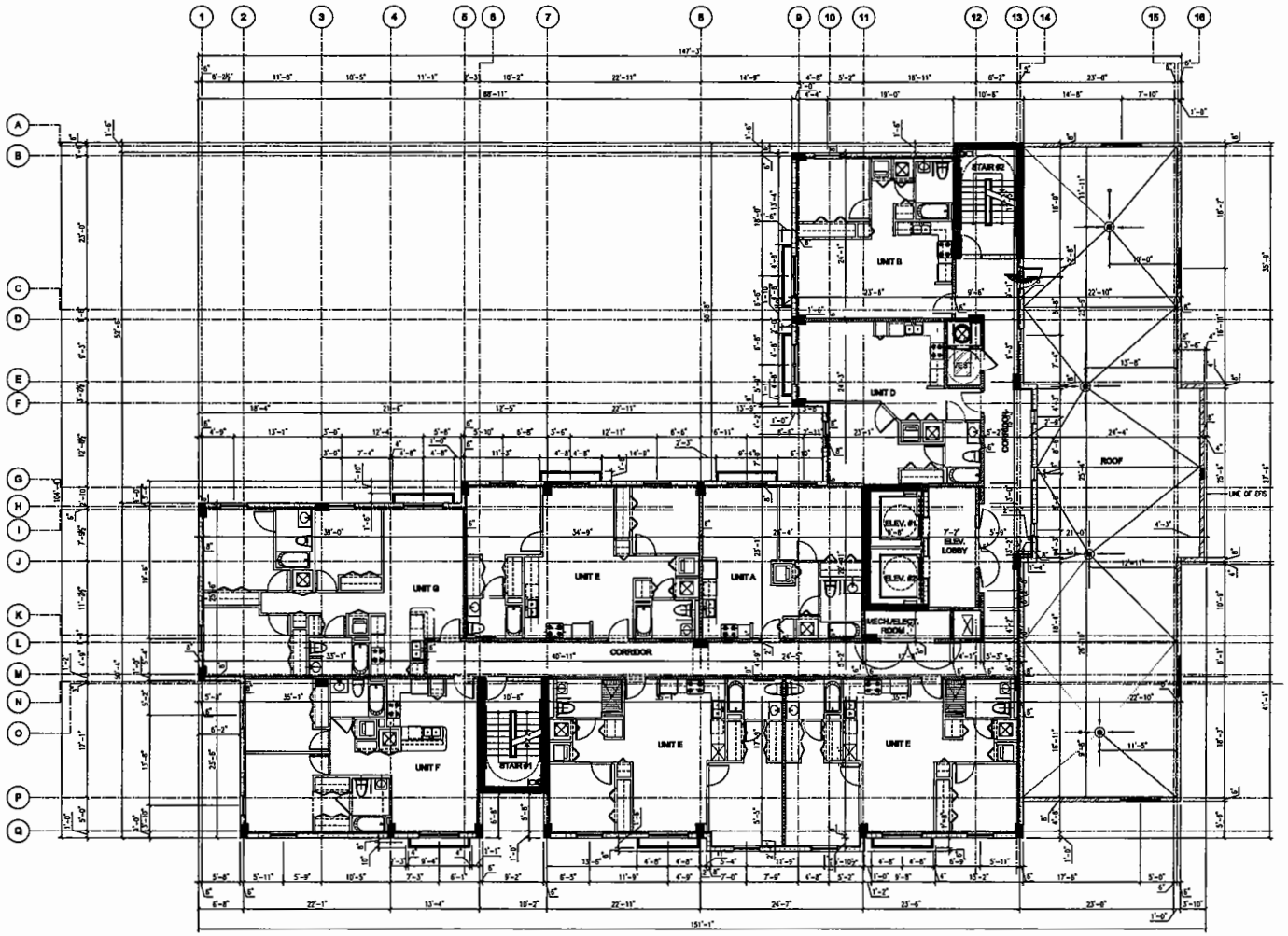

SEVENTH FLOOR PLAN

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

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- A — WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) — DENOTES QUANTITY
- 1 — DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ — CENTER LINE
- E.P. — ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- W5 — WALL TYPE SEE SHEET A-8.2
- S1 — STORE FRONT TYPE
- L1 — LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. NO. AA-C002151 TEL: (305) 446-7383

PROJECT NAME:

EVERETT STEWART SR.

BROWNSVILLE VILLAGE PHASE I

AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:

THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS	COMMENTS
1	11/17/2008

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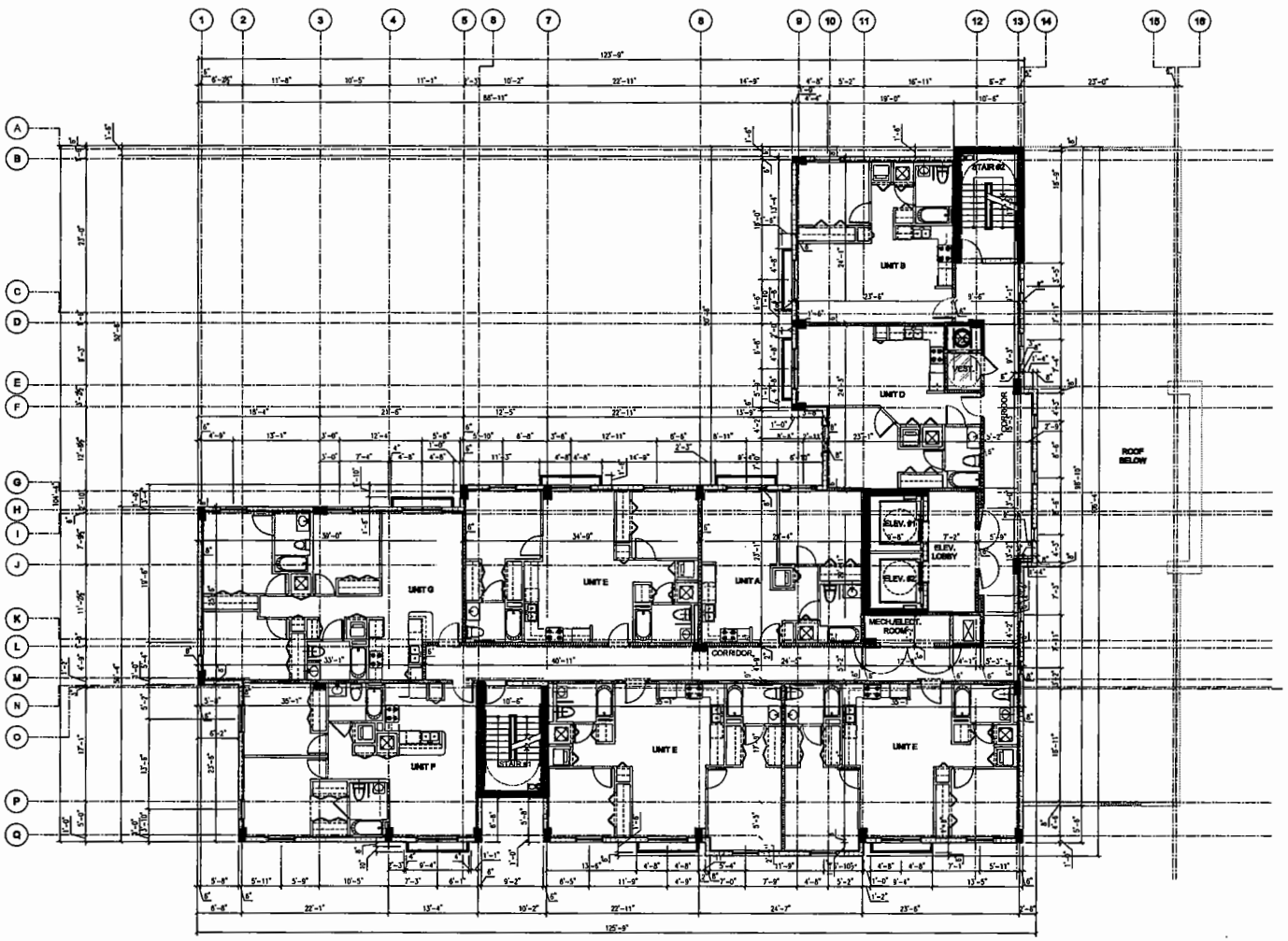
SHEET TITLE

SEVENTH FLOOR PLAN

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-2.03

41



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

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- (A) WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) DENOTES QUANTITY
- (1) DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ CENTER LINE
- E.P. ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- (W5) WALL TYPE SEE SHEET A-6.2
- S1 STORE FRONT TYPE
- L1 LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C000151 TEL: (305) 448-7361

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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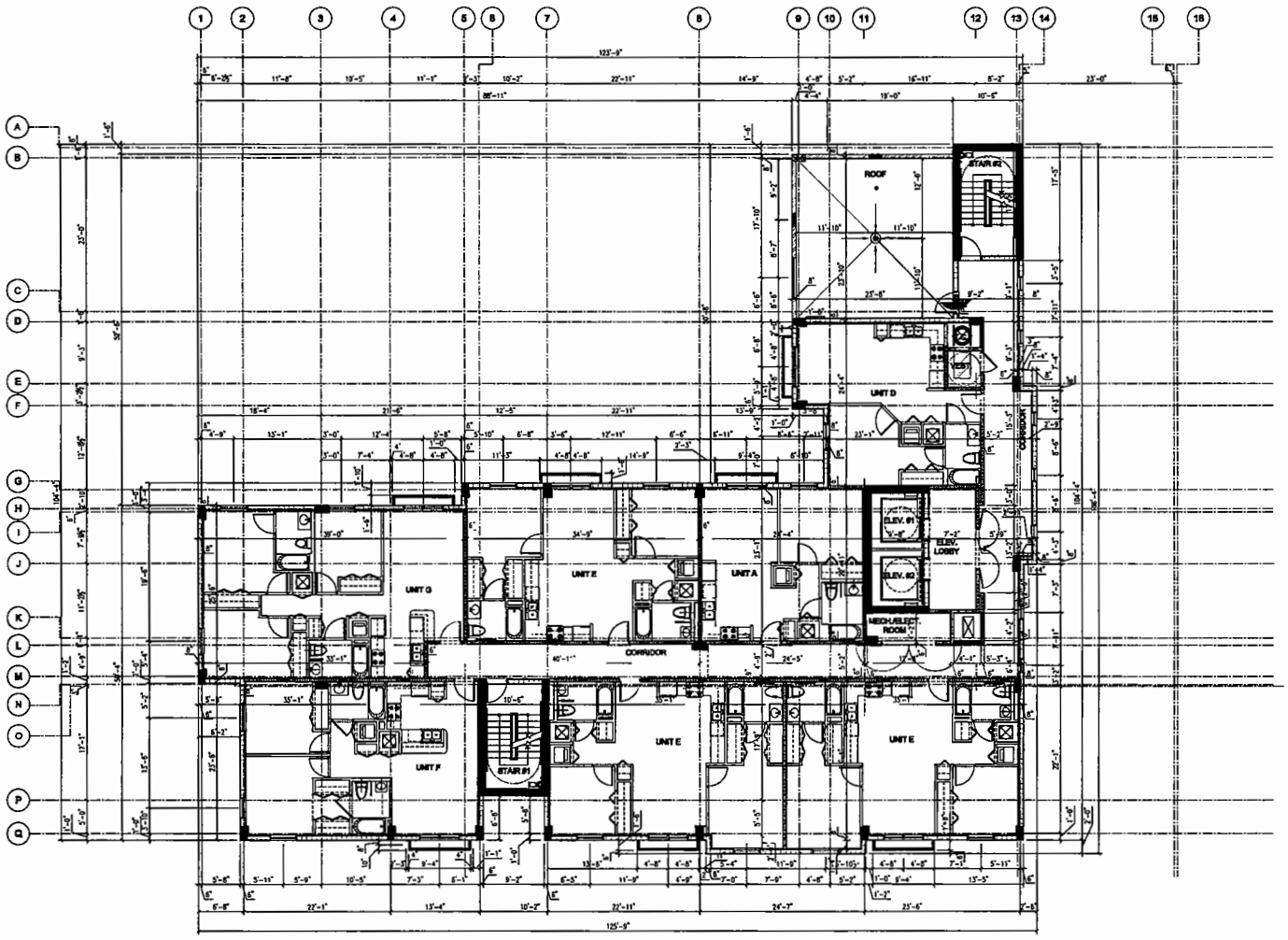
SHEET TITLE
EIGHTH FLOOR PLAN

DATE 09-15-08
JOB NO. 2008-06
DRAWN BY VB/FG/YR/ML
APPR BY AMC
FILE 2008-06
SHEET NO.
A-2.04

2h



NINTH FLOOR PLAN

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

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE WAS UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALL BOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- (A) WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) DENOTES QUANTITY
- (1) DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ CENTER LINE
- E.P. ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- (W) WALL TYPE SEE SHEET A-6.2
- (S1) STORE FRONT TYPE
- (L1) LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

SEAL

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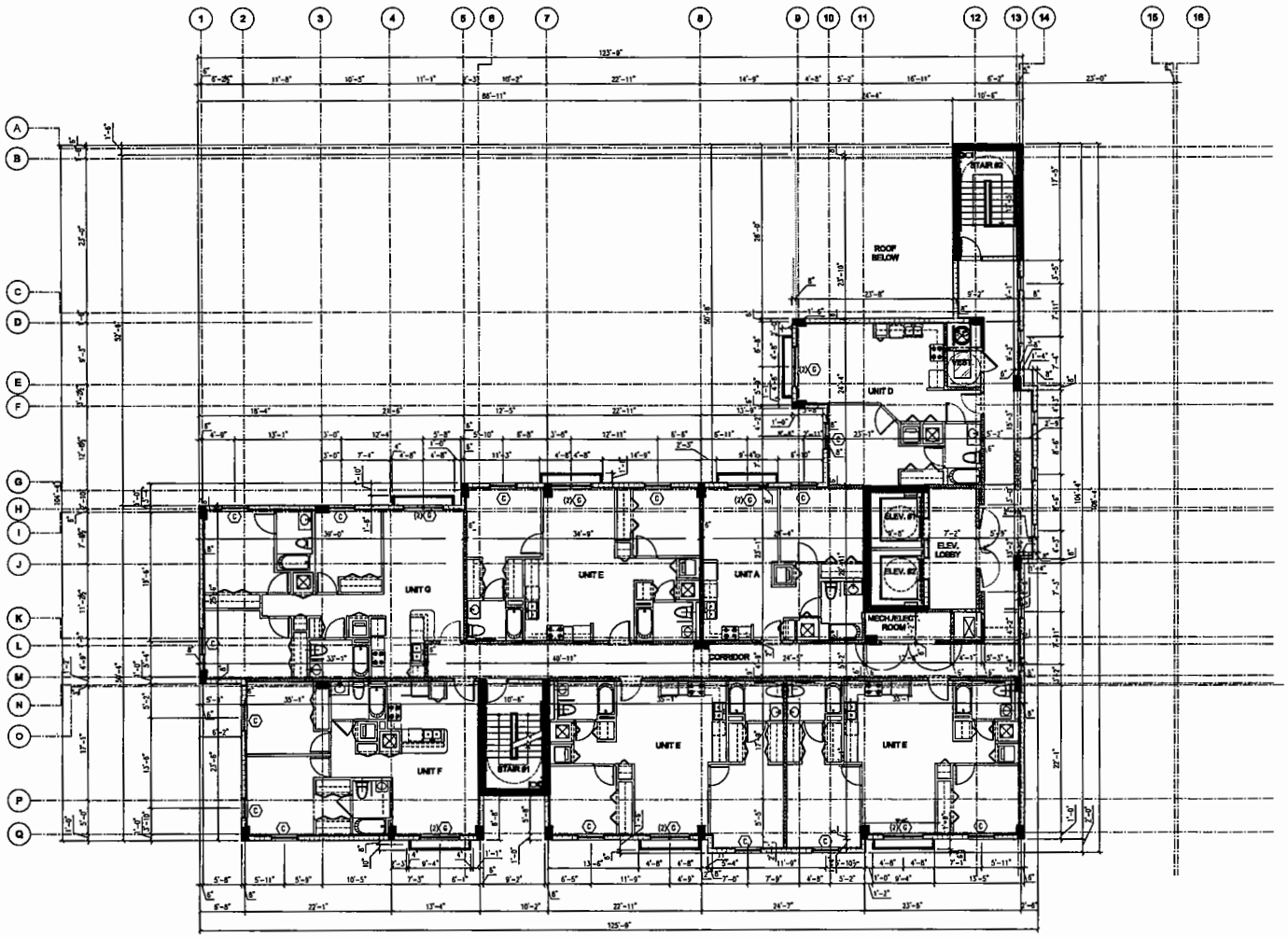
SHEET TITLE
NINTH FLOOR PLAN

DATE	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/PG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-2.05

43



TENTH FLOOR PLAN

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

WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
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- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL- REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
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- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
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- (2) — DENOTES QUANTITY
- 1 — DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ — CENTER LINE
- E.P. — ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS.)
- W5 — WALL TYPE SEE SHEET A-8.2
- S1 — STORE FRONT TYPE
- L1 — LOUVER TYPE

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C000151 TEL (305) 448-7363

PROJECT NAME:

EVERETT STEWART SR.

BROWNSVILLE VILLAGE PHASE I

AT:

BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:

THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS

1	COMMENTS 11/17/2008

SEAL

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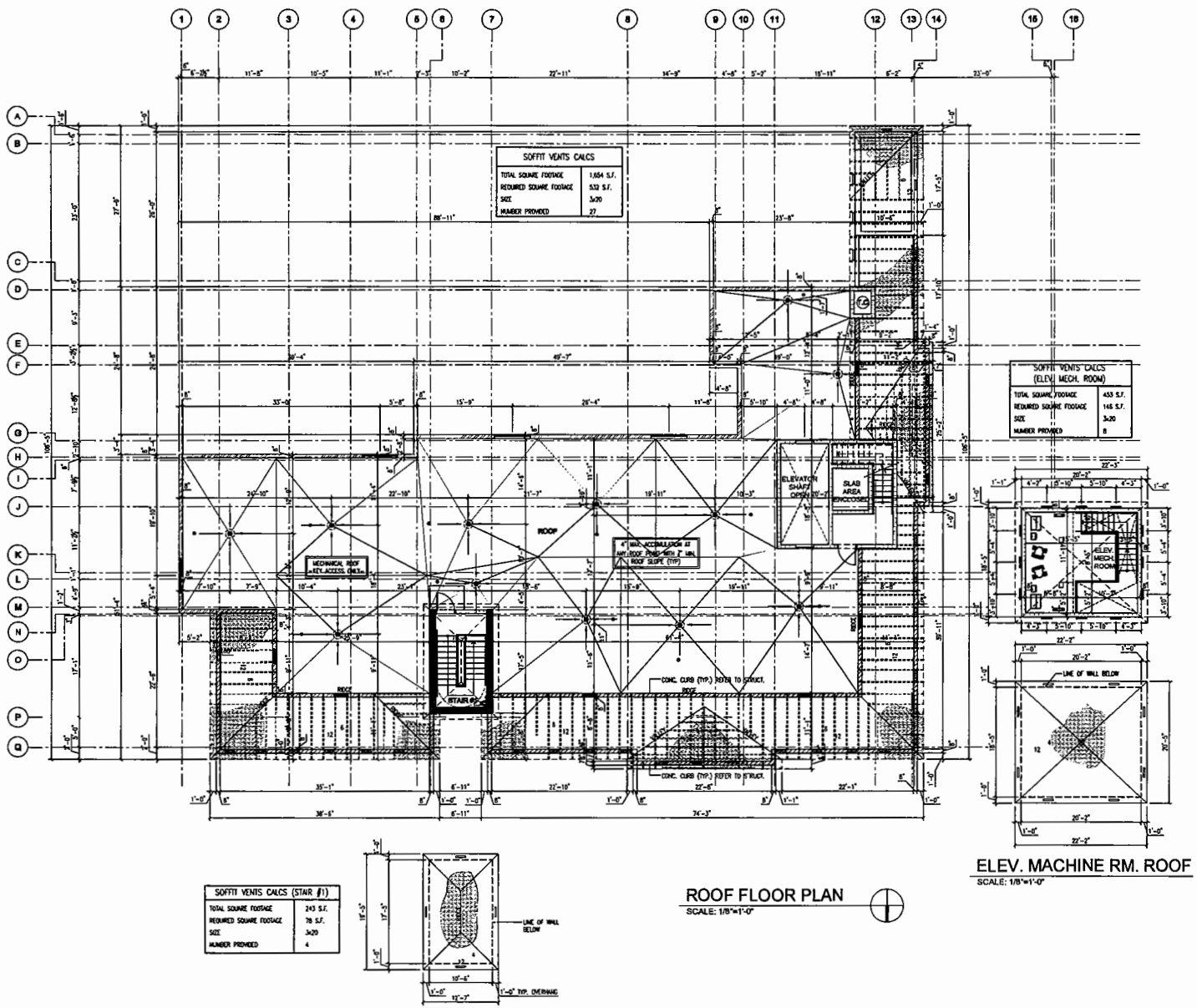
SHEET TITLE

TENTH FLOOR PLAN

DATE	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-2.06



WALL & SYMBOL LEGEND

- REINF. CMU WALL W/OUT FURRING
- 12" REINF. SHEAR WALL (2 HOUR RATED)
- 8" LOW PARAPET WALL @ 42" MIN.
- TYP. METAL STUD PARTITION WALL- TYPE W-5 UNLESS OTHERWISE INDICATED
- TYP. 1 HOUR TENANT SEPARATION/SMOKE BARRIER METAL STUD PARTITION WALL - REFER TO OVERALL FLOOR PLAN FOR WALL TYPE
- 2 HOUR UL RATED SHAFT WALL
- DENOTES AREA OF GYPSUM WALLBOARD DROP DOWN CEILING OR GWB SOFFIT AREAS 7'-6" MIN. (UNLESS OTHERWISE NOTED)
- (A) WINDOW TYPE. REFER TO WINDOW SCHEDULE
- (2) DENOTES QUANTITY
- (1) DOOR NUMBER. REFER TO DOOR SCHEDULE
- ℄ CENTER LINE
- E.P. ELECTRICAL PANEL (COORDINATE WITH ELECTRICAL DRAWINGS)
- WALL TYPE SEE SHEET A-5.2
- 33 STORE FRONT TYPE
- 12 LOUVER TYPE

SOFFIT VENTS CALCS (STAIR #1)	
TOTAL SQUARE FOOTAGE	243 S.F.
REQUIRED SQUARE FOOTAGE	78 S.F.
SIZE	3x20
NUMBER PROVIDED	4

STAIR #1 ROOF
SCALE: 1/8"=1'-0"

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

ELEV. MACHINE RM. ROOF
SCALE: 1/8"=1'-0"

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C000151 TEL: (305) 446-7383

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

SEAL

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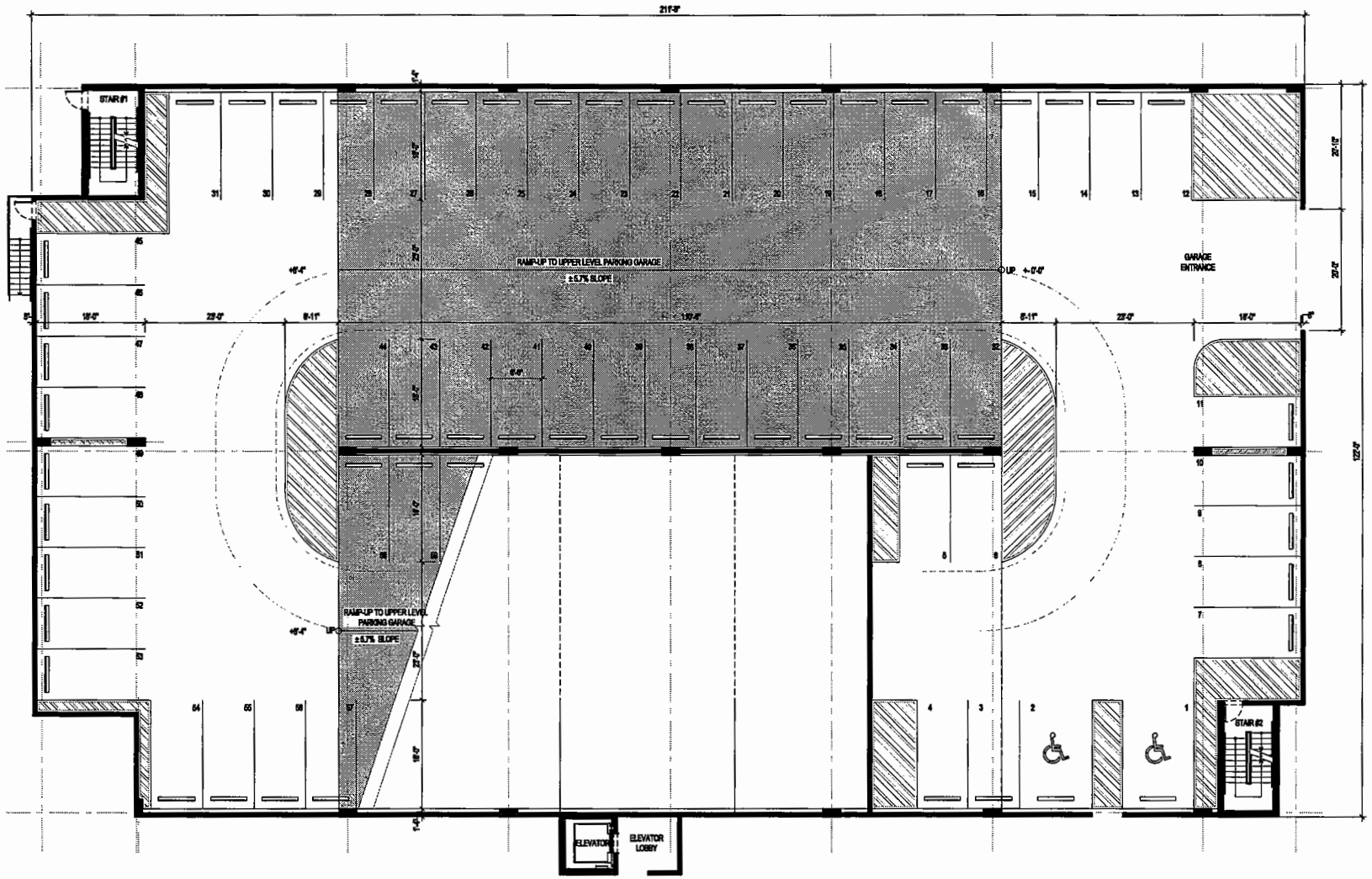
SHEET TITLE
ROOF FLOOR PLAN

DATE 09-15-08
JOB NO. 2008-06
DRAWN BY VB/FG/YR/ML
APPR BY AMC
FILE 2008-06
SHEET NO.
A-2.07

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 220-081
DATE: JAN 05 2009
BY: RR



GROUND FLOOR PLAN (PHASE I)
SCALE: 1/8"=1'-0"
GROUND FLOOR PARKING STALLS 51
TOTAL PARKING STALLS 323

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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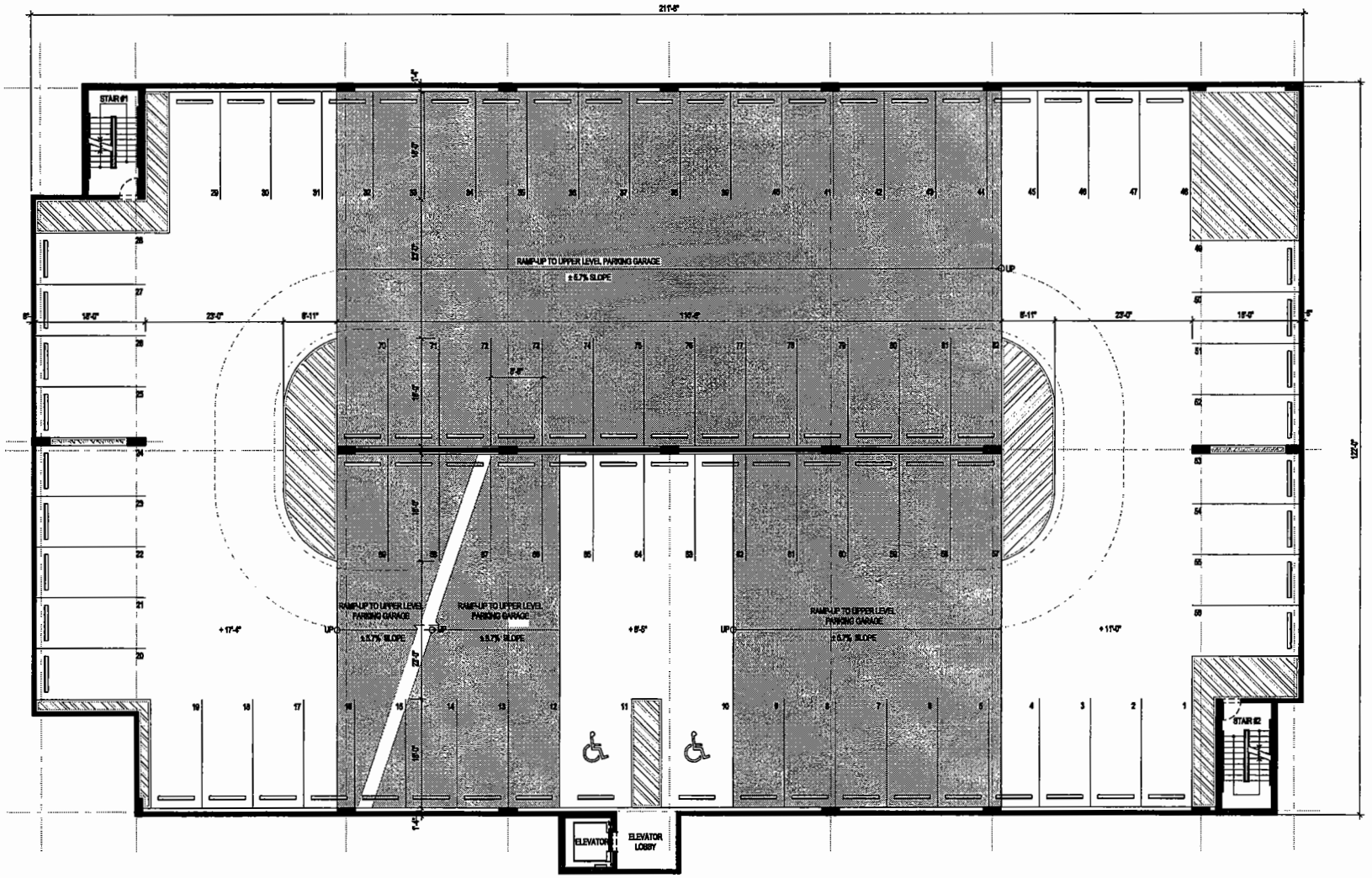
SHEET TITLE
PARKING GARAGE GROUND FLOOR PLAN

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-5.0

46

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 2008-001
DATE: JAN 05 2009
BY: RL



TYPICAL FLOOR PLAN (LEVEL 2ND & 3RD) PHASE I

SCALE: 1/8"=1'-0"
TYPICAL FLOOR PARKING STALLS 88

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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SHEET TITLE
PARKING GARAGE TYPICAL FLOOR PLAN

DATE: 09-15-08
JOB NO: 2008-06
DRAWN BY: VB/FG/YR/ML
APPR BY: AMC
FILE: 2008-06
SHEET NO.
A-5.1

4/7

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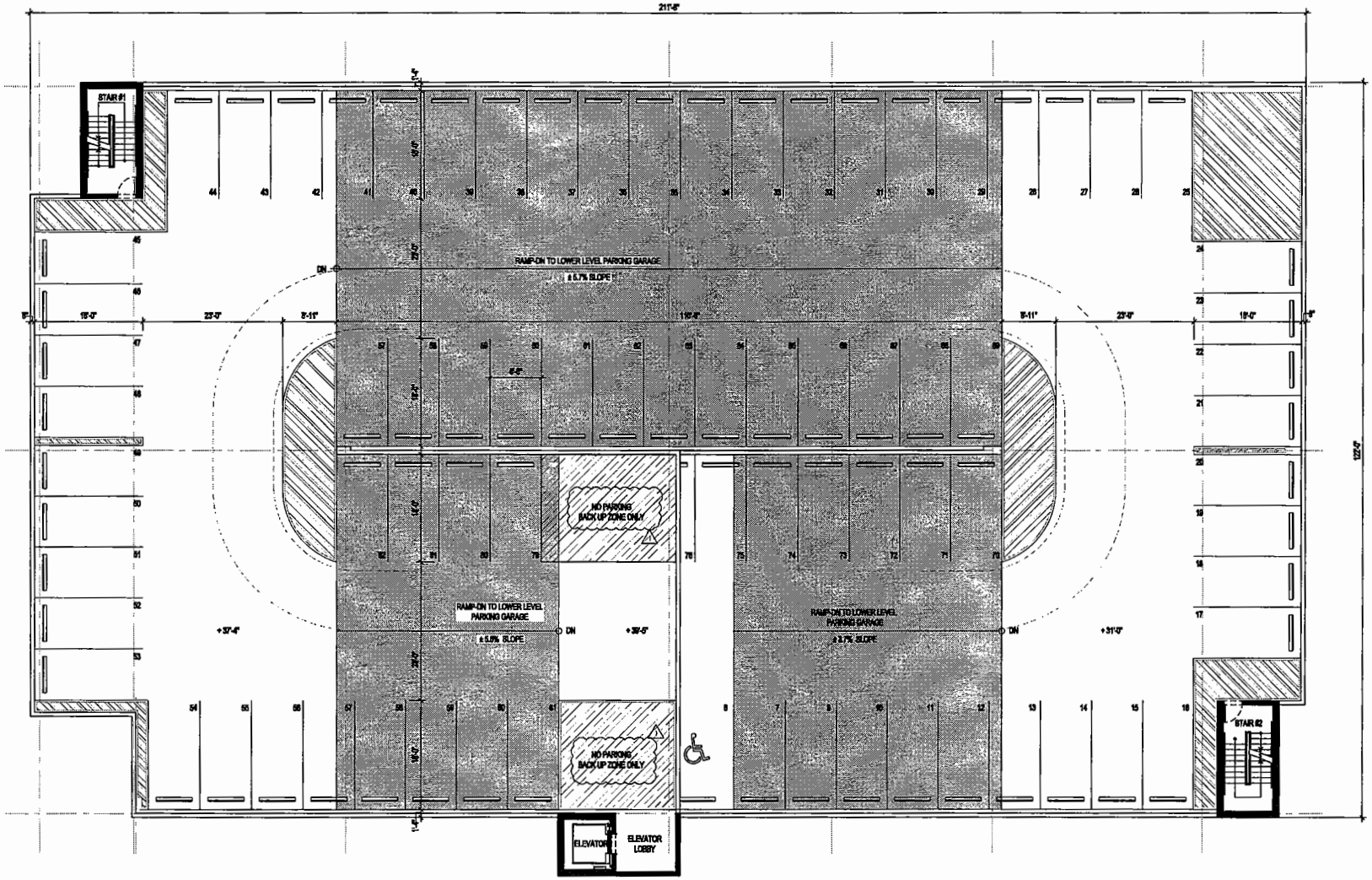
MIAMI-DADE COUNTY
PROCESS #: 2008-003
DATE: JAN 05 2009
BY: RB



ROOF PLAN (PHASE I)
SCALE: 1/8"=1'-0"
ROOF PARKING STALLS 70

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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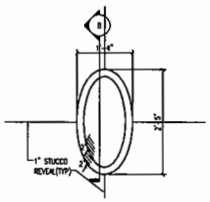
SHEET TITLE
PARKING GARAGE ROOF PLAN

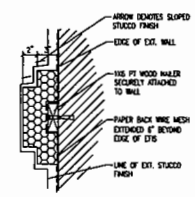
DATE: 09-15-08
JOB NO: 2008-06
DRAWN BY: VB/FG/YR/ML
APPR'D: AMC
FILE: 2008-06
SHEET NO.
A-5.2

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: [illegible]
DATE: JAN 03 2007
BY: [illegible]

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



A PRE-FAB EFIS MEDALLION BARREL
SCALE: 3/4"=1'-0"



B EFIS MEDALLION BARREL SECTION
SCALE: 1 1/2"=1'-0"

SECTION / ELEVATION LEGEND

1	PAINTED STUCCO FINISH (TYP.).	8	CONCRETE EYE BROW (TYP.). SEE STRUCT. DRAWINGS FOR ADDITIONAL INFORMATION.	17	DECORATIVE METAL LOUVERS
2	42" MIN. A.F.F. CRASHWALL	9	OPEN TO AREA BEYOND	18	IMPACT GLAZING – FIXED WINDOW
3	1" STUCCO REVEAL	10	ALUMINUM LOUVERS. REFER TO SHEET A-8.12 FOR MORE INFORMATION.	19	TILE ROOF 2.5" PER FT. MIN. ROOF SLOPE
4	REINFORCED COLUMN W/ SMOOTH STUCCO FINISH (TYP.). REFER TO STRUCTURAL DRAWINGS FOR MORE INFORMATION.	11	42" HIGH ALUMINUM RAILING. SUBMIT SHOP DRAWINGS FOR ARCHITECT'S APPROVAL PRIOR TO FABRICATION.	20	CONCRETE CAP
5	42" HIGH IMPACT VEHICULAR CABLE BARRIER. REFER TO STRUCTURAL PLANS FOR DETAILS.	12	VEHICULAR RAMP	21	METAL HORIZONTAL SLANT FENCE. SEE DETAIL 7/A-1.02
6	SLIDING DOOR W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 04-0622.07)	13	STOREFRONT SYSTEM. SEE SPECS FOR ADDITIONAL INFORMATION. REFER TO SHEET A-8.11 FOR DETAILS.	22	ALUMINUM DECORATIVE LOUVERS. WALL BEYOND
7	SINGLE HUNG WINDOW W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 05-1018.01) W/ 4" STUCCO FRAME	14	METAL DOOR (TYP.). SEE DOOR SCHEDULE SHEET A-8.06 FOR ADDITIONAL INFORMATION.	23	FIXED WINDOW. REFER TO SHEET A-8.10 FOR DETAILS
		15	RESIDENTIAL ACCESS GATE	24	EFIS DECORATIVE FEATURE
		16	METAL AWNING	25	METAL FINAL

GENERAL NOTES

1. ALL WINDOW OPENINGS SHALL BE 42" A.F.F. TO WINDOW SILL (TYP).
2. WINDOW & SLIDING GLASS DOORS SHALL BE IMPACT RESISTANT & SHALL ALIGN WITHIN BUILDING FACADE.
3. DECORATIVE FEATURE SHALL BE PROVIDED AS SHOWN.

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
[illegible]

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS | COMMENTS
1 | 11/17/2006

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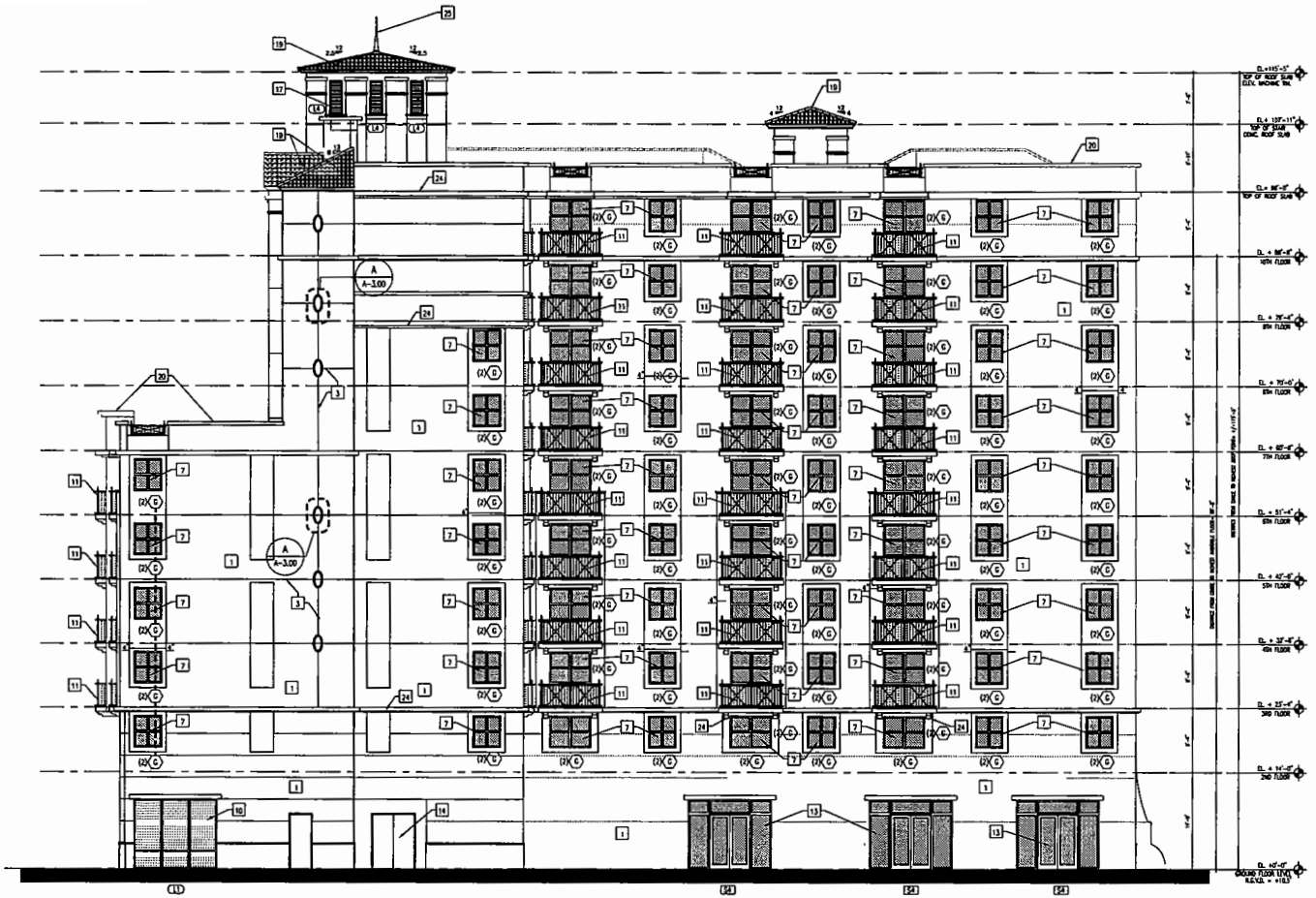
SHEET TITLE
NORTH ELEVATION

DATE:	09-15-06
JOB NO.	2006-06
DRAWN BY	VB/FG/YR/AL
APPR BY	AMC
FILE	2006-06
SHEET NO.	A-3.00

RECEIVED
MIAMI-DADE COUNTY
PROCESSED # 2008-0021
DATE: JAN 03 2008
BY: RM



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

SECTION / ELEVATION LEGEND

1 PAINTED STUCCO FINISH (TYP.).	8 CONCRETE EYE BROW (TYP.) SEE STRUCT. DRAWINGS FOR ADDITIONAL INFORMATION.	17 DECORATIVE METAL LOUVERS
2 42" MIN. A.F.F. GRASHWALL	9 OPEN TO AREA BEYOND	18 IMPACT GLAZING - FIXED WINDOW
3 1" STUCCO REVEAL	10 ALUMINUM LOUVERS. REFER TO SHEET A-8.12 FOR MORE INFORMATION.	19 TILE ROOF 2.5" PER FT. MIN. ROOF SLOPE
4 REINFORCED COLUMN W/ SMOOTH STUCCO FINISH (TYP.). REFER TO STRUCTURAL DRAWINGS FOR MORE INFORMATION.	11 42" HIGH ALUMINUM RAILING. SUBMIT SHOP DRAWINGS FOR ARCHITECT'S APPROVAL PRIOR TO FABRICATION.	20 CONCRETE CAP
5 42" HIGH IMPACT VEHICULAR CABLE BARRIER. REFER TO STRUCTURAL PLANS FOR DETAILS.	12 VEHICULAR RAMP	21 METAL HORIZONTAL SLANT FENCE. SEE DETAIL 7/A-1.02
6 SLIDING DOOR W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 04-0622.07)	13 STOREFRONT SYSTEM. SEE SPECS FOR ADDITIONAL INFORMATION. REFER TO SHEET A-8.11 FOR DETAILS.	22 ALUMINUM DECORATIVE LOUVERS, WALL BEYOND
7 SINGLE HUNG WINDOW W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 05-1018.01) W/ 4" STUCCO FRAME	14 METAL DOOR (TYP.) SEE DOOR SCHEDULE SHEET A-8.06 FOR ADDITIONAL INFORMATION.	23 FIXED WINDOW. REFER TO SHEET A-8.10 FOR DETAILS
	15 RESIDENTIAL ACCESS GATE	24 EIFS DECORATIVE FEATURE
	16 METAL AWNING	25 METAL FASIA

GENERAL NOTES

1. ALL WINDOW OPENINGS SHALL BE 42" A.F.F. TO WINDOW SILL (TYP)
2. WINDOW & SLIDING GLASS DOORS SHALL BE IMPACT RESISTANT & SHALL ALIGN WITHIN BUILDING FACADE.
3. DECORATIVE FEATURE SHALL BE PROVIDED AS SHOWN.

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
UC-FIL AA-C002111 TEL (305) 446-7661

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS

	COMMENTS
1	11/17/2008

SEAL

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SHEET TITLE
SOUTH ELEVATION

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/PG/YR/ML
APPR BY	AMC
FILE	2008-06

SHEET NO.
A-3.03

05

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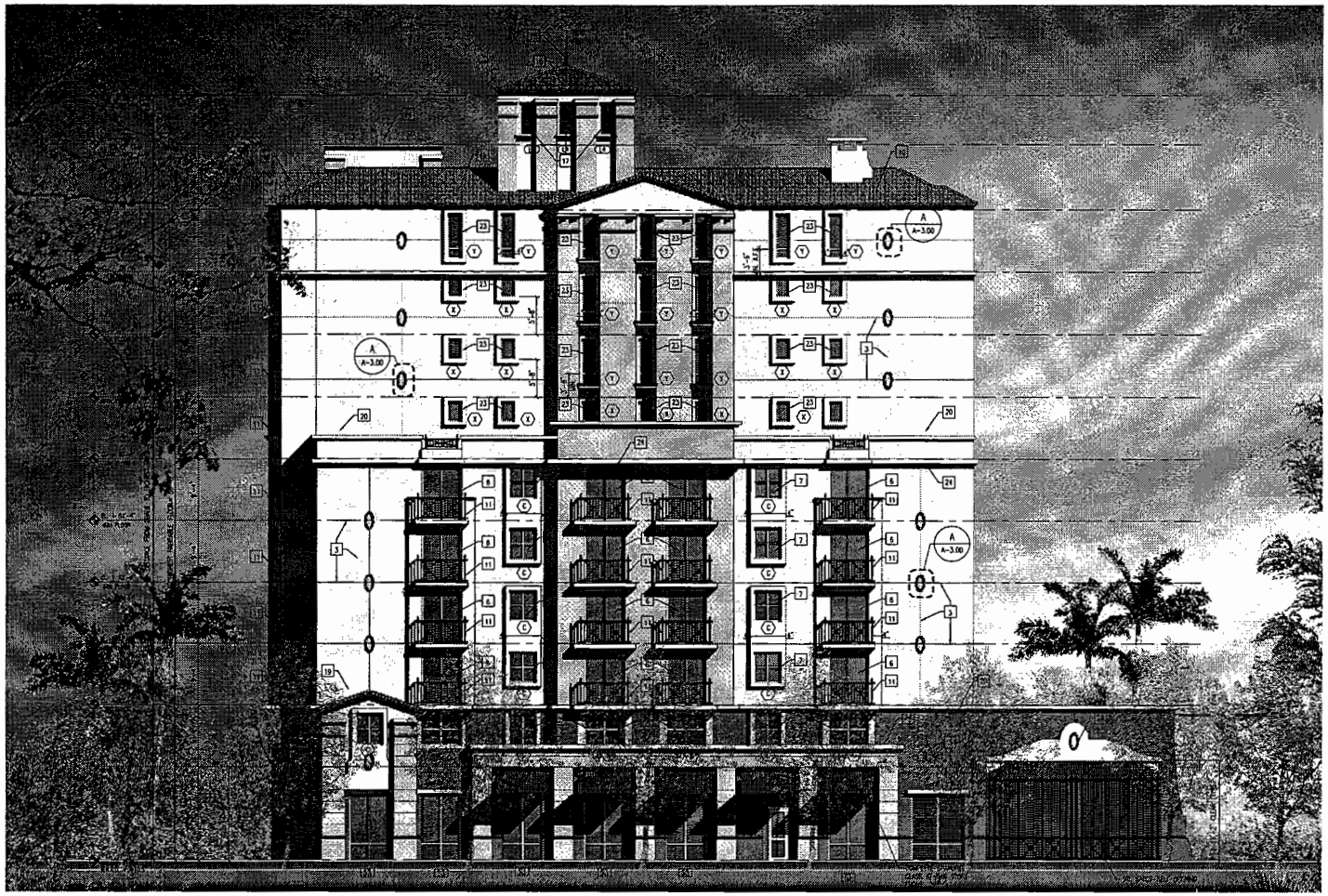
BY:



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

SECTION / ELEVATION LEGEND

1. PAINTED STUCCO FINISH (TYP.).
2. 42" MIN. A.F.F. GUARDRAIL
3. 1" STUCCO REVEAL
4. REINFORCED COLUMN W/ SMOOTH STUCCO FINISH (TYP.). REFER TO STRUCTURAL DRAWINGS FOR MORE INFORMATION.
5. 42" HIGH IMPACT VEHICULAR CABLE BARRIER. REFER TO STRUCTURAL PLANS FOR DETAILS.
6. SLIDING DOOR W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 04-0422.07)
7. SINGLE HUNG WINDOW W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 05-1018.01) W/ 4" STUCCO FRAME
8. CONCRETE EYE BROW (TYP.) SEE STRUCT. DRAWINGS FOR ADDITIONAL INFORMATION.
9. OPEN TO AREA BEYOND
10. ALUMINUM LOUVERS. REFER TO SHEET A-8.12 FOR MORE INFORMATION.
11. 42" HIGH ALUMINUM RAILING. SUBMIT SHOP DRAWINGS FOR ARCHITECT'S APPROVAL PRIOR TO FABRICATION.
12. VEHICULAR RAMP
13. STOREFRONT SYSTEM. SEE SPECS FOR ADDITIONAL INFORMATION. REFER TO SHEET A-8.11 FOR DETAILS.
14. METAL DOOR (TYP.) SEE DOOR SCHEDULE SHEET A-8.08 FOR ADDITIONAL INFORMATION.
15. RESIDENTIAL ACCESS GATE
16. METAL AWNING
17. DECORATIVE METAL LOUVERS
18. IMPACT GLAZING - FIXED WINDOW
19. TILE ROOF 2.5" PER FT. MIN. ROOF SLOPE
20. CONCRETE CAP
21. METAL HORIZONTAL SLANT FENCE. SEE DETAIL 7/A-1.02
22. ALUMINUM DECORATIVE LOUVERS, WALL BEYOND
23. FIXED WINDOW. REFER TO SHEET A-8.10 FOR DETAILS
24. EIFS DECORATIVE FEATURE
25. METAL PANEL

GENERAL NOTES

1. ALL WINDOW OPENINGS SHALL BE 42" A.F.F. TO WINDOW SILL (TYP.)
2. WINDOW & SLIDING GLASS DOORS SHALL BE IMPACT RESISTANT & SHALL ALIGN WITHIN BUILDING FACADE.
3. DECORATIVE FEATURE SHALL BE PROVIDED AS SHOWN.

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC No. AA C002751 TEL (305) 448-7383

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
	COMMENTS 11/17/2008

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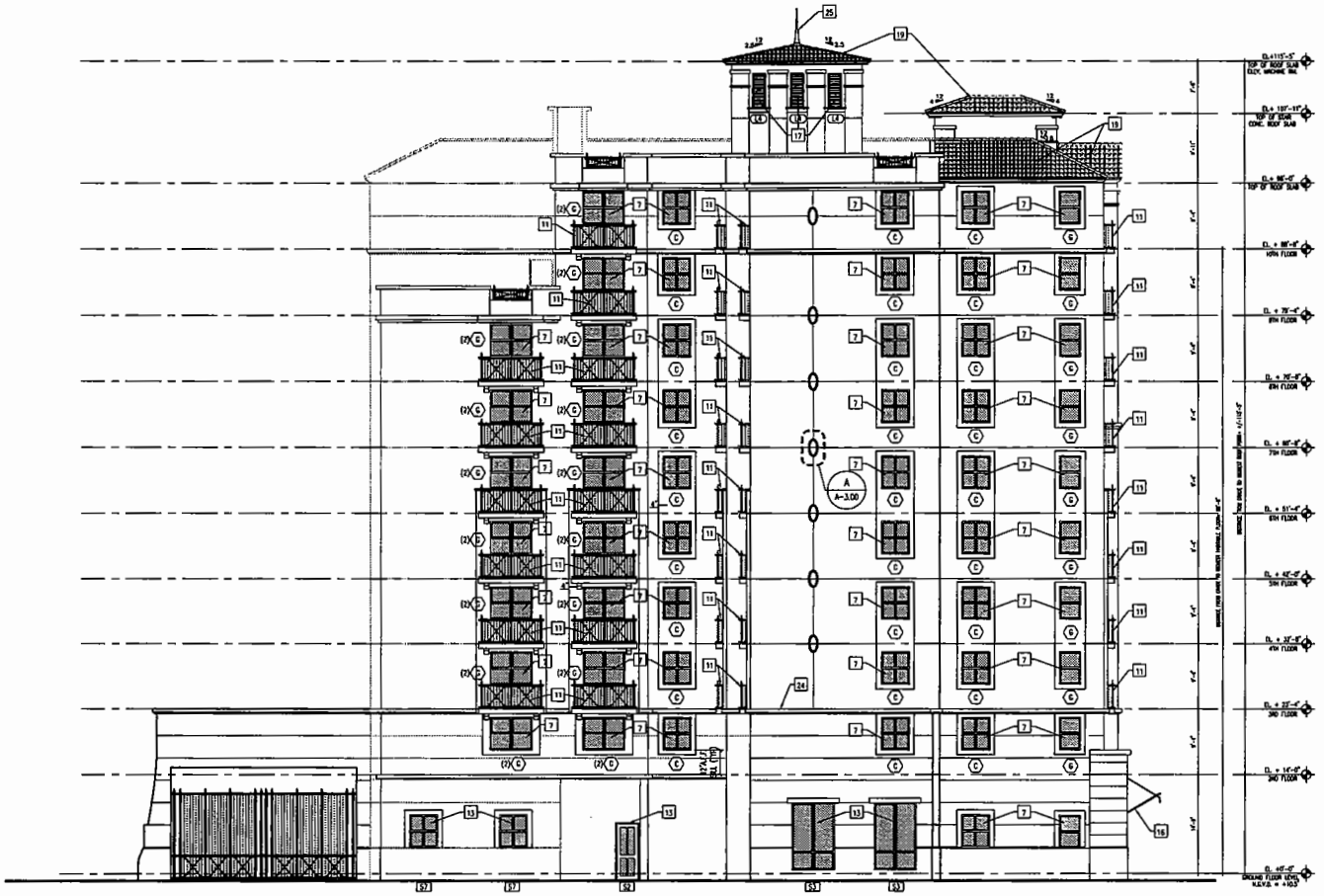
SHEET TITLE
WEST ELEVATION

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-3.01

15

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 2006-06
DATE: 11AM 07/2009
RTT BK.



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

SECTION / ELEVATION LEGEND

1. PAINTED STUCCO FINISH (TYP.).
2. 42" MIN. A.F.F. GUARDWALL
3. 1" STUCCO REVEAL
4. REINFORCED COLUMN W/ SMOOTH STUCCO FINISH (TYP.). REFER TO STRUCTURAL DRAWINGS FOR MORE INFORMATION.
5. 42" HIGH IMPACT VEHICULAR CABLE BARRIER. REFER TO STRUCTURAL PLANS FOR DETAILS.
6. SLIDING DOOR W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 04-0622.07)
7. SINGLE HUNG WINDOW W/ ANODIZED ALUMINUM FRAME & IMPACT RESISTANT GLASS (TYP.) BY PGT INDUSTRIES OR APPROVED EQUAL. MIAMI-DADE PRODUCT CONTROL APPROVAL (NOA No. 05-1018.01) W/ 4" STUCCO FRAME
8. CONCRETE EYE BROW (TYP.) SEE STRUCT. DRAWINGS FOR ADDITIONAL INFORMATION.
9. OPEN TO AREA BEYOND
10. ALUMINUM LOUVERS. REFER TO SHEET A-8.12 FOR MORE INFORMATION.
11. 42" HIGH ALUMINUM RAILING. SUBMIT SHOP DRAWINGS FOR ARCHITECT'S APPROVAL PRIOR TO FABRICATION.
12. VEHICULAR RAMP
13. STOREFRONT SYSTEM. SEE SPECS FOR ADDITIONAL INFORMATION. REFER TO SHEET A-8.11 FOR DETAILS.
14. METAL DOOR (TYP.) SEE DOOR SCHEDULE SHEET A-8.06 FOR ADDITIONAL INFORMATION.
15. RESIDENTIAL ACCESS GATE
16. METAL AWNING
17. DECORATIVE METAL LOUVERS
18. IMPACT GLAZING – FIXED WINDOW
19. TILE ROOF 2.5" PER FT. MIN. ROOF SLOPE
20. CONCRETE CAP
21. METAL HORIZONTAL SLANT FENCE. SEE DETAIL 7/A-1.02
22. ALUMINUM DECORATIVE LOUVERS. WALL BEYOND
23. FIXED WINDOW. REFER TO SHEET A-8.10 FOR DETAILS
24. EIFS DECORATIVE FEATURE
25. METAL FINIAL

GENERAL NOTES

1. ALL WINDOW OPENINGS SHALL BE 42" A.F.F. TO WINDOW SILL (TYP.).
2. WINDOW & SLIDING GLASS DOORS SHALL BE IMPACT RESISTANT & SHALL ALIGN WITHIN BUILDING FACADE.
3. DECORATIVE FEATURE SHALL BE PROVIDED AS SHOWN.

CORWIL ARCHITECTS INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. NO. AA-C001311 TEL: (305) 446-7383

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1	COMMENTS 11/17/2008

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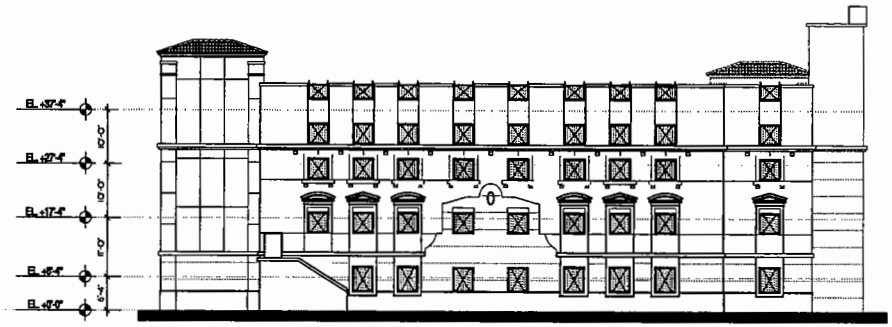
SHEET TITLE
EAST ELEVATION

DATE	09-15-08
JOB NO	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06

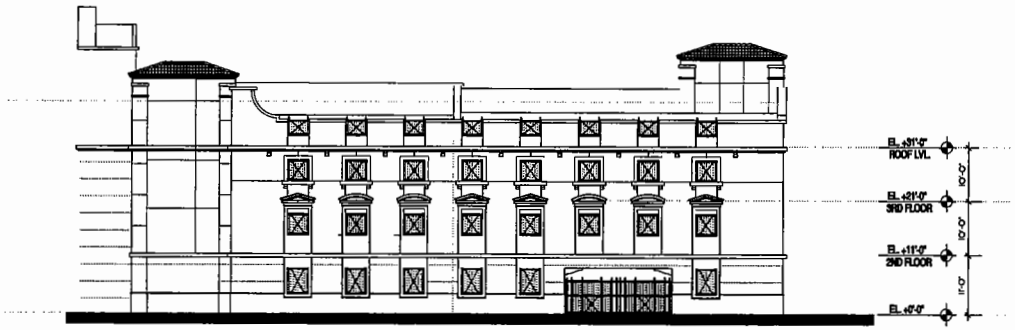
SHEET NO.
A-3.02

25

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 2[illegible]
DATE: JAN 05 2009
BY: BIL



PARKING GARAGE (PHASE I)
EAST ELEVATION
SCALE: 3/32"=1'-0"



PARKING GARAGE (PHASE I)
WEST ELEVATION
SCALE: 3/32"=1'-0"

CORWIL
ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. NO. AA-C[illegible] TEL: [illegible]

PROJECT NAME:
EVERETT
STEWART SR.
BROWNSVILLE
VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL
STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE
GROUP

CONSULTANTS:

PHASE

REVISIONS

1	COMMENTS 11/17/2008

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SHEET TITLE
PARKING
ELEVATIONS
(PHASE-I)

DATE:	09-15-08
JOB NO.	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-6.0

53

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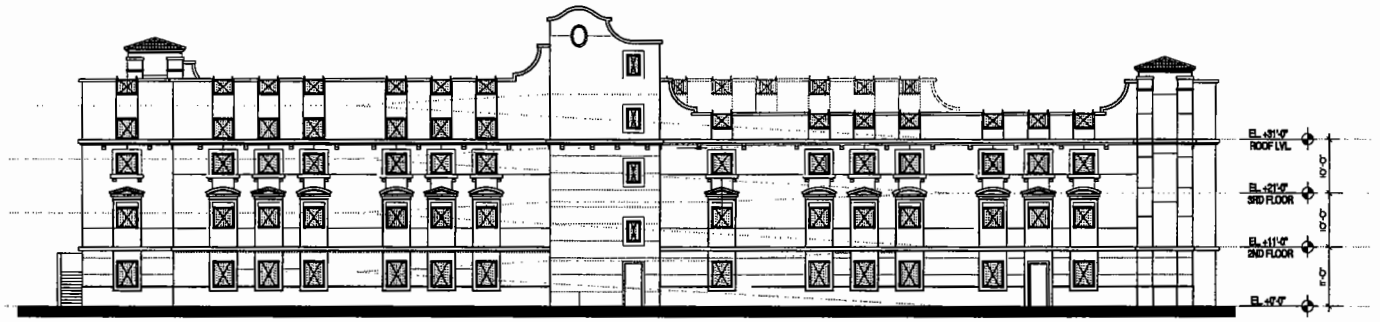
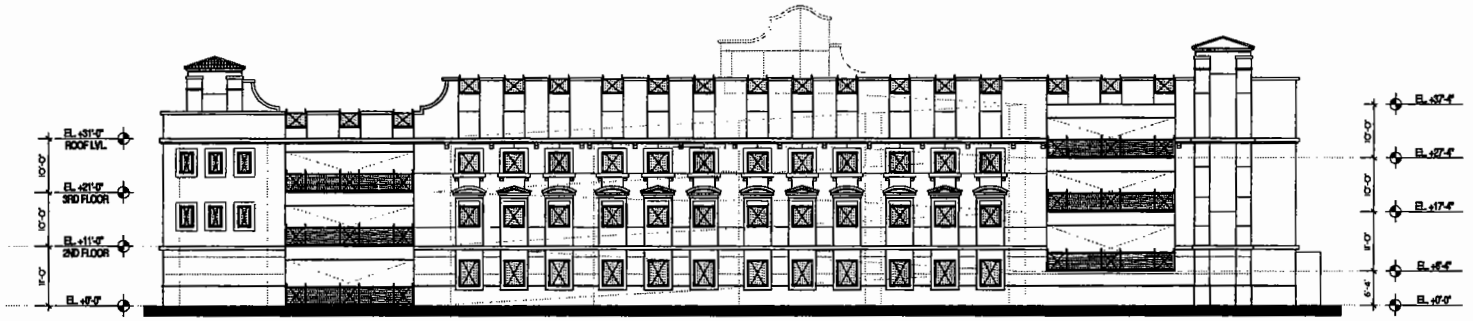


PARKING GARAGE (PHASE I)
NORTH ELEVATION
SCALE: 3/32"=1'-0"



PARKING GARAGE (PHASE I)
SOUTH ELEVATION
SCALE: 3/32"=1'-0"

CORWIL
ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C[illegible] TEL: (305)-[illegible]

PROJECT NAME:
EVERETT STEWART SR.
BROWNSVILLE VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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SHEET TITLE
PARKING ELEVATIONS (PHASE-I)

DATE:	09-15-08
JOB NO.	2006-06
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FILE	2006-06
SHEET NO.	A-6.1

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EVERETT - STEWART SR.

BROWNSVILLE VILLAGE - PHASE I

5200 NW 27th AVENUE
MIAMI DADE, FLORIDA

DEVELOPER

THE CARLISLE GROUP
2950 S.W. 27th STREET, SUITE #200
MIAMI , FLORIDA 33133
O: (305) 357-4732 F: (305) 357-4745

ARCHITECT

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FLORIDA 33146
O: (305) 448-7383 F: (305) 448-8853

CIVIL

TERRA CIVIL ENGINEERING
7855 N.W. 12th STREET, SUITE 202
DORAL, FLORIDA 33126
O: (305) 499-5010 F: (305) 205-8793

STRUCTURAL

M. HAJJAR & ASSOCIATES, INC.
45 VALENCIA AVENUE
CORAL GABLES, FLORIDA 33134
O: (305) 445-2399 F: (305) 445-2219

MEP

JMM CONSULTING ENGINEERS, LLC.
8353 S.W. 124 STREET, SUITE #108
MIAMI, FLORIDA 33156
O: (305) 255-1621 F: (305) 255-1732

55

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PROJECT DATA

UNIT BREAKDOWN

FLOOR	UNIT QUANTITY PER FLOOR									TOTAL NUMBER OF UNITS PER FLOOR
	A	A-HC	B	C	D	E	E-HC	F	G	
GROUND	-	-	-	-	-	-	-	-	-	-
2ND	2	1	2	1	1	1	3	1	1	12
3RD	3	-	2	1	1	1	2	1	1	12
4TH	3	-	2	1	1	1	2	1	1	12
5TH	3	-	2	1	1	1	2	1	1	12
6TH	3	-	2	1	1	1	2	1	1	12
7TH	1	-	1	-	1	1	2	1	1	8
8TH	1	-	1	-	1	3	-	1	1	8
9TH	1	-	-	-	1	3	-	1	1	7
10TH	1	-	-	-	1	3	-	1	1	7
TOTAL # OF UNITS	18	1	12	5	9	14	13	9	9	90

* HC UNITS = 15 % OF 90 UNITS = 13.5 = 14 HC UNITS (REFER TO FLOOR PLAN FOR LOCATION)

UNIT'S AREA BREAKDOWN (NET AREA)

FLOOR	TYPE								
	A	A-H.C.	B	C	D	E	E-H.C.	F	G
GROUND	-	-	-	-	-	-	-	-	-
2ND	± 554 S.F.	559 S.F.	550 S.F.(West) 568 S.F.(East)	552 S.F.	562 S.F.	-	802 S.F.(South) ±808 S.F.(North)	809 S.F.	909 S.F.
3RD THRU 6TH	±578 S.F.(West) 559 S.F.(East)	-	550 S.F.(West) 568 S.F.(East)	552 S.F.	562 S.F.	802 S.F.	±830 S.F.	809 S.F.	959 S.F.
7TH & 8TH	559 S.F.	-	568 S.F.	-	562 S.F.	802 S.F.	±830 S.F.	809 S.F.	909 S.F.
9TH & 10TH	559 S.F.	-	-	-	564 S.F.	802 S.F.	±830 S.F.	809 S.F.	959 S.F.

PARKING BREAKDOWN

UNIT TYPE	NUMBER OF BEDROOMS	TOTAL NUMBER OF UNITS	PARKING REQ'D BY ZONING CODE PER UNIT TYPE	TOTAL PARKING REQ'D
UNIT A	1	18	1/UNIT	18
UNIT A-HC	1	1	1/UNIT	1
UNIT B	1	12	1/UNIT	12
UNIT C	1	5	1/UNIT	5
UNIT D	1	9	1/UNIT	9
UNIT E	2	14	1/UNIT	14
UNIT E-HC	2	13	1/UNIT	13
UNIT F	2	9	1/UNIT	9
UNIT G	3	9	1/UNIT	9
TOTAL FOR UNITS				90
OTHER SPACES/ROOMS	SQUARE FOOTAGE	DIVISOR FOR AREAS PARKING REQUIRED BY ZONING CODE		
OFFICES	770	300		3
TOTAL PARKING REQUIRED W/ ACCESSIBLE PARKING				93 (4 H.C. REQ'D)
TOTAL EXISTING ON GRADE PARKING PROVIDED W/ ACCESSIBLE PARKING				93 (4 ACCESSIBLE PARK. INCLUDED)

MULTI-FAMILY DEVELOPMENT LEGEND

ZONING DISTRICT.	RAPID TRANSIT DEVELOPMENTAL IMPACT ZONE / DR. MARTIN LUTHER KING JR. CORRIDOR SUBZONE	
NET LAND AREA	8.79 ACRES	382,695 SQUARE FEET
	PERMITTED	PROPOSED
DENSITY PER ACRE	125 UNITS	10.24 PHASE I
UNITS	1,099 UNITS	90 UNITS PHASE I
LOT COVERAGE PERCENTAGE	N/A	50% PHASE I
LOT COVERAGE SQ. FT.	N/A	N/A
OPEN SPACE PERCENTAGE	25% MIN	50% (PHASE I)
OPEN SPACE SQ. FT.	97,563.75	162,191
PAVED AREA PERCENTAGE	N/A	N/A
PAVED AREA SQ. FT.	N/A	N/A
BUILDING HEIGTH FT.	150'-0"	96'-0"
NUMBER OF STORIES	N/A	10 STORIES
FLOOR AREA RATIO	1,148,085 S.F.	93,068 S.F.
BUILDING FOOT PRINT		36,128.91
BUILDING TYPE	SQUARE FOOT PER BUILDING	
PHASE I- "A" (MULTI-FAMILY)	93,068 S.F.	
TYPE OF UNIT	NUMBER OF UNITS	
1 BEDROOM	45	
2 BEDROOM	36	
3 BEDROOM	9	
TOTAL # OF UNITS	90	
PARKING SPACES PER UNIT TYPE		
1 BEDROOM = 45 X 1.0 REQUIRED 45		
2 BEDROOM = 36 X 1.0 REQUIRED 36		
3 BEDROOM = 9 X 1.0 REQUIRED 9		
TOTAL PARKING SPACES REQUIRED:	90	
TOTAL PARKING SPACES PROVIDED:	93 (4 H.C. PARKING PROVIDED)	

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
TRACT A, BROWNSVILLE STATION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 149, PAGE 84, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SITE LOCATION MAP
N.T.S.

INDEX OF DRAWINGS

0.0	COVER SHEET
A-0.01	SITE DATA, LOCATION MAP & INDEX OF DRAWINGS
A-0.02	SITE DIAGRAM
A-1.01	MASTER SITE PLAN
A-1.02A	PHASE I - SITE PLAN
A-1.03	PARTIAL SITE PLAN
A-2.00	GROUND FLOOR PLAN
A-2.01	2ND LEVEL FLOOR PLAN
A-2.02	3RD THRU 6TH LEVEL FLOOR PLAN
A-2.03	7TH LEVEL FLOOR PLAN
A-2.04	8TH LEVEL FLOOR PLAN
A-2.05	9TH LEVEL FLOOR PLAN
A-2.06	10TH LEVEL FLOOR PLAN
A-2.07	ROOF LEVEL FLOOR PLAN
A-3.00	PHASE I - NORTH ELEVATION
A-3.01	PHASE I - WEST ELEVATION
A-3.02	PHASE I - EAST ELEVATION
A-3.03	PHASE I - SOUTH ELEVATION
A-4.00	UNIT A ENLARGE FLOOR PLAN
A-4.01	UNIT B ENLARGE FLOOR PLAN
A-4.02	UNIT C ENLARGE FLOOR PLAN
A-4.03	UNIT D ENLARGE FLOOR PLAN
A-4.04	UNIT E ENLARGE FLOOR PLAN
A-4.05	UNIT F ENLARGE FLOOR PLAN
A-4.06	UNIT G ENLARGE FLOOR PLAN
A-5.0	GARAGE PHASE I - GROUND FLOOR PLAN
A-5.1	GARAGE PHASE I - TYPICAL FLOOR PLAN
A-5.2	GARAGE PHASE I - ROOF FLOOR PLAN
A-6.0	GARAGE PHASE I - NORTH & SOUTH ELEVATION
A-6.1	GARAGE PHASE I - EAST & WEST ELEVATION
L-1	PHASE I - LANDSCAPE PLAN
L-2	NOTES, DETAILS, SPECIFICATIONS, ETC.
L-3	CU-STRUCTURAL SOIL SPECIFICATIONS
TD-1	TREE DISPOSITION PLAN
TD-2	TREE DISPOSITION PLAN

CORWIL ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146

PROJECT NAME:
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BROWNSVILLE VILLAGE PHASE I
AT:
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5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
THE CARLISLE GROUP

CONSULTANTS:

PHASE

REVISIONS
1 COMMENTS 11/17/2008

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SHEET TITLE
PROJECT DATA & CODE ANALYSIS (MULTI-FAMILY BLDG)

DATE: 09-15-08
JOB NO. 2008-06
DRAWN BY VB/FG/YR/ML
APPR BY AMC
FILE 2008-06
SHEET NO.
A-0.01

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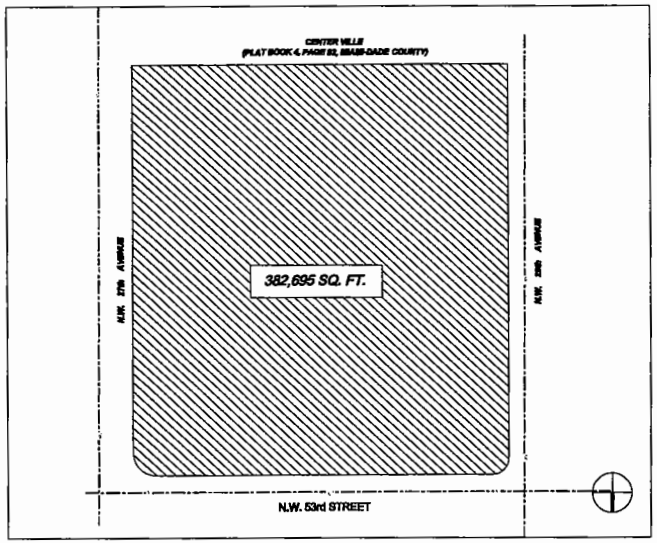
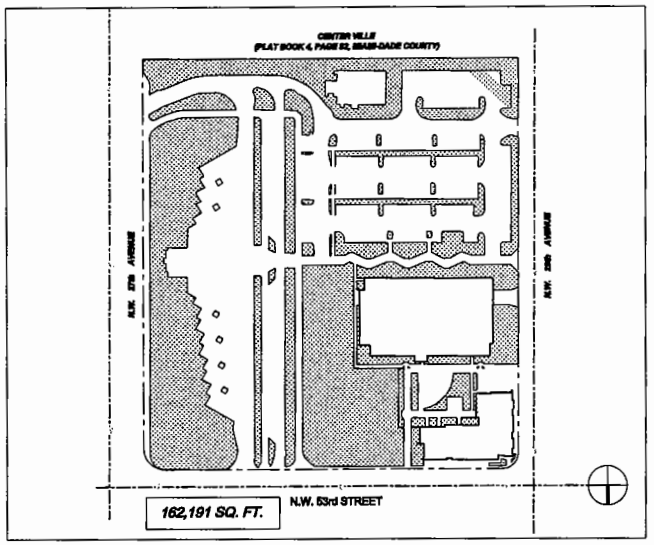
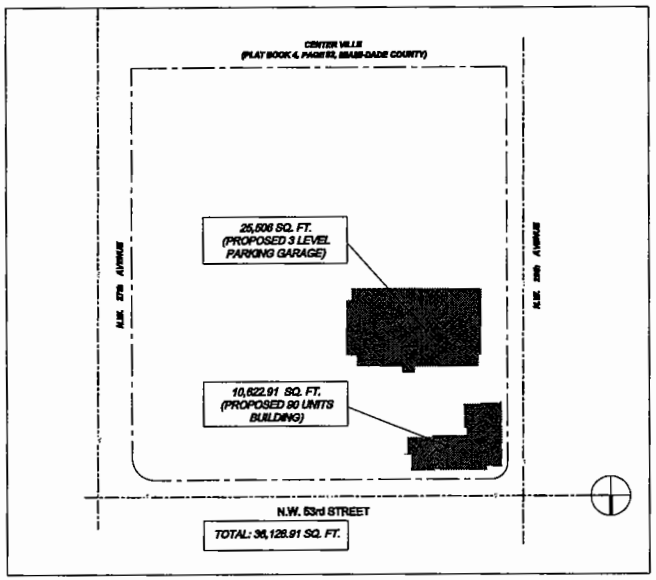


1 NET LOT AREA
SCALE: N.T.S.



2 GREEN AREA
SCALE: N.T.S.



3 BUILDING FOOTPRINT
SCALE: N.T.S.

CORWIL
ARCHITECTS, INC.
4102 LAGUNA STREET
CORAL GABLES, FL 33146
LIC. No. AA-C002151 TEL: (305) 446-7363

PROJECT NAME:
EVERETT
STEWART SR.
BROWNSVILLE
VILLAGE PHASE I
AT:
BROWNSVILLE METRORAIL
STATION
5200 N.W. 27TH AVENUE
MIAMI-DADE, FLORIDA

OWNER:
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PHASE

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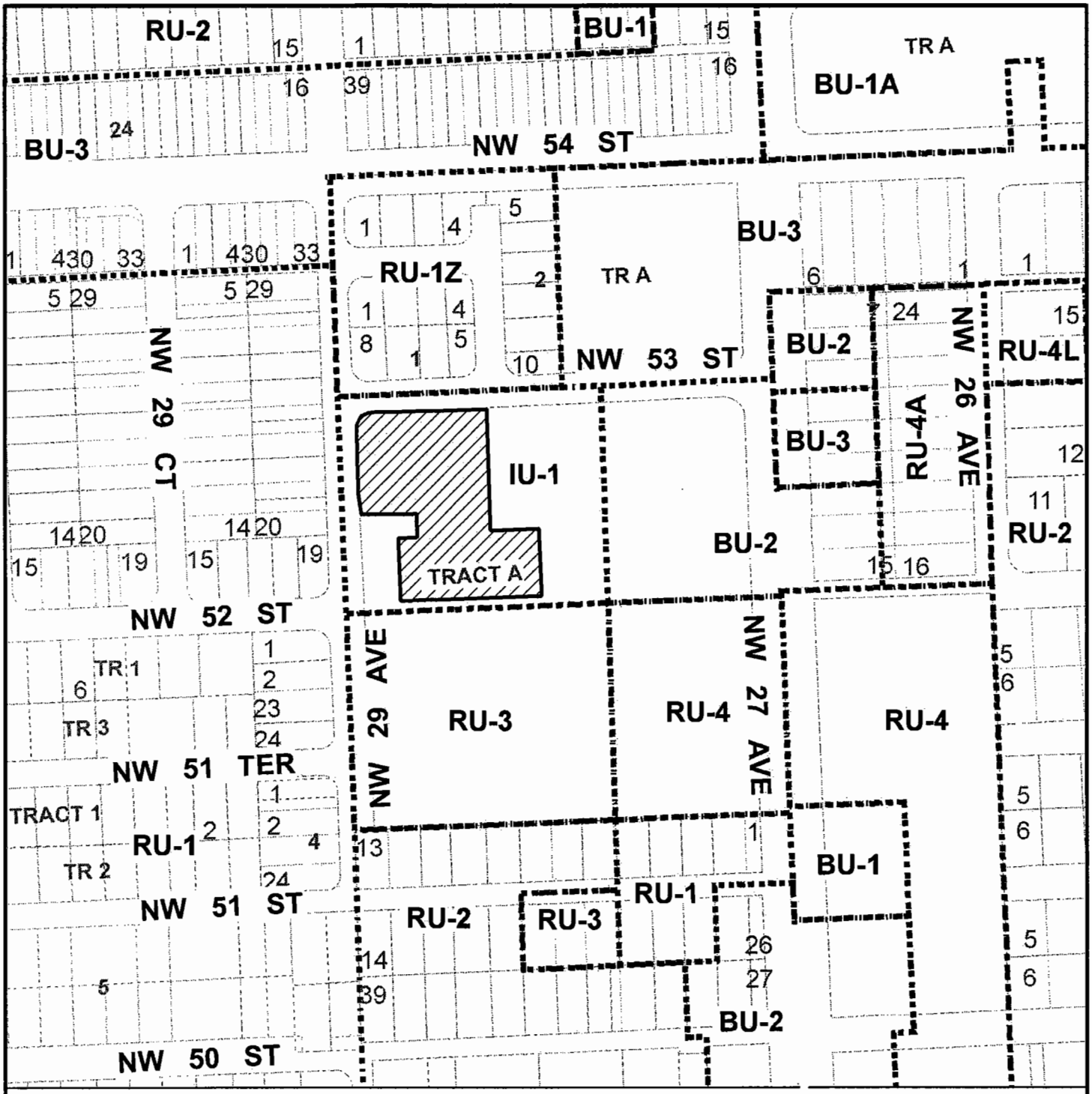
SHEET TITLE
SITE DIAGRAM

DATE	09-15-08
JOB NO	2008-06
DRAWN BY	VB/FG/YR/ML
APPR BY	AMC
FILE	2008-06
SHEET NO.	A-0.02

57



MIAMI-DADE COUNTY

HEARING MAP

Process Number
09-001

Section: 21 Township: 53 Range: 41
Applicant: CARLISLE GROUP IV. LTD
Zoning Board: C08
District Number: 2
Drafter ID: JEFFER
Scale: NTS

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

CREATED ON: 12/26/08

REVISION	DATE	BY
		58

MIAMI-DADE COUNTY

AERIAL

Section: 21 Township: 53 Range: 41
Applicant: CARLISLE GROUP IV. LTD
Zoning Board: C08
District Number: 2
Drafter ID: JEFFER
Scale: NTS

Process Number

09-001

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

CREATED ON: 12/26/08

REVISION	DATE	BY