MIAMI-DADE COUNTY

3-31-09 Version #1

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, MAY 7, 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. 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 February 5, 2009 meeting.

APPEALS

1. Colonial Bank, N.A.	08-74	N 07

Request:
- Appeal by neighboring property owner of CZAB decision.
- Multiple variances under Downtown Kendall Urban Center (DKUC) requirements for a bank.

Location: 6601 South Dixie Highway, Miami-Dade County, Florida.

CURRENT

2. Presidential Estates Homeowners Association, INC. & Irvin Joseph	06-203	N 04

Request:
- Takings and Vested Rights Allegation
- Appeal of Administrative Site Plan Review approval A2006000004.

Location: 19560 N.E. 18 Avenue, Miami-Dade County, Florida.

3. Presidential Estates Homeowners Association, INC. & Samuel B. Feld 07-212 N 04

Request: - Takings and Vested Rights Allegation
- Appeal of Administrative Site Plan Review approval A2007000011.

Location: 19560 N.E. 18 Avenue, Miami-Dade County, Florida.

4. Presidential Estates Homeowners Association, INC. & Samuel B. Feld 07-213 N 04

Request: - Takings and Vested Rights Allegation
- Appeal of Administrative Site Plan Review approval A2007000010.

Location: 19560 N.E. 18 Avenue, Miami-Dade County, Florida.

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MAY 7, 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. 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

Development of Impact Committee Recommendation: Approval with conditions of requests #1 through #5 as set forth in the Department of Planning and Zoning's recommendation and subject to the Board's acceptance of the proffered covenant; and withdrawal of request #6..

Protests: 1 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 02/05/09

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1. COLONIAL BANK, N.A. (08-12-CZ12-3/08-74) **36-54-40**
BCC/District 7

DADELAND NORTH, INC. is appealing the decision of COMMUNITY ZONING APPEALS BOARD #12, which approved the following:

(1) Applicant is requesting to permit a bank setback 10' (75' required) from the front (north) property line abutting an "E" Street (US Hwy #1).

(2) Applicant is requesting to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (S.W. 67 Avenue); to permit a building frontage of 56'1" (114' required).

(3) Applicant is requesting to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line.

(4) Applicant is requesting to permit surface parking setback 7'9" (30' required) along the "B" street (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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 "Colonial Bank – Dadeland Branch," as prepared by Glen Hanks Consulting Engineers, Inc., Sheet SP-1, dated stamped received 7/29/08 and Sheets "A-1.1" and "A-3.1", as prepared by Reynolds, Smith and Hills, Inc., dated stamped received 8/28/08 and the remaining 3 sheets entitled "Colonial Bank," as prepared by Landscape Architects Collaborative, dated stamped received 7/29/08, for a total of 6 sheets. Plans may be modified at public hearing.

LOCATION: 6601 South Dixie Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.594 Acre

Developmental Impact Committee Recommendation:	Denial without prejudice of the appeal and approval with conditions of the application under Section 33-311(A)(4)(b)(NUV)..
Protests: 1	Waivers: 0
APPROVED:	DENIED WITH PREJUDICE:
DENIED WITHOUT PREJUDICE:	DEFERRED:

2. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC. & IRVIN JOSEPH
(09-5-CC-1/06-203) **05-52-42**
BCC/District 4

Appeal of an administrative decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2006000004.

The purpose of this appeal is to reverse the Department's administrative approval of a specific site plan, which the applicant claims is in violation of the zoning regulations and the declarations of restrictions running with the land.

3. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC. & SAMUEL B. FELD
(09-5-CC-2/07-212) **05-52-42**
BCC/District 4

Appeal of an Administrative Decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2007000011.

The purpose of this appeal is to reverse the Department's approval of a specific site plan, which the applicant claims is in violation of zoning regulations and the declarations of restrictions running with the land.

4. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC. & SAMUEL B. FELD
(09-5-CC-3/07-213) **05-52-42**
BCC/District 4

Appeal of an administrative decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2007000010.

The purpose of this appeal is to reverse the Department's administrative approval of a specific site plan, which the applicant claims is in violation of the zoning regulations and the declarations or restrictions running with the land.

LOCATION: 19560 N.E. 18 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 104.28 Acres

Department of Planning and Zoning Recommendation:	Denial without prejudice of applications Z06-203, Z07-212, and Z07-213.
Protests: 0	Waivers: 0
APPROVED:	DENIED WITH PREJUDICE:
DENIED WITHOUT PREJUDICE:	DEFERRED:

THE END

NOTICE OF APPEAL RIGHTS

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

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

A. MEADOW VIEW SHOPPING CENTER, LLC **08-12-CC-4 (08-149)**
(Applicant) **BCC/District 11**
Hearing Date: 5/7/09

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: February 5, 2009 **#Z-**

ITEM: B.

APPLICANT: MEADOW VIEW SHOPPING CENTER L.L.C. (08-12-CC-4/08-149)

ACTION: Deferred to May 7, 2009 with leave to amend.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Jordan				X
Martinez	M	X		
Rolle		X		
Seijas				X
Sorenson		X		
Sosa		X		
Souto				X
Vice Chairman Diaz	S	X		
Chairman Moss		X		
TOTAL		10	0	3

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: May 7, 2009

To: The 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 for 1000 students and to permit a senior high school within one mile of the UDB. 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 and a daycare facility 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 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 of requests #1 through #5 as set forth in the Department of Planning and Zoning's recommendation and subject to the Board's acceptance of the proffered covenant.

Withdrawal of request #6.

In addition, as part of the motion, the Executive Council in agreement with the Director of the Public Works Department, added the following condition:

- Deletion of item #4 under Project Requirements of the Public Works Memorandum dated March 20, 2009, which indicated that all off-site improvements be constructed prior to the opening of the school.

The Executive Council found that the proposed application, with the acceptance of the proffered covenant and the applied conditions, 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 acceptance of the proffered covenant and 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 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
April 15, 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 of Zoning
Department of Planning and Zoning — AYE

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

Carlos Espinosa, P.E., Director
Department of Environmental Resources Mgmt — AYE

John W. Renfrow, P.E., Director
Miami-Dade Water and Sewer Department — Absent

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 **DIC DATE:** April 15, 2009

COMMISSION DISTRICT: 11

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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 9/29/08 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 entitled as follows: #1. "Modification of Declaration of Restrictions Recorded at Official Record Book 22345, Pages 1452-1460," last modified by a separate 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 plans and to delete two covenants tying the site to the previously approved shopping center use.

(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 Section 33-311(A)(7) (Generalized Modification Standards) or Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #6 may be considered under Section 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 special exceptions to permit a charter school from grades Kindergarten through 12th and to permit a senior high school within one mile of the UDB. 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

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 Parcel A 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 on Parcels A and B. In 2006, pursuant to Resolution #CZAB10-61-06, Community Zoning Appeal Board-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.

(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.

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.

(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

This item was deferred from the February 5, 2009 Board of County Commissioners (BCC) meeting to allow the applicant to submit new plans. The applicant has amended the application from seeking approval for a charter school for 800 students in grades K-12 and is now seeking approval for a charter school for 1000 students in grades K-12. The outdoor recreational space which was originally located in front of the building, on the ground level of the western portion of the site has been replaced with parking and has now been relocated to the exterior portion of the second level where parking was previously located. In addition, the revised plan reflects an existing daycare at the southeast corner of the subject property. In general, daycares are approved as of right in the BU-1A zoning district. The daycare will have a maximum of 145 children and requires 15 parking spaces. The daycare is not seeking any requests as part of the application, but since it is part of the site plan, staff has considered its impact as part of the analysis. The revised site plans submitted by the applicant reflects all of the proposed changes.

The subject property is a 3.28-acre parcel of land located at 14901 SW 42nd Street. The site was previously 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 1000 students. The site plan consists of a parcel with two, two-story buildings. The proposed charter school is located at the northwestern portion of the subject property. Parking for the charter school is located in front of the building and consists of a total of 142 parking spaces for both the charter school and daycare staff and visitors. In their memorandum, Public Works is requiring that the daycare and charter school do not co-mingle traffic and has indicated that the daycare care traffic should enter through the eastern Bird Road driveway and exit through the middle Bird Road driveway. The site plan contains a 17,000 square foot exterior recreational area that is located on the second floor which was previously used for parking. The previously submitted site plan showed a 23,000± square foot grassed recreational area located on the ground floor which is now a parking area. To ensure a safer recreational environment, staff is recommending, as a condition of approval, that the applicant add an 8' metal picket fence to the existing 4' parapet wall enclosing both the school and daycare recreation area for a total of a 12'. In addition, the school's recreational area flooring, not including the basketball court, should utilize an industry standard rubberized surface and a portion of the charter school and daycare recreation areas should provide shade covering. The applicant has proffered a covenant, which among other things, restricts the development of the site to the submitted plans, limits the number of students and designates staggered arrival and dismissal times and, pursuant to Section 33-158 (Cessation of Charter School Operations) which ensures the compliance with zoning regulations, allowing a use other than the charter school if operations are discontinued.

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. In addition, the Institutions, Utilities and Communications land use designation of the CDMP states that schools may be approved where compatible in all urban land 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 with Policy LU-4A. 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. Staff acknowledges that the Miami-Dade County Public School (MDCPS) has indicated that there are adequate public school facilities with a surplus of student stations in the surrounding community and based on documents provided by MDCPS there are four charter schools within 30 blocks of the proposed school with the capacity to accommodate 1200 students. However, staff opines that the proposed school would enhance this intensely residential community which has residential communities within a 2 to 5 square mile radius. In staff's opinion, the existing land use pattern in the area

does not warrant additional commercial uses for the subject property. The proposed school has commercially zoned areas to the east, west and south. Based on all the aforementioned, as well as the analysis of the proximity of the high school to the UDB set forth below, 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 recommendations indicated in their memorandum. 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 applicant 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. Because S.W. 42 Street is a major arterial roadway, it 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. Additionally, the Public Works Department is requiring that the applicant adhere to conditions delineated in their memorandum to address the traffic and circulation for the site and the impacts of the daycare facility. Those conditions include, but are not limited to, such improvements as the applicant constructing a right turn lane at the west ingress driveway on Bird Road and constructing a 255-foot westbound u-turn in the median at the unsignalized median opening along Bird Road west of the school before the intersection at SW 152 Avenue. 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, subject to the acceptance of the proffered covenant 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 high school are 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 proposed 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. 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, subject to the Board's acceptance of the proffered covenant 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, subject to the Board's acceptance of the proffered covenant 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 3/17/09 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 loud 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 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.

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 April 15, 2009 DIC record of this application and incorporated herein by reference.

12. That at time of Certificate of Use renewal, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

13. That the proposed daycare traffic operations not co-mingle with school traffic, but be redirected to enter through the eastern Bird Road driveway and exit through the middle Bird Road driveway.

14. That an 8' metal picket fence be added to the existing 4' parapet wall located in the recreational area of the school and daycare.

15. That the recreation floor area for the school, excluding the basketball court, consist of an industry standard rubberized surface.

16. That the daycare be limited to a maximum of 145 students and the charter school be limited to a maximum of 1000 students.

17. That the applicant provide shade covering on a portion of the charter school and daycare recreational area.

18. That high school students will not be permitted to drive to school.

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, 11/10/08, 11/14/08, 11/17/08, 11/21/08, 3/18/09, 3/23/09, 3/24/09, 3/25/09, 3/27/09, 3/31/09, 4/9/09, 4/10/09

DATE FINALIZED:
MCL:MTF:NN:JV:CI

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

MTP

Miami-Dade County Public Schools

giving our students the world

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Rudolph F. Crew, Ed.D.

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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: March 20, 2009

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

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

Subject: Recommendations for Pinecrest Academy Charter School West Campus (Meadow View Shopping Center) Process No.: Z2008000149

Miami Dade County Public Works Department Traffic Engineering Division recommends approval, if and only if, the recommendations, as indicated below, are incorporated into the plans and related documentation.

The Traffic Engineering Division has reviewed the Site Plans, dated 03/12/09, "Traffic Impact Analysis," dated 03/13/09, and Covenant, dated 03/18/09, presented to the Department on 03/17/09, 03/17/09, and 03/18/09, respectively, for the proposed facility located at SW 42nd Street and SW 149th Avenue and has the following recommendations and comments:

Site Specific Comments:

- Site Plan Review

1. The middle driveway exiting onto Bird Road shall not intersect with the exclusive right turn lane to the western driveway at the west end of the site.
2. Only staff designated parking stalls may be proposed along the vehicle stacking route.
3. The loading area for passenger vehicles shall be continuous and extended eastward to the central elevator curb.
4. The site plan must be revised to incorporate requirements as designated in the Traffic Impact Review comment below.

- Traffic Impact Review Comments:

Any traffic co-existing in the designated stacking by-pass lane shall all operate in the same direction as the stacking lane traffic: therefore, vanpool and daycare vehicles can not operate counter-flow to the by-pass stacking lane traffic. Hence, the school vans will enter the site from SW 149 Avenue. If students are able to exit the school vans from the driver's side of the vehicle, the loading and drop off zone for the school vans may remain on the south side of the drive aisle. If students are able to only exit the school vans from the right side of the vehicle, then the loading and drop off zone for the school vans must be relocated to the north side of the drive aisle, adjacent to the school building, east of the elevator's curb bump out. The proposed daycare traffic operations shall not co-mingle with school traffic, but be redirected to enter through the eastern Bird Road driveway and exit through the middle Bird Road driveway.

- Covenant Comments:

  1. Statement number 12 shall be edited to read "The Charter School shall have three staggered arrival and dismissal times as follows:"
  2. Statement number 13 shall be restated to include the following appropriate measure: The applicant shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site.
  3. Statement number 13 shall not include the phrase "to the extent possible".

- Project Requirements

  1. The applicant shall close the existing median opening in front of the site on Bird Road.
  2. The applicant shall construct a 255-foot westbound u-turn in the median at the unsignalized median opening along Bird Road west of the school site before the intersection at SW 152 Avenue.
  3. The applicant shall construct a right turn lane at the western (ingress) driveway on Bird Road.
  4. All off-site improvements shall be constructed prior to the opening of the school.
  5. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along Bird Road and SW 149th Avenue.
  6. 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.
  7. As indicated in the conclusion of the "Traffic Impact Analysis," trained personnel shall be provided to manage traffic operations during arrival and dismissal periods.
  8. 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/"Letter of Intent" for this facility and adjacent on-site daycare facility.

- 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 Mr. Jeff Cohen at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant 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: March 4, 2009

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

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

Subject: DIC No. Z2008000149-1st Revision
Meadow View Shopping Center, LLC
14901 S.W. 42 Street
Special Exception for 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 Deletion of Declaration of Restrictions to Permit a School Use and Daycare Facility in Lieu of a Shopping Center
(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 S.W. 72nd Street and Coral Way along theoretical S.W. 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 16,810 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 proposed project has received Cut and Fill approval number 357. Full compliance with all conditions set forth in said approval is required prior to platting or seeking building permits.

A Surface Water Management Individual Permit number 13-01312-p-03 from the South Florida Water Management District is in effect. In addition, a Class II permit number Of-05018 is in effect.

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: March 24, 2009

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 2

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 March 17, 2009.

(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

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 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.

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.

Memorandum

MIAMI-DADE COUNTY

Date: March 5, 2009

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 (Rev. # 1)

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 charter school for 1000 students in grades K – 12 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 water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami Dade County.

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

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

RECEIVED
2008149
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: _____ 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.

Sidy Fleites
(Notary Public)

SIDY FLEITES
MY COMMISSION # [illegible]
EXPIRES [illegible]

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.

RECEIVED
208149
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

42

CHILD CARE CHECKLIST FOR CHARTER SCHOOLS:

School Name: PINECREST ACADEMY CHARTER SCHOOL: WEST CAMPUS
School Address: S.W. 149th Avenue & S.W. 42nd Street Tax Folio # 30-4916-000-0570

Total size of site: (250' x 635') = 142,907 / 43,560 SQ. FT. = 3.28 ACRES

Number of children or students requested: 1,000 Ages: 4-12 Yrs Old

Grade Levels Requested: (K-12th Grades)

Number of classrooms: 49 Total square footage of classroom area: 22,480 SF

Amount of exterior recreation/play area in square footage: 17,000 SF

Number of parking spaces provided for staff, visitors, and transportation vehicles: 98 parking spaces provided. 95 parking spaces required by Section 33-124 (L)

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 2nd day of April 2009 at Miami-Dade County. Florida.

WITNESSES: _____

_____

Gema M. Camara

Notary Public State of Florida
Gema M Carnara
My Commission DD589204
Expires 08/27/2010

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 2nd day of April, 2009, before me personally appeared Ivan Fajardo, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

44

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL

PINECREST ACADEMY CHARTER SCHOOL (WEST CAMPUS)

S.W. 42nd STREET & SW 149th AVENUE

APPLICANT:

PINECREST ACADEMY

4255 BIRD ROAD, MIAMI FL. 33155

DATE: FEBRUARY, 2009

ISSUED FOR: DIC SUBMITTAL

1	09.05.08	DIC COMMENT J. Pinello Traffic / PARKS Cmt. J. Arau Fire Dept. Lt. Barnes DERM	IAF
2	09.16.08	Traffic / PARKS Cmt. J. COHEN	IAF
3	03.04.09	Traffic / PARKS Cmt. J. COHEN	IAF

ARCHITECT
CIVICA
tel: 305.593.9959 8323 NW 12th St. Suite No.206. Doral, Fl. 33126 fax: 305.593.9855

45

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL

ZONING CRITERIA

PROPERTY DATA

NAME:	PINECREST ACADEMY (K-12 GRADES)
ADDRESS:	SW 42nd ST & 149th AVE MIAMI, FL
APPLICANT:	PINECREST ACADEMY
PREPARED BY:	CIVICA LLC
DATE:	07-15-08
ZONING DISTIRCT:	BU-IA
LOT AREA:	142,907 SQ. FT.(3.28 ACRES)

ZONING REQUIREMENTS

	REQUIRED/ALLOWED	EXISTING TO REMAIN
LOT COVERAGE:	MAX. 40% (57,880.37 SQ. FT.)	37.78% (53,880.37 SQ.FT.)
FAR:	51% (72,882.57 SQ. FT.)	39.16% (55,531.53 SQ.FT.)
HEIGHT:	N/A	30'-6" TOP OF PARAPET
SETBACKS:		
FRONT	20'-0"	20'-0"
REAR	20'-0"	29'-4"
SIDE STREET	15'-0"	15'-0"
SIDE	0'-0"	50'-7"
LANDSCAPE AREA:		
BU-IA	1-5 ACRES (16%)	22,865 SQ. FT.

BUILDING INFORMATION

TYPE OF CONSTRUCTION (EXISTING TO REMAIN)
TYPE II, 100%-EXISTING
SPRINKLERED (PER FBC TABLE 500, 55, 531,53
SQ.FT. BUILDING AREA, TWO STORIES.)

EXISTING BUILDING AREA TO REMAIN

AC AREA	51,873.34 SQ.FT.
BUILDING B (OUT PARCEL)	3,658.50 SQ. FT.
COMMON AREA (CORRIDOR- STAIRS)	12,354.16 SQ.FT.
PARKING SECOND FLOOR	21,208.06 SQ.FT.
GRAND TOTAL	89,094.00 SQ. FT.

LEGAL DESCRIPTION

THE SOUTH 790 FEET OF THE EAST 1/2 OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SECTION 16 TOWNSHIP 54 RANGE 39 EAST LESS THE OSUTH 50 FEET AND THE EAST 25 FEET, THEREOF +/- LYING AND BEING IN MIAMI-DADE COUNTY FLORIDA.

LOCATION MAP

N

SIGNAGE NOTE:

1. THE TOTAL FREE-STANDING SIGNAGE IN ANY RESIDENTIAL DISTRICT SHALL NOT EXCEED SIX (6) SQ.FT. IN SIZE, IN COMPLIANCE W/ MIAMI-DADE COUNTY ORDINANCE (CHAPTER 33)

PARKING DATA: (K-12th GRADES SCHOOL)

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

Uses Proposed	Total Classrooms	Classroom Area	No. of Students	No. of Teachers	No. of Assist	No. of Admin	Transportation Vehicles	Total Personnel	Admin Areas
K-5th GRADES	49	17,200 SQ.FT.	1,000 Students	25	5	1	2-Vans/Buses	33	3,430 SQ.FT.
6th-8th GRADES				12	2	1	2-Vans/Buses	17	
9th-12th GRADES		5,800 SQ.FT.		12	1	1	2-Vans/Buses	16	1,030 SQ.FT.
Grand Total		23,000 SQ.FT.		49	8	3	6-Vans/Buses	66	4,460 SQ.FT.

Code Requirement	Parking Required
1 Pkg per e.a. Staff plus e.a. transportation vehicle	(31 Staff + 2 Van-bus) = 33 spaces
1 Pkg per e.a. Staff plus 1/4 of staff & transportation vehicles	(15 Staff + 2 Van-bus) x (0.25 space) = 4.25 17+5= 22 spaces
1 Pkg per e.a. 200 SQ.FT. + 1 Space per (4) Classroom & Admin Area E.A. Staff	(5,800 sq.ft. Classrooms + 1,030 sq.ft. Admin + 830 sq.ft. Media)/ 200 = (39 Spaces) + (4) Staff / 4 = (1 Space) = 40 Spaces
Total Parking Required for K-12th Grade School: 33 + 22 + 40 = 95 Spaces Required	

First Floor Parking
104 Spaces

Second Floor Parking
0 Spaces

Total Parking Provided:
104 Spaces *

* Total Handicap & Stroller Spaces Provided : (6)

*Total Surplus Provided:.....(104 - 95 Rqd) = 9 Spaces

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th Street
Suite No.209
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	09.05.08	Added / Revised Dade J. AVAI	IAF
2	09.16.08	Added / Revised Dade J. COHEN	IAF
3	03.04.09	Added / Revised Dade J. COHEN	IAF

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

SEAL/SIGNATURE

03.12.09

ROLANDO LLANES, AIA
AR - 0013160

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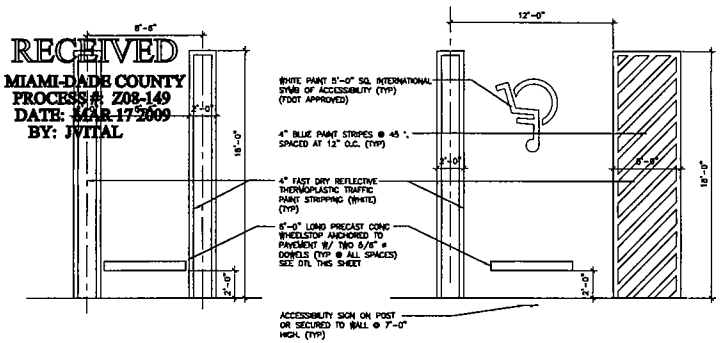
SHEET TITLE
PARKING & SITE DATA

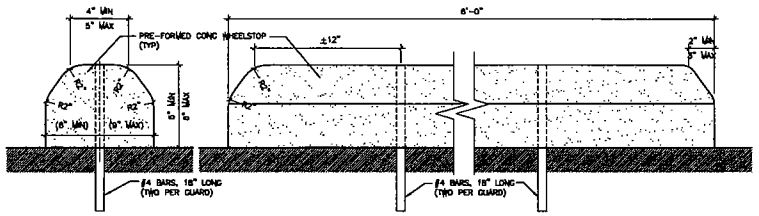
SHEET NUMBER
A-1.0

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL



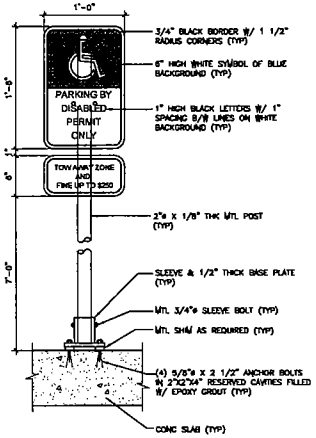
1 A-1.6 TYPICAL STANDARD AND ACCESSIBLE PARKING STALL

SCALE: 1/4"=1'-0"



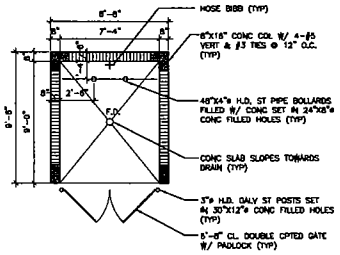
2 A-1.6 TYPICAL STANDARD AND ACCESSIBLE PARKING STALL

SCALE: 1/4"=1'-0"



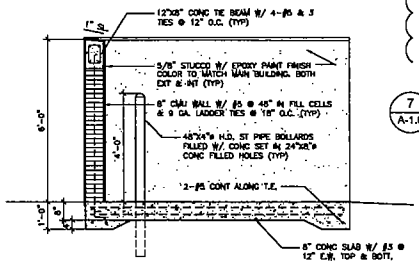
3 A-1.6 TYPICAL ACCESSIBLE PARKING SIGNAGE

SCALE: 1 1/2"=1'-0"



4 A-1.6 TYPICAL DUMPSTER ENCLOSURE: PLAN AND SECTION DETAILS

SCALE: 1/4"=1'-0" SCALE: 1/2"=1'-0"

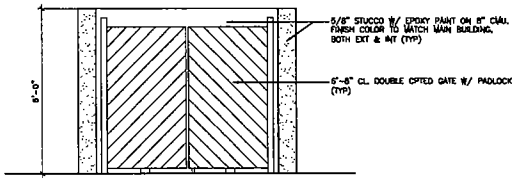


Knox Padlock Model 3753 - Exterior All Conditions

3/8 in. diameter stainless steel shackle with 2-1/8 in. clearance. Padlock designed to secure exterior perimeter and fire access gates. Heavy-duty brass body protected by EPDM boot with shackle seal. Medeco lock cylinder has UL 437 rating.

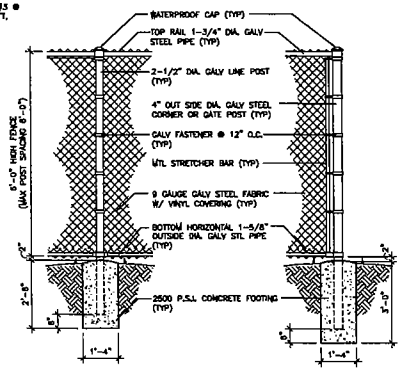
7 A-1.6 FIRE DEPARTMENT KNOX PADLOCK

SCALE: 1/2"=1'-0"



5 A-1.6 TYPICAL DUMPSTER ENCLOSURE: ELEVATION DETAIL

SCALE: 1/2"=1'-0"



6 A-1.6 TYPICAL FENCE DETAIL

SCALE: 1/2"=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
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY
1	09.05.09	Per Dept. of Building	IAF

DRAWN BY: JV
APPROVED BY:
DATE: 2009
SCALE: AS SHOWN

SEAL/SIGNATURE

03.12.09

ROLANDO LLANES, AIA
AR - 0013180

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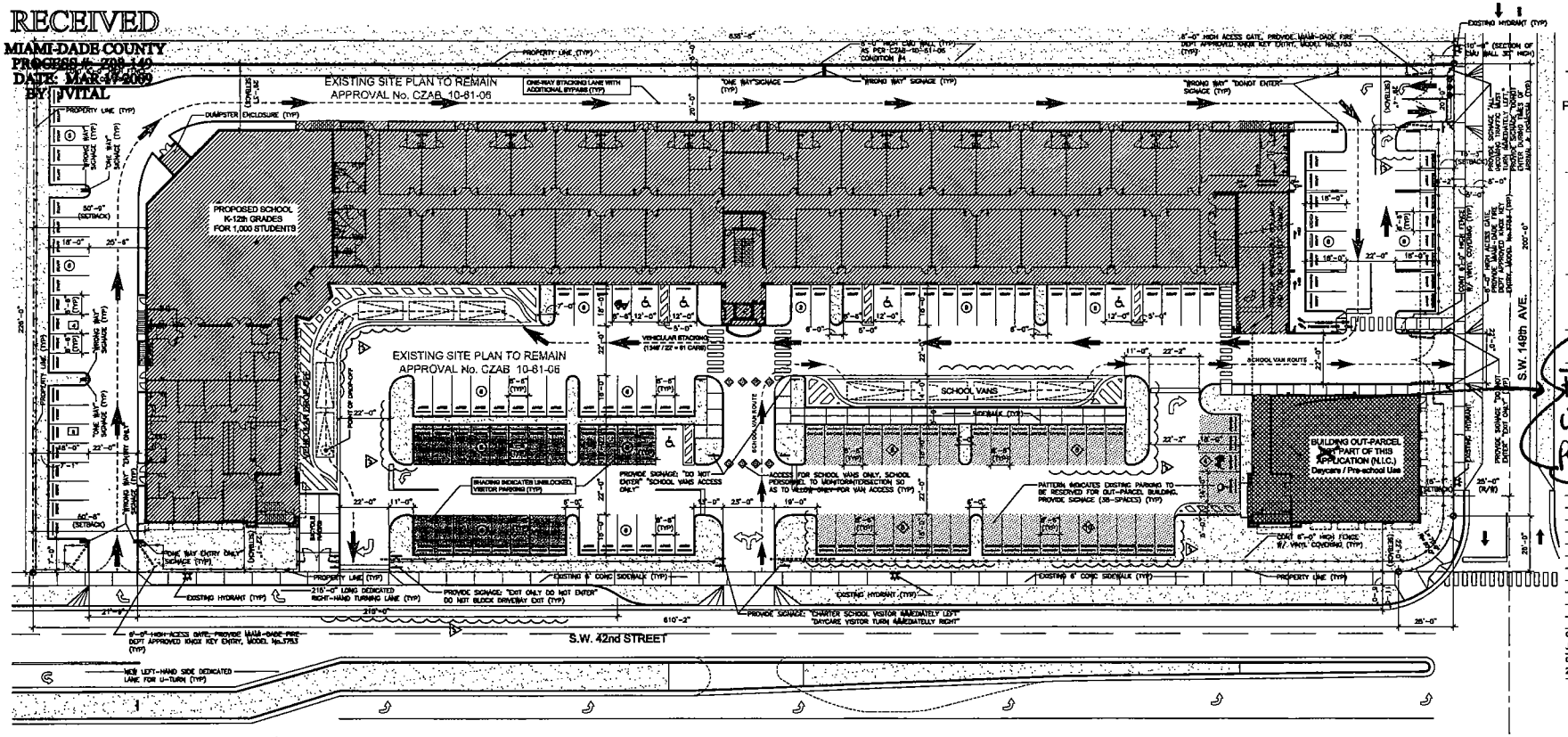
SHEET TITLE
TYPICAL PARKING AND DUMPSTER ENCLOSURE DTLS

SHEET NUMBER
A-1.6

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 208140
DATE: MAR-17-2009
BY: JVITAL



1 A1.1 PROPOSED SCHOOL SITE PLAN

SCALE: 1" = 20'-0"

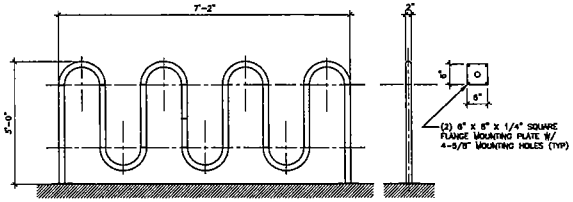
SCHOOL INFORMATION:

1,000 STUDENTS GRADES K-12

PARKING FRAGMENTATION:

GROUND FLOOR: (CHARTER SCHOOL USE)	66 SPACES FOR STAFF 20 UNBLOCKED SPACES FOR VISITOR 12 SPACES FOR STUDENTS
SECOND FLOOR:	0 PARKING SPACES
CHARTER SCHOOL TOTAL:	98 PARKING SPACES
ADDITIONAL SURPLUS:	06 OTHER ACCESSIBLE/STROLLER SPACES
OUTPARCEL BLDG TOTAL:	38 SPACES (NOT PART OF THIS APPLICATION)
SITE GRAND TOTAL:	142 PARKING SPACES

ON SITE VEHICULAR ACCUMULATION.....1346'-0" / 22 = 61 CARS



2 A-1.1 BICYCLE-RACK DETAIL

SCALE: 3/4"=1'-0"

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

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ARCHITECTURE + URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5939855
AA #26001083

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

APPLICANT:
PINECREST
ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

Preschool/Daycare included as part of application 4/10/09

No.	DATE	REVISION	BY
		DIC COMMENT J. Priello	
1	09.05.08	Traffic / PW&E Dept. J. Kirby Fire Dept. J. Bennet	IAF
2	08.16.08	Traffic / PW&E Dept. J. COHEN	IAF
3	03.04.09	Traffic / PW&E Dept. J. COHEN	IAF

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

SEAL/SIGNATURE

03.12.09

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SHEET TITLE
PROPOSED
SITE PLAN

SHEET NUMBER
A-1.1

48

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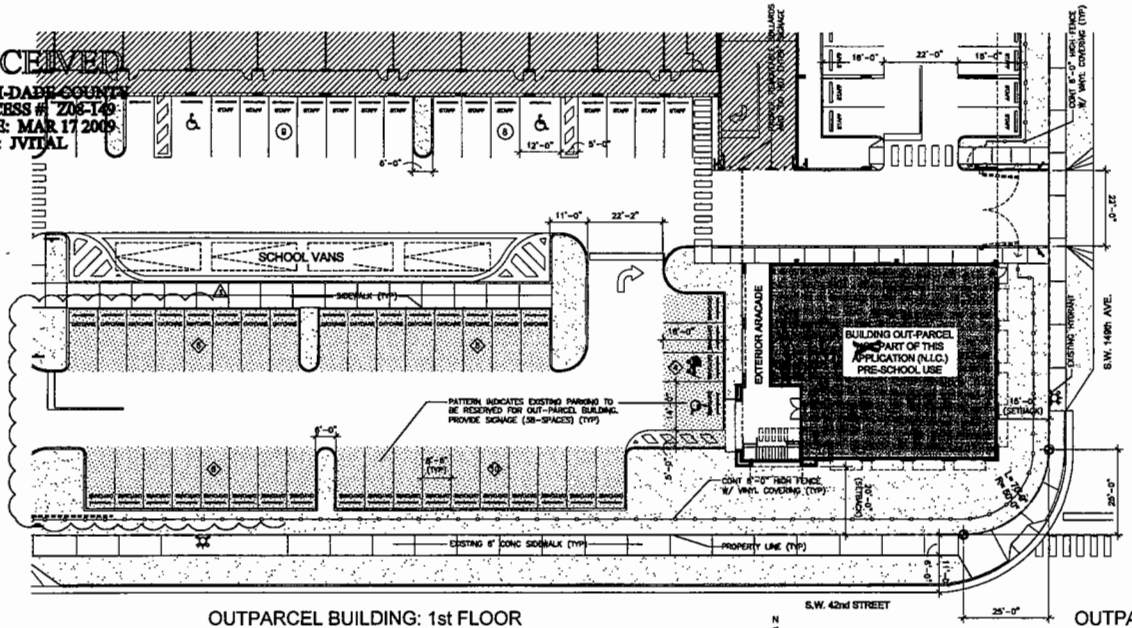
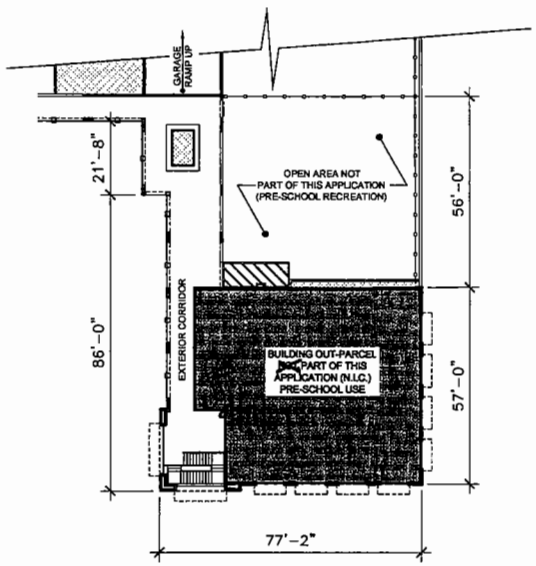
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL



1 A1.1A OUTPARCEL BUILDING: 1st FLOOR
EXISTING DAYCARE (NOT PART OF THIS APPLICATION)

SCALE: 1" = 20'-0"



2 A1.1A OUTPARCEL BUILDING: 2nd FLOOR
EXISTING DAYCARE (NOT PART OF THIS APPLICATION)

SCALE: 1" = 20'-0"

EXISTING ZONING CRITERIA

PROPERTY DATA

NAME:	PINECREST DAYCARE FACILITY
ADDRESS:	SW 42nd ST & 149th AVE MIAMI, FL
ZONING DISTRICT:	BU-1A
LOT AREA:	142,907 SQ. FT.(3.28 ACRES)

ZONING REQUIREMENTS

	REQUIRED/ALLOWED	EXISTING TO REMAIN
LOT COVERAGE:	MAX. 40% (57,880.37 SQ. FT.)	37.78% (53,880.37 SQ.FT.)
FAR:	51% (72,882.57 SQ. FT.)	39.16% (55,531.53 SQ.FT.)
HEIGHT:	N/A	30'-6" TOP OF PARAPET
SETBACKS:		
FRONT	20'-0"	20'-0"
REAR	20'-0"	29'-4"
SIDE STREET	15'-0"	15'-0"
SIDE	0'-0"	50'-7"
LANDSCAPE AREA:		
BU-1A	1-5 ACRES (16%)	22,865 SQ. FT.

BUILDING INFORMATION

TYPE OF CONSTRUCTION (EXISTING TO REMAIN)
TYPE II, 100%-EXISTING
SPRINKLERED (PER FBC TABLE 500, 55, 531.53
SQ.FT. BUILDING AREA, TWO STORIES.)

EXISTING BUILDING AREA TO REMAIN

BUILDING B (OUT PARCEL).....1st Level: 3,658.5 sq.ft.
2nd Level: 3,658.5 sq.ft.

TOTAL DAYCARE AREA.....7,317 sq.ft.

LEGAL DESCRIPTION

THE SOUTH 790 FEET OF THE EAST 1/2 OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SECTION 16 TOWNSHIP 54 RANGE 39 EAST LESS THE OSUTH 50 FEET AND THE EAST 25 FEET, THEREOF +/- LYING AND BEING IN MIAMI-DADE COUNTY FLORIDA.

PARKING DATA: (Daycare Outparcel Building)

Uses Proposed	Total Classrooms	Classroom Area	No. of Students	No. of Teachers	No. of Admin / Assist	Transportion Vehicles	Total Personnel	Admin Areas
Daycare/Nurseries	8	3,000 SQ.FT.	145 Students	8	2	0	10	658 SQ.FT.

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

Code Requirement	Parking Required	Parking Provided
1 Pkg per e.a. Staff plus e.a. transportation vehicle	(10 Staff + 0 Van-bus) = 10 spaces	38 Spaces
Total Parking Required for Existing Daycare: 10 Spaces Required		Total Parking Provided: 38 Spaces *

* Total Handicap & Stroller Spaces Provided : (2)

*Total Surplus Provided:.....(38 - 10 Rqd) = 38 Spaces

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th Street
Suite No.206
Doral, FL 33126
tel: 305.593.9959
fax: 305.5939855
AA #26001020

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
		DIC CONSENT	
1	08.05.08	Traffic / Fire& Dept. / ADA / Fire Dept. 11 Review	LAF
2	09.15.08	Traffic / Fire& Dept. / DERM	LAF
3	03.04.09	Traffic / Fire& Dept. / DERM	LAF

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

SEAL/SIGNATURE

03.12.09

ROLANDO LLANES, AIA
AR - 0013160

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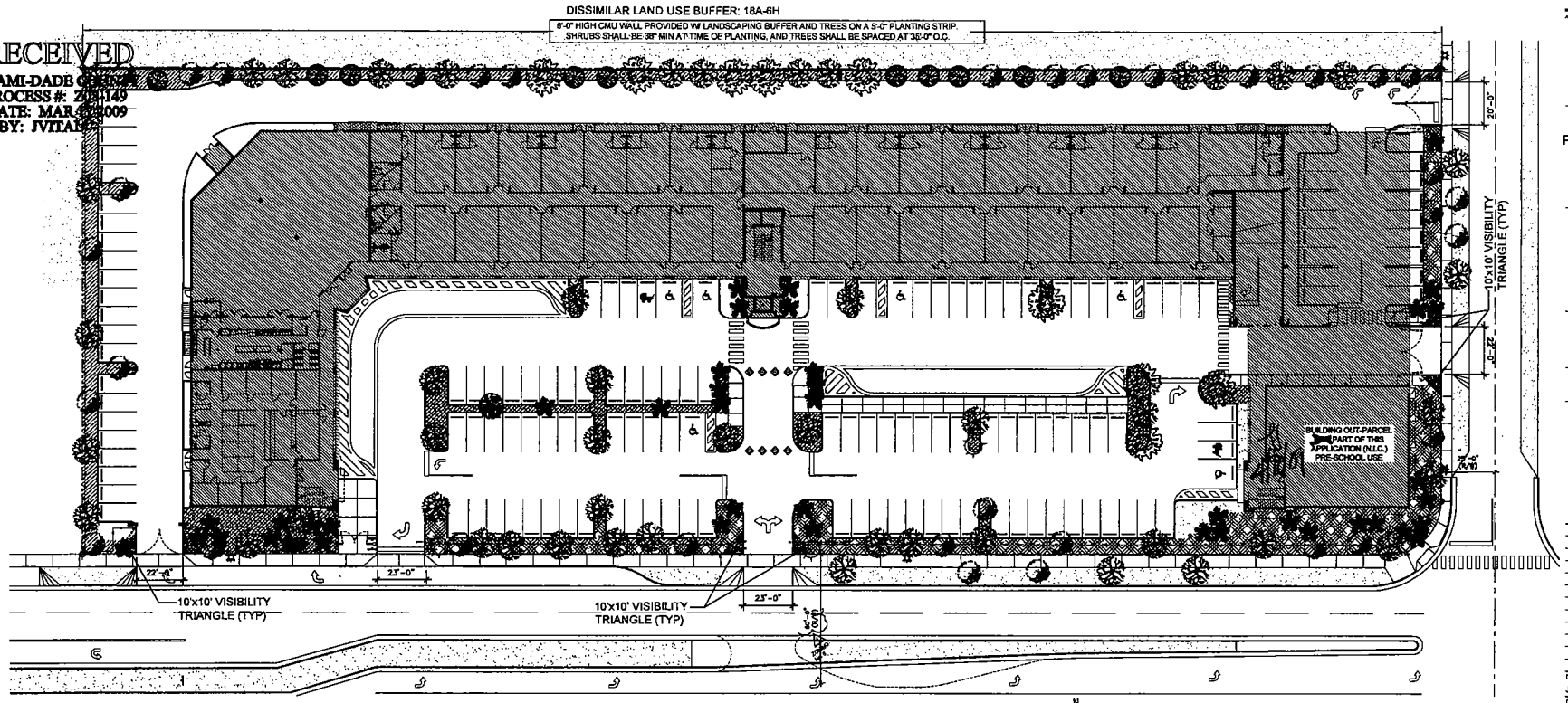
SHEET TITLE
EXISTING
OUTPARCEL
BUILDING
INFORMATION

SHEET NUMBER
A-1.1A

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: ZONING
DATE: MAR 12 2009
BY: JVITAL



1 LA-1.4 PROPOSED LANDSCAPING PLAN

SCALE: 1" = 20'-0"

PLANT SCHEDULE						
SYMB	QTY	NEW	BOTANICAL NAME	COMMON NAME	NATIVE	REMARKS
TREES						
	18	YES	SWENTNIA MAHOGANI	MAHOGANY	YES	12' HGT. X 5' SPRD.
	18	YES	BURSERA SIMARUBA	GUMBO LIMBO	YES	12' HGT. X 5' SPRD.
	18	YES	QUERCUS VIRGINIA	LIVE OAK	YES	12' HGT. X 5' SPRD.
	18	YES	CONOCARPUS ERECTUS	BUTTONWOOD	YES	12' HGT. X 5' SPRD.
	18	YES	CORDIA SEBESTENA	ORANGE GEIGER	YES	12' HGT. X 5' SPRD.
	41	YES	ROYSTONIA	ROYAL PALM	YES	25' HGT.X 15' SPRD.
SHRUBS						
	300	YES	SCHEFFL. ARBORICOLA	DWARF SCHEFFLERA	YES	24" MAX . HGT.
	300	YES	CALLICARPA AMERICAN	BEAUTY BUSH	YES	24" MAX . HGT.
	300	YES	ACROSTI. DANAEAEFOL	LEATHER FERN	YES	24" MAX . HGT.

SAME AS APPROVED UNDER APPLICATION CZAB-10-61-06

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 BUFFER SHALL FORM A CONTINUOUS SCREEN BETWEEN THE DISSIMILAR LAND USES (BETWEEN ADJACENT PROPERTY LINES) WITHIN ONE (1) YEAR AFTER PLANTING. ALSO PROVIDE TREE SPACING AT 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: 305.5939655
AA #26001089

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

APPLICANT:
PINECREST ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY
1	09.05.08	SFC COMMENT / Permits	IAF
2	09.16.08	Public / Private Dists. / COMM	IAF

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

SEAL/SIGNATURE

03.12.09

ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE
PROPOSED LANDSCAPING PLAN

SHEET NUMBER
LA-1.4

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

1.1 SCOPE

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-[illegible]
DATE: MAR 17 2009
BY: JVITAL

[illegible]

1.4 PLANT QUALITY

1.5 PLANT QUANTITY

1.6 UNIT PRICES

1.7 INSPECTION CERTIFICATES

1.8 GRADING

CLEAN-UP

1.10 MAINTENANCE

1.11 OPERATIONS FOR ACCEPTANCE

1.12 GUARANTEE

1.13 REPLACEMENT

PART 2 - MATERIALS

2.1 PLANTING SOIL

2.2 FERTILIZER

2.3 WATER

2.4 MULCH

3.0 PART 3 - INSTALLATION PROCEDURES

3.1 LAYOUT

3.2 HERBICIDE TREATMENT

3.3 PLANT PIT EXCAVATION AND BACKFILLING

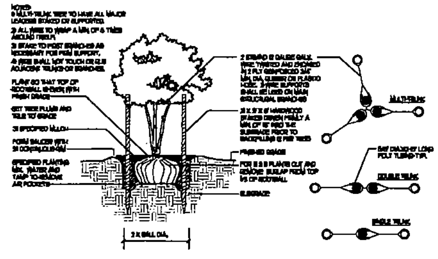
3.4 WATERING-IN

3.5 FERTILIZING

3.6 MULCHING

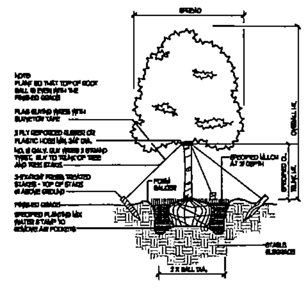
3.7 GUYING & BRACING

3.8 SODDING



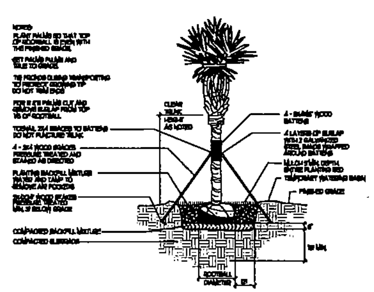
MULTI-TRUNK TREE PLANTING/STAKING DETAIL

N.T.S.



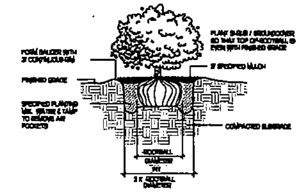
TREE PLANTING/STAKING DETAIL

N.T.S.



PALM PLANTING/STAKING DETAIL

N.T.S.



SHRUB/ GROUNDCOVER PLANTING DETAIL

N.T.S.

SAME AS APPROVED UNDER APPLICATION CZAB-10-61-06

LANDSCAPE SCHEDULE

	REQUIRED	PROVIDED
ZONING DISTRICT: [illegible] NET LOT AREA: [illegible] ACRES [illegible] S.F.		
OPEN SPACE		
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN: NET LOT AREA = [illegible] S.F. X [illegible] = [illegible] S.F.	[illegible]	[illegible]
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN: NO. OF PARKING SPACES [illegible] X 10 S.F. PER PARKING SPACE = [illegible] S.F.	[illegible]	[illegible]
C. TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33, A+B =	[illegible]	[illegible]
LAWN AREA CALCULATION		
A. [illegible] TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33	[illegible]	[illegible]
B. MAXIMUM LAWN AREA (SOD) PERMITTED = 20% OF [illegible] S.F. =	[illegible]	[illegible]
TREES		
A. NO. OF TREES REQUIRED PER NET LOT ACRE LESS EXISTING NUMBER OF TREES MEETING MINIMUM REQUIREMENTS = 22 TREES X NET LOT ACRES = [illegible]	[illegible]	[illegible]
B. % PALMS ALLOWED: NO. TREES PROVIDED X 30% / % PALMS PERMITTED TO COUNT AS STREET TREES ON 1:1 BASIS X 30%	[illegible]	[illegible]
C. % NATIVES REQUIRED: NO. TREES PROVIDED X 30% =	[illegible]	[illegible]
D. STREET TREES (MAXIMUM AVERAGE SPACING OF 35' O.C.): [illegible] LINEAR FEET ALONG STREET / 35 = [illegible]	[illegible]	[illegible]
E. STREET TREES LOCATED DIRECTLY BENEATH POWER LINES (MAXIMUM AVERAGE SPACING OF 25' O.C.): [illegible] LINEAR FEET ALONG STREET / 25 =	[illegible]	6
TOTAL NUMBER OF TREES	[illegible]	131
SHRUBS		
A. NO. OF TREES REQUIRED X 10 = NO. OF SHRUBS ALLOWED	[illegible]	1,310
B. NO. OF SHRUBS REQUIRED X 30% = NO. OF NATIVE SHRUBS ALLOWED	[illegible]	[illegible]
IRRIGATION		
A. PROVIDE HOSE BIBB OR IRRIGATION PLAN IF REQUIRED BY CHAPTER 33		

SOD

St. Augustine "Floratam" for parking trees. Bahia Sod for playfields

PLANTING NOTES:

Plant materials shall conform to grades and standards for Florida No. 1 or better as given in grades and standards for nursery plants, part 1 (current edition) and part II (current edition) by the Florida Department of Agriculture and Consumer Services Divisions of Plant Industry.

Planting mix/backfill mix shall be clean and free of construction debris, weeds, rock and noxious pests and disease. The planting areas shall be amended with a minimum of forty (40) percent of muck or horticultural acceptable organic material. The minimum topsoil depth shall be four (4) inches for ground cover areas and sodded grass areas.

Washington Palms shall be planted in a good grade of salt free sand. Trees and shrubs shall be fertilized at the time of planting with agriform planting tablets, 20-10-5 formula 21 grams, at manufacturers recommended rate. Trees and shrubs shall be planted with a minimum of 6" of topsoil beneath rootball.

Fertilizer shall comply with state fertilizer laws. It shall have a chemical designation as 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:
7-6-6 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. 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 5' away from all other utilities.

50

CIVICA
ARCHITECTURE URBAN DESIGN

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AA 26001083

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

APPLICANT:
PINECREST ACADEMY
6255 Bird Road
Miami, FL 33155

ISSUED FOR:
D/C

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY
1	09.05.08	DIC COMMENT J. Pinto	IAF

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

SEAL/SIGNATURE

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AR - 0013160

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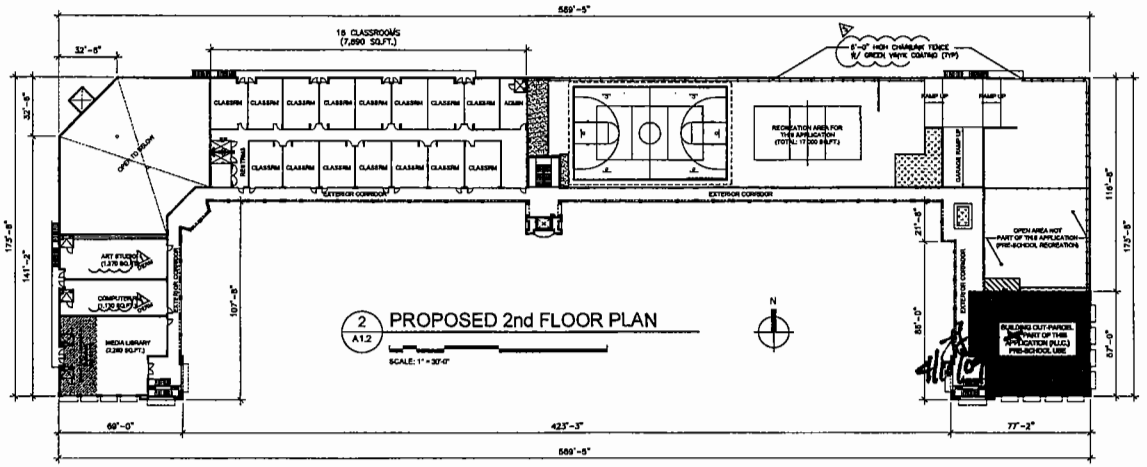
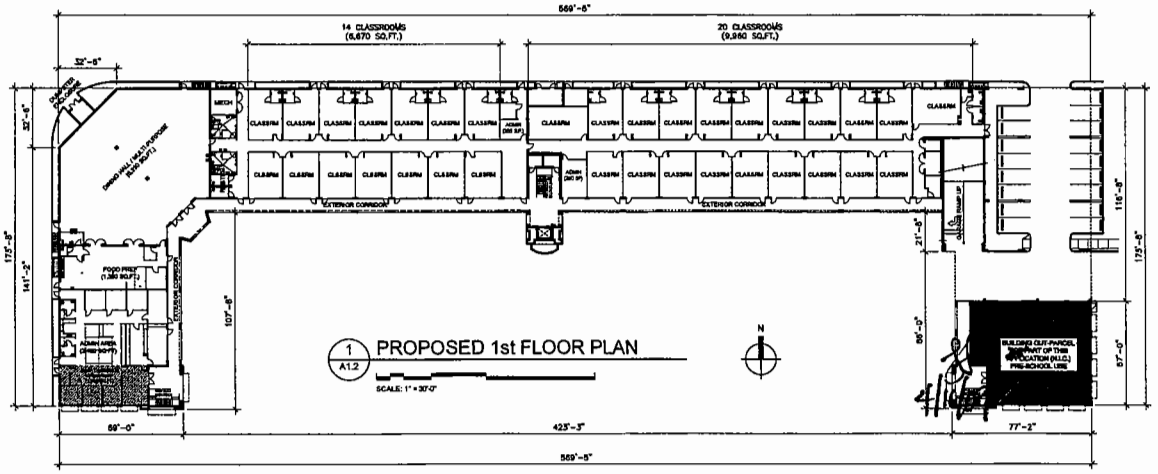
SHEET TITLE
LANDSCAPE LEGEND & NOTES

SHEET NUMBER
LA-1.5

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL





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Doral, FL 33126
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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:
060113

No.	DATE	REVISION	BY
1	08.05.08	DCRM	IAF

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

SEAL/SIGNATURE

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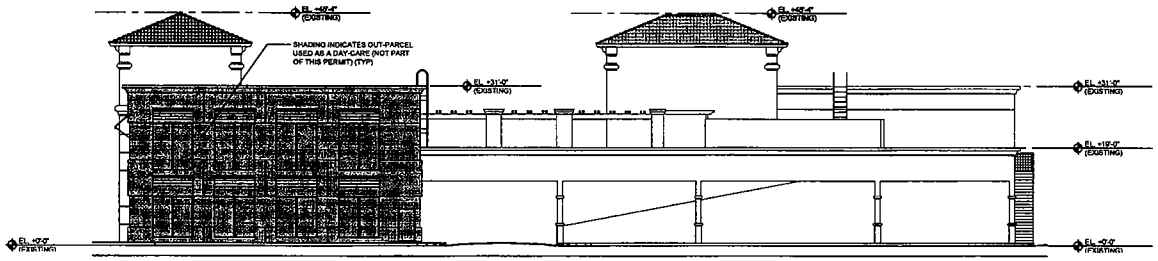
SHEET TITLE
PROPOSED
1st & 2nd
FLOOR PLANS

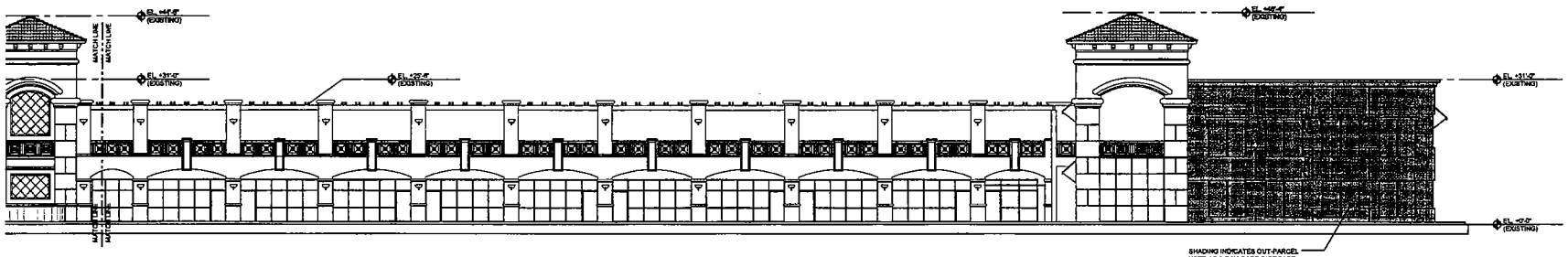
SHEET NUMBER
A-1.2

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL



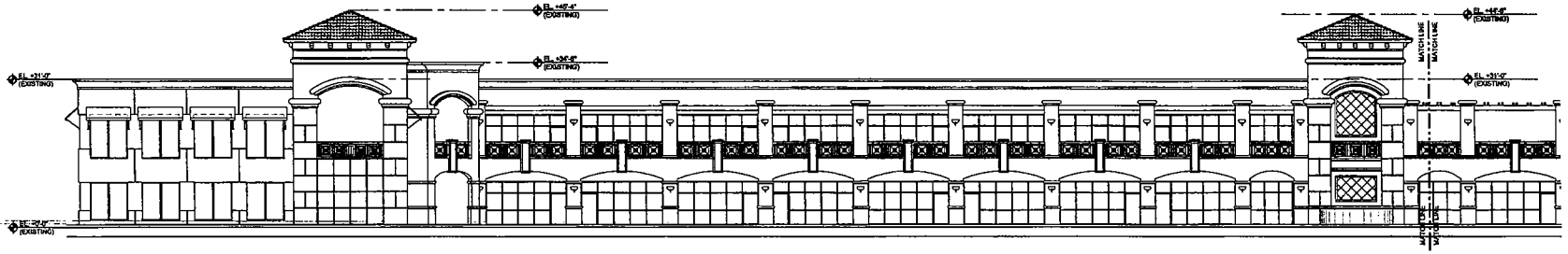
1 A1.3 EAST ELEVATION (TO REMAIN)

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)

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

52

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:
DIC

CIVICA PROJECT No:
080113

No.	DATE	REVISION	BY

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

SEAL/SIGNATURE

03.12.09

ROLANDO LLANES, AIA
AR - 0013180

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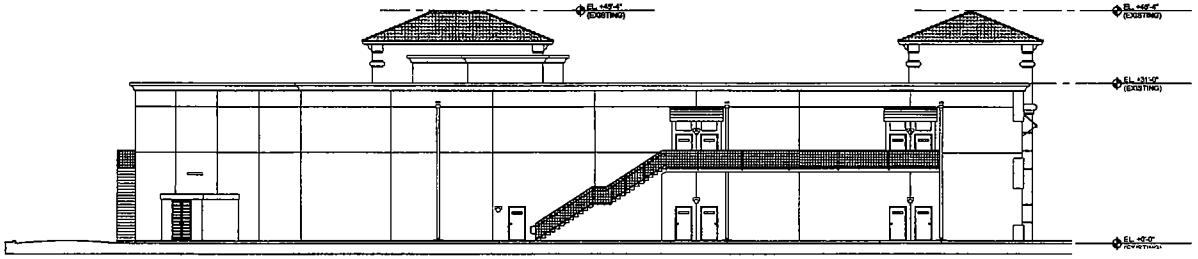
SHEET TITLE
EXISTING
ELEVATIONS

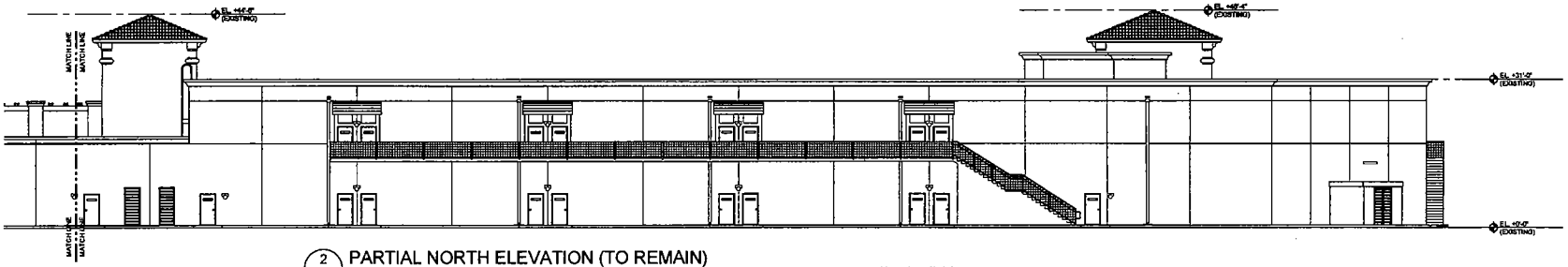
SHEET NUMBER
A-1.3

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-149
DATE: MAR 17 2009
BY: JVITAL



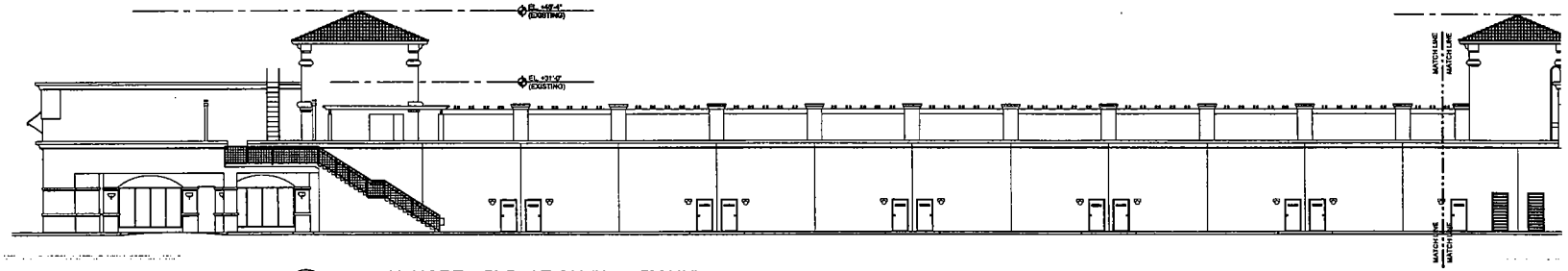
1 A1.3 WEST ELEVATION (TO REMAIN)

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
6255 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

03.12.09

ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE
EXISTING ELEVATIONS

SHEET NUMBER
A-1.3.1

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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208149
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest
N/A	

Date of contract: _____

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

_____

_____

_____

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

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

Signature: Hector Mata

HECTOR MATA, MANAGER

Sworn to and subscribed before me this 23 day of July 08. Affiant is personally known to me or has produced _____ as identification.

Aida C. Ramos

(Notary Public)

AIDA C. RAMOS
Comm# DD0514056
Expires 2/2/2010
Bonded thru (800)432-4254
Florida Notary Assn., Inc

My commission expires _____

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

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2008 149
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

EXHIBIT "A"

LEGAL DESCRIPTION:

THE NORTH 285 FEET OF THE SOUTH 335 FEET OF THE EAST ½ OF THE SOUTH ¾ OF THE WEST ½ PF THE EAST ¼ OF SECTION 16, TOWNSHIP 54 SOUTH, RANGE 39 EAST. LESS: THE EAST 25 FEET THEREOF, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

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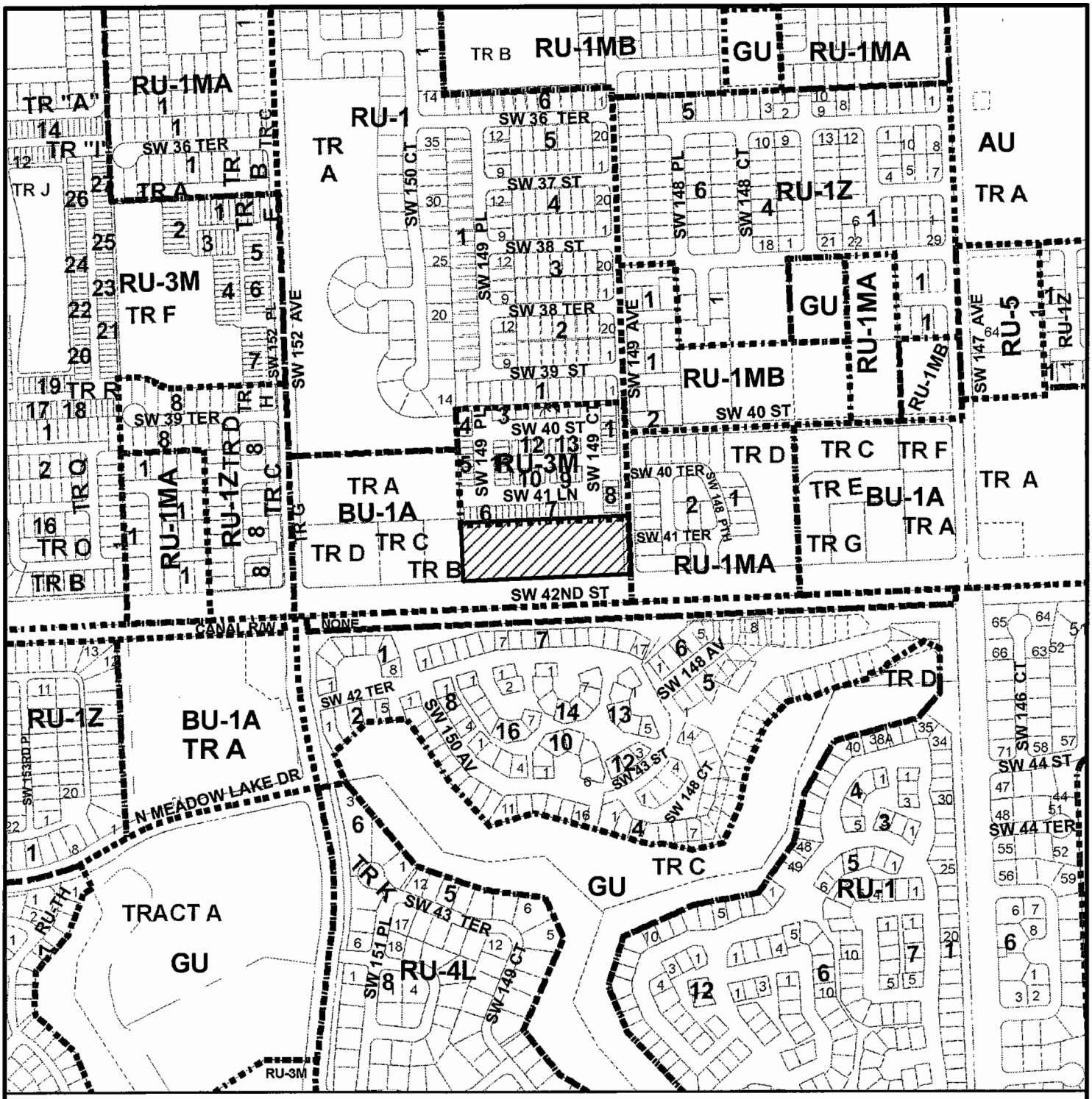
AUG - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-149

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

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

REVISION	DATE	BY
		57

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-149

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

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/11/08

REVISION	DATE	BY

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)

PLANNING AND ZONING
AGENDA OFFICE
2009 APR 22 P 3:20

DECLARATION OF RESTRICTIONS FOR CHARTER SCHOOL

THIS DECLARATION OF RESTRICTIONS is made this 17 day of April, 2009, 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 is more particularly described as follows:

> **The south 790' of the east 1/2 of the south 3/4 of the west 1/2 of the east 1/2, less the south 110' and less the north 455' and less the east 35' for right-of-way; all in Section 16, Township 54 South, Range 39 East**

hereinafter referred to as the "Property;"

WHEREAS, the Owner submitted to Miami-Dade County Public Hearing No. 2008-149 (the "Application") seeking a special exception to permit the use of the Property for a charter school, to be known as PINECREST ACADEMY CHARTER SCHOOL WEST CAMPUS, serving 1000 students in grades K – 12 (the "Charter School");

WHEREAS, the Property was originally approved for use as a single-story retail center pursuant to Resolution No. Z-12-04;

WHEREAS, said approved use was modified pursuant to Resolution No. CZAB10-61-06, subject to the covenants in that certain Declaration of Restrictions recorded at ORB 22345, Page 1452 (the "Declaration"), in order to permit a second-story addition to the retail center for

Section-Township-Range: 16-54-39
Folio No. 30-4916-000-0570

offices and parking;

WHEREAS, the southeast portion of the Property is currently improved with a two-story building consisting of approximately 7,317 square feet, which is currently been used as a daycare facility (the "Daycare"); and a two-story building, consisting of approximately 89,094 square feet, is under construction on the remainder of the Property;

WHEREAS, the Owner desires that the Charter School occupy the building under construction on the property;

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. Except as herein amended, all other restrictions in Resolution No. CZAB10-61-06 shall remain in full force and effect.

2. 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 shall include among other things, but not be limited to, the 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.

3. In the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled "Pinecrest Academy Charter School West Campus," by Civica dated stamped received March 17, 2009, and consisting of 9 sheets (the "Plan").

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

5. 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.

6. 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.

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 Charter School gates shall be opened at least 30 minutes prior to the arrival and dismissal times.

10. The Charter School shall have three staggered shifts at start and dismissal times, separated by a minimum of 30 minutes, as follows:

7:30 – 2:30	Grades K – 5	proposed 330 students
8:00 – 3:00	Grades 6 – 8	proposed 330 students
8:30 – 3:30	Grades 9 – 12	proposed 340 students

Notwithstanding the foregoing, no more than 364 students may be scheduled to arrive or be dismissed in a single shift.

11. The Owner shall 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 April 15, 2009

DIC record of the Application, except as amended by the DIC Executive Council at its meeting on April 15, 2009, and incorporated herein by reference.

12. At time of Certificate of Use renewal, the Owner shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are then currently enrolled in said facility.

13. The Daycare traffic operations shall not co-mingle with the Charter School traffic, but shall be directed to enter the Property through the eastern Bird Road driveway and exit the Property from the middle Bird Road driveway.

14. An 8' high metal picket fence shall be installed onto the existing 4' high parapet wall enclosing the outdoor recreational area of the Charter School and the Daycare.

15. The surface of the outdoor recreation area for the Charter School, excluding the basketball court, shall be covered with industry standard rubberized flooring.

16. The Daycare shall be limited to a maximum of 145 students and the Charter School shall be limited to a maximum of 1000 students.

17. The Owner shall provide shade covering on a portion of the Charter School and the Daycare outdoor recreation areas.

18. High school students enrolled at the Charter School shall not be permitted to drive to school.

19. The Charter School shall have personnel facilitating traffic operations during the arrival and dismissal periods in order to ensure 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.

20. Within sixty (60) 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 for arrival and dismissal periods.

21. The Applicant shall construct or cause the construction of the following off-site improvements: (a) the closure of the existing median opening in front of the school site on Bird Road; (b) a 255-foot westbound u-turn in the median at the unsignalized opening west of the school site, before the intersection at SW 152 Avenue; and (c) a right turn lane at the west (inbound) driveway on Bird Road (collectively, the "Improvements"). The plans for the Improvements shall be submitted to the Public Works Department within sixty (60) days of the approval of the Application by the Board of County Commissioners; and the Improvements shall be completed within ninety (90) days of the approval of the plans for the Improvements by the Public Works Department.

22. In accordance with the Public Works Memorandum for the Application, dated March 20, 2009, if students are unable to exit the school vans from the left side of the vans, the loading and drop off zone for the school vans must be relocated to the north side of the drive aisle, adjacent to the school building. The plan depicting the relocation of the van loading and drop off zone shall be subject to review and approval by the Planning and Zoning and Public Works Departments.

23. Should the traffic circulation for the Property be modified as described in Paragraph 22 above, the northbound egress from the drive aisle immediately fronting the Daycare shall be closed during the Charter School arrival and dismissal times. During the Charter School arrival and dismissal times, vehicular

ingress and egress for the daycare shall be restricted to the driveway in the middle of the Property along Bird Road.

24. Notwithstanding the vehicular circulation and traffic signs for the Property depicted in the Plan, the traffic circulation and signage on the Property may be modified by the Charter School, subject to review and approval by the Director of the Public Works Department.

25. 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.

26. 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 by a written instrument executed by the then owner(s) of that portion of the Property covered under said 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 of the Department, 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 to 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 17 day of April, 2009.

WITNESSES:

Witness

Nancy Mata.
Printed Name

Witness

Julian Sanchez
Printed Name

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

By: _____
Hector Mata, Manager
11870 SW 49 Street
Miami, FL 33175

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

The foregoing instrument was acknowledged before me this 17 day of April, 2009, by HECTOR MATA, as manager of MEADOW VIEW SHOPPING CENTER, LLC, on behalf of said limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

5/25/10

_____
Notary Public – State of Florida

Norma Aixala
Printed Name

NORMA AIXALA
Comm# DD0552030
Expires 5/25/2010
Florida Notary Assn., Inc

Section-Township-Range: 16-54-39
Folio No. 30-4916-000-0570

JOINDER BY MORTGAGEE
TO THE DECLARATION OF RESTRICTIONS

The undersigned, **TRANSATLANTIC BANK**, a Florida-state chartered bank, and mortgagee ("Mortgagee") under that Florida First Mortgage and Security Agreement from Meadow View Shopping Center, LLC, a Florida limited liability company recorded in Official Records Book 24464, Page 1484 in the Public Records of Miami-Dade County, Florida, as modified under that certain Mortgage Modification and Future Advance Agreement, recorded in Official Records Book 26585, Page 2834, 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 12 day of April, 2009.

WITNESSES:

Signature

Printed Name

Signature

Printed Name

TRANSATLANTIC BANK, a Florida-state chartered bank

By: _____
Miriam Lopez
Chief Executive Officer
48 E. Flagler Street, 4th Floor
Miami, FL 33131

[Notary Signature Next Page]

Section-Township-Range: 16-54-39
Folio No. 30-4916-000-0570

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17 day of April, 2009, by MIRIAM LOPEZ, as CHIEF EXECUTIVE OFFICER of TRANSATLANTIC BANK, on behalf of the bank. She is personally known to me or has produced _____ as identification.

My Commission Expires:

Alina M Rodriguez
Notary Public – State of Florida
Printed Name Alina M Rodriguez

6187386_v7

ALINA M. RODRIGUEZ
Notary Public - State of Florida
My Comm. Expires Jul 4, 2012
Commission # DD 802568
Bonded Through National Notary Assn.

Section-Township-Range: 16-54-39
Folio No. 30-4916-000-0570

1. COLONIAL BANK, N. A.
(Applicant)

08-12-CZ12-3 (08-74)
BCC/District 7
Hearing Date: 5/7/09

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
1977	Clifford Suchman	- Special exception expansion of liquor/wine/beer lounge. - Use variance of a nightclub. - Non-Use variance setbacks.	ZAB	Approved w/conds.
1978	Clifford L. Suchman	- Zone change from BU-1A, GU, and RU-4A to BU-2 and BU-1A. - Zone change from GU to RU-4A.	BCC	Approved w/conds.
1995	Tony Roma's	Non-Use variance sign.	ZAB	Approved w/conds.
1997	Starbucks Corp.	Unusual Use outdoor dining.	CZAB-12	Approved w/conds.
2000	Canton Dadeland North	Unusual Use outdoor dining.	CZAB-12	Approved w/conds.

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

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

APPLICANT: Colonial Bank, N.A. **PH:** Z08-074 (08-12-CZ12-3)

SECTION: 36-54-40 **DATE:** May 7, 2009

COMMISSION DISTRICT: 7 **ITEM NO.:** 1

==========

A. INTRODUCTION

o REQUESTS:

Dadeland North, Inc. is appealing the decision of the Community Zoning Appeals Board #12, which approved the following:

(1) Applicant is requesting to permit a bank setback 10' (75' required) from the front (north) property line abutting an "E" Street (US Hwy. #1).

(2) Applicant is requesting to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (SW 67 Avenue); to permit a building frontage of 56'1" (114' required).

(3) Applicant is requesting to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line.

(4) Applicant is requesting to permit surface parking setback 7'9" (30' required) along the "B" street (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of these requests 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 "Colonial Bank – Dadeland Branch," as prepared by Glen Hanks Consulting Engineers, Inc., Sheet SP-1, dated stamped received 7/29/08 and Sheets "A-1.1" and "A-3.1", as prepared by Reynolds, Smith and Hills, Inc., dated stamped received 8/28/08 and the remaining 3 sheets entitled "Colonial Bank," as prepared by Landscape Architects Collaborative, dated stamped received 7/29/08, for a total of 6 sheets. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The appellant is appealing the decision of the Community Zoning Appeals Board #12 (CZAB-12) that approved with conditions requests to allow a bank located within the Downtown Kendall Urban Center District to setback less than required from the front property line, to permit a lesser building frontage than required, to permit a sidewalk with less width than required and to permit parking spaces setback less than required from the west property line.

- o **LOCATION:**

  6601 South Dixie Highway, Miami-Dade County, Florida.

- o **SIZE:** 0.594 Acre

B. ZONING HEARINGS HISTORY:

The subject property is a part of a larger parcel of land, which, in 1961, was granted a zone change from AU, Agricultural District, to BU-1A, Limited Business District, pursuant to Resolution #Z-58-61. In 1995, a request to permit a detached sign was approved, pursuant to Resolution #5-ZAB-3-95. In 1999, the subject property was part of an area wide district boundary change that rezoned multiple properties to the Downtown Kendall Urban Center District (DKUCD), pursuant to Ordinance No. 99-166.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

Urban Centers

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

for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Activities

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

Radius

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

which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

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-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in Urban Centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space 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 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.

Intensity

Regional and Metropolitan Urban Centers shall be intensively developed. They should be developed at the highest intensities of development in the urbanized area. Floor area ratios (FARs) in Regional Urban Centers designated on the LUP map should average not less than 4.0 in the core of the center and around mass transit stations, and should taper to an average of not less than 2.0 near the edge of the center. Average FARs for developments in Metropolitan Urban Centers designated on the LUP map should be not less than 3.0 at the core adjacent to transit station sites and should taper to not less than 0.75 at the edge. Community Centers should average an FAR of not less than 1.5 at the core adjacent to transit station sites and should taper to an average of approximately 0.5 at the edge. Height of buildings at the edge of Metropolitan Centers adjoining stable residential neighbourhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
DKUCD; Restaurant	Downtown Kendall Urban Center
Surrounding Properties:	
NORTH: GU; South Dixie Highway (US Hwy. #1)	Transportation
SOUTH: DKUCD; Shopping center	Downtown Kendall Urban Center
EAST: DKUCD; Shopping center	Downtown Kendall Urban Center
WEST: DKUCD; Bank	Downtown Kendall Urban Center

The subject property is located at 6601 South Dixie Highway and is part of a shopping center located to the east and south. Another shopping center is located to the west, and the subject property abuts South Dixie Highway (US Hwy. #1) located to the north of the site.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plans 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:	**N/A**
Visibility/Visual Screening:	**N/A**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

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 33-314(B)(8) of the Zoning Code. Said Section indicates that the County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards relating to applications for development approval or modifications located within the Downtown Kendall Urban Center District.

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 comments**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

On December 2, 2008, the Community Zoning Appeals Board #12 (CZAB #12) approved with conditions this application by a vote of 6 to 0, pursuant to Resolution #CZAB12-22-08.*

On January 13, 2009 the appellant appealed the CZAB #12's decision to the Board of County Commissioners (BCC) citing that a Cross Parking Easement Agreement (Agreement), attached hereto as Exhibit A , which governs parking and traffic circulation within the entire site, prohibits the approval of this application without the consent of the appellant. Staff notes that the aforementioned Agreement is a "private" instrument between the applicant and the appellant and the County cannot enforce the terms of the Agreement. Staff further notes that said agreement is not reflected in the records of the Department of Planning and Zoning, nor is Miami-Dade County a party to same. Staff opines that the appellant's basis for appealing this application, as indicated above, is a private matter that should not involve the BCC since it is irrelevant to the zoning requests approved by the CZAB and, therefore, this appeal application should be denied without prejudice. Staff further opines that the proposed bank building is **compatible** with the existing uses in the area and is **consistent** with the LUP map's designation. As such, the CZAB #12's decision to approve this application is **consistent** with the CDMP and should be upheld. In the interest of public safety for the development, the Department has conditioned the approval of the application (condition #6) that the applicant file a Cross-Access Agreement or a Declaration of Restrictions in lieu of a Unity of Title to be submitted at time of building permit issuance. This agreement will be made part of our public records.

The 0.594-acre subject property is an out-parcel that is located at 6601 South Dixie Highway and is currently improved with a restaurant. The applicant is seeking approval to permit a bank setback 10' (75' required) from the front (north) property line abutting an "E" Street (US Hwy. #1) (request #1) and to waive the zoning regulations requiring a minimum 75% of the building frontage along the "B" Street (SW 67 Avenue); to permit a building frontage of 56'1" (114' required) (request #2). Additional requests are being sought to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line (request #3) and to permit surface parking setback 7'9" (30' required) along the "B" street (west) property line (request #4). The applicant (Colonial Bank) had requested that this application be analyzed only under Section 33-311(A)(4)(b) of the Zoning Code.

**On December 8, 2008, the Department posted the results of said hearing which indicated that the subject application was appealable to the Circuit Court within thirty (30) days of the Resolution's transmittal to the Clerk of the Board. Section 33-314(B)(8) of the Zoning Code indicates that the County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards relating to applications for development approval or modifications located within the Downtown Kendall Urban Center District. The appeal period for applications appealable to the Board of County Commissioners (BCC) is fifteen (15) days. On December 24, 2008, a second appeal notice was posted indicating that the matter was appealable to the BCC (in lieu of the Circuit Court) within 15 days. However, due to an incorrect posting date shown on the second appeal notice, a final correct appeal notice was posted on December 30, 2008.*

The applicant has submitted plans depicting a proposed bank with access provided through a two-way ingress/egress drive leading onto SW 67 Avenue. The proposed bank building has been designed with a central tower acting as a focal point at the intersection of SW 67 Avenue and South Dixie Highway. The applicant has provided buffering in the form of a landscape strip that features Wild Coffee shrubbery along with Live Oak and Mahogany trees to be planted at a spacing of 35' on center along the front and side street property lines. The subject property lies within the Downtown Kendall Urban Center District (DKUCD) zoning district and is surrounded by shopping centers and a bank to the west and abuts South Dixie Highway (US Hwy. #1) located to the north of the site. A multitude of varying intensities of commercial activity and retail establishments also characterizes this section of the corridor along the south side of South Dixie Highway.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application. Their memorandum indicates that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as stated in their memorandum for this application. The **Public Works Department** also has **no objections** to this application. The Department indicates in their memorandum that this property requires platting and road dedications and improvements will be accomplished through the recording of a plat. Their memorandum further indicates that this application will generate **67** additional PM daily peak hour **vehicle trips**, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "E". Additionally, the Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:06** minutes.

The subject property lies within the **Downtown Kendall Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate- to high-intensity, design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. These centers are designed to create an identity and a distinctive sense of place through unity of design and distinctive urban architectural character. Emphasis in design and development of these centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level and connectivity of places through creation of a system of pedestrian linkages. It should be noted that the subject site is currently improved with a stand-alone restaurant (Tony Roma's) that will be demolished in order to construct the proposed bank, which will serve the surrounding area. The days and hours of operation of the proposed bank will be less intensive to the area and will require less parking than the existing restaurant use. Staff notes that, although the existing structure was built in accordance with the prior BU zoning on the property, the 1999 rezoning to Downtown Kendall Urban Center (DKUC) zoning district requires the redevelopment of the subject site to comply with the new requirements as noted herein in requests #1 through #4 for the proposed structure on the property. Staff is of the opinion that the proposal has been designed with sensitivity to the adjacent commercial uses to the east, south and west of the subject property, and notes that required buffering is reflected on the plans to mitigate any negative impact. Additionally, the design of the proposed bank incorporates many aspects of urban design by including an articulated façade that is brought

closer to the street and providing the parking area at the rear of the building hidden from view of vehicles traveling on South Dixie Highway. Furthermore, as previously mentioned, the applicant has provided abundant landscaping along the front and side street property lines in the form of Live Oak and Mahogany trees, and Wild Coffee shrubbery, among others, in an effort to mitigate any visual impact resulting from the requested encroachment into the front setback area. As indicated above, the proposed commercial building on the subject site will maintain the basic intent and purpose of the aforementioned current DKUCD zoning, and the interpretative text of the CDMP. As such, staff is of the opinion that the proposed bank building is **compatible** with the existing commercial uses in the area and is **consistent** with the LUP map's designation.

When requests #1 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. Request #1, to permit a bank setback 10' (75' required) from the front (north) property line abutting an "E" Street (US Hwy. #1), would allow the applicant to redevelop the site with a new bank building. As previously mentioned, the design of the proposed bank building incorporates many aspects of urban design by including an articulated façade that is brought closer to the street and by providing the parking area at the rear of the building. The proposed bank building has been designed with a central tower acting as a focal point of the intersection at SW 67 Avenue and South Dixie Highway. Approval of request #2, to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (SW 67 Avenue); to permit a building frontage of 56'1" (114' required), will bring the development of the site closer to the urban design guidelines. Staff notes that the intent of the DKUC zoning regulations to require a minimum 75% of the building frontage along the "B" Street is that, in the future, other buildings with greater frontage will be constructed along this frontage until the 75% requirement is met. Therefore, in staff's opinion, approval to permit the building frontage of 56'1" where 114' is required will not affect the appearance of this "B" Street and will enhance the subject site by incorporating many aspects of urban design. Request #3, to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line, and request #4, to permit surface parking setback 7'9" (30' required) along the "B" street (west) property line, originate at the southwest corner of the subject site where abundant landscaping in the form of Live Oak and Mahogany trees, and Wild Coffee shrubbery, among others, already exist. Staff opines that approval of requests #3 and #4 will keep the basic intent of the existing sidewalk and landscape area which is to enhance the appearance of the site and continue a pedestrian connectivity along the same block face. As such, staff recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff is of the opinion that the application is **consistent** with the LUP map designation of the CDMP, that the applicant's proposed utilization of the site as illustrated on the submitted plans is **compatible** with the surrounding area, and that the appeal is not based on an erroneous decision made by the CZAB, but solely on a private matter. Accordingly, staff recommends denial without prejudice of the appeal and approval of requests #1 through #4 under Section 33-311(A)(4)(b) (NUV).

I. RECOMMENDATION:

Denial without prejudice of the appeal and approval with conditions of the application under Section 33-311(A)(4)(b) (NUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; 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 "Colonial Bank – Dadeland Branch," as prepared by Glen Hanks Consulting Engineers, Inc., Sheet Sp-1, dated stamped received 7/29/08 and Sheets "A-1.1" and "A-3.1", as prepared by Reynolds, Smith and Hills, Inc., dated stamped received 8/28/08 and the remaining 3 sheets entitled "Colonial Bank," as prepared by Landscape Architects Collaborative, dated stamped received 7/29/08, for a total of 6 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 final zoning inspection.

5. That the applicant apply for and obtain a Certificate of Use 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 a Cross-Access agreement or a Declaration of Restrictions in lieu of a Unity of Title, in recordable form, encumbering the subject property and the property abutting the subject property to the south and east, be submitted at the time of building permit issuance.

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

DATE INSPECTED: 09/26/08
DATE TYPED: 10/29/08
DATE REVISED: 10/30/08; 11/03/08; 11/17/08; 11/18/08; 11/21/08; 11/25/08; 12/02/08; 03/10/09; 03/19/09; 03/24/09; 03/31/09
DATE FINALIZED: 04/29/09
MCL:MTF:NN:JV

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: May 27, 2008

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

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

Subject: C-12 #Z2008000074
Colonial Bank, N.A.
6601 S. Dixie Highway
Request to Permit a Bank with Less Lot Frontage and Less Building and Parking Setbacks than Required
(DKUC) (0.59 Acres)
36-54-40

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

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

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

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

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

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

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

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

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

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

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

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

Tree Preservation
The subject property contains specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The landscape plan submitted with this application depicts specimen-size trees to remain; however, non-

specimen trees will be removed. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

Enforcement History
DERM has found the following enforcement record:

Romacorp, Inc. (GTO 116)
On September 26, 1996, a Uniform Civil Violation Notice (UCVN) #000673 was mailed to this facility for operating without the required permit, a violation of former Section 24-35.1 of the Code (now Section 24-18 of the Code). The case was subsequently closed on October 31, 1996 due to compliance, as the required permit was obtained.

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.

REVISION 1
PH# Z2008000074
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:COLONIAL BANK NA

This Department has no objections to this application.

Since this development abuts a State maintained road (US-1), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 67 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9243	SW 67 Ave. n/o SW 72 St.	E	E
F-127	US-1 s/o SW 57 Ave.	E	E
F-164	US-1 s/o SW 80 St.	E	E

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

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

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

RECEIVED
of.074
JAN 13 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

CHECKED BY RCC AMOUNT OF FEE 1,154.25

RECEIPT # I20092663 3

DATE HEARD: 12/02/08

BY CZAB # 12

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 08-12-CZ12-3 Z08-74

Filed in the name of (Applicant) Colonial Bank, N.A.

Name of Appellant, if other than applicant Dadeland North, Ltd.

Address/Location of APPELLANT'S property:

6605-61 South Dixie Highway, Miami, Florida. Dadeland North's Property adjoins and abuts Colonial Bank's property on two sides.

Application, or part of Application being Appealed (Explanation):

Entire Appealable Application

Appellant (name): Dadeland North, Ltd.
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

A Cross Parking Easement Agreement governs parking and traffic circulation within the Dadeland North Property and the Colonial Bank Property and, in the opinion of Dadeland North, prohibits the approval of Colonial Bank's Application without Dadeland North's consent (which has not been provided).

Furthermore, the Cross Parking Easement Agreement was an integral part of a previous County acceptance and acknowledgement of a Partial Release of Unity of Title ("Partial Release"), which separated the previously unified parcel of property into the Dadeland

North Property and the Colonial Bank Property. The Partial Release specifically states that the Cross Parking Easement Agreement was proffered to the County so as to permit the Tony Roma property (now the Colonial Bank Property) to be separated from the Unity of Title, and it was recorded sequentially after the Partial Release at the exact same time and day.

To the extent that the Cross Parking Easement Agreement was proffered to allow the Partial Release to be granted by the County, and to the extent that the Cross Parking Easement Agreement specifically requires that it "shall not be amended without prior written approval of the Office of the County Attorney of Dade County, Florida" any derogation in the Application or the approval of the Application from the requirements of the Cross Parking Easement Agreement directly implicates the County to the extent that the Cross Parking Easement Agreement has not been amended by Dadeland North and Colonial Bank with prior approval by the County Attorney.

Furthermore, we attach and incorporate our correspondence dated January 7, 2009 to this Application as Exhibit "A" for both its substance and for this Application to relate back to the letter's submission date.

APPELLANT MUST SIGN THIS PAGE

Date: 13th day of January, year: 2009

Signed _____

Philip Leitman
Print Name

1550 Madruga Ave Ste 230, Coral Gables, FL 33146
Mailing Address

305-667-6461 Phone 305-667-7186 Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate: Dadeland North, Ltd.
Representing

_____
Signature

Philip Leitman
Print Name

1550 Madruga Ave Ste 230
Address

Coral Gables FL 33146
City State Zip

305-667-6461
Telephone Number

Subscribed and Sworn to before me on the 13th day of January, year 2009

_____
Notary Public
(stamp/seal)
Commission expires:

LESLIE L. KROENLEIN
MY COMMISSION # DD 494755
EXPIRES: December 11, 2009
Bonded Thru Notary Public Underwriters

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA
COUNTY OF DADE

Before me the undersigned authority, personally appeared Philip Leitman, for Dadeland North Ltd (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)
__XXX__ 1. Participation at the hearing
_____ 2. Original Applicant
__XXX__ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Marvell Starnes
Signature
MARVELL STARNES
Print Name

Philip Leitman
Appellant's Signature
Philip Leitman
Print Name

James Zimmy, Jr
Signature
James Zimmy, Jr
Print Name

Sworn to and subscribed before me on the 13th day of January, year 2009
Appellant is personally know to me or has produced _____ as identification.

Leslie L Kroenlein
Notary
(Stamp/Seal)
Commission Expires:

LESLIE L. KROENLEIN
MY COMMISSION # DD 494755
EXPIRES: December 11, 2009
Bonded Thru Notary Public Underwriters

Posted: 12-08-08

COMMUNITY ZONING APPEALS BOARD 12

Hearing Date: DECEMBER 2, 2008

I **The Items listed below may be appealed to B.C.C.**
Appeal Deadline for PUBLIC: DECEMBER 22, 2008
Appeal Deadeline for Department: DECEMBER 26, 2008

08-12-CZ12-2	RAMON AND BARBARA CANSECO **Approved** **as per staff's recommendation without a covenant**	08-30 **CZAB122108**	23-54-40

II **Items listed below have been withdrawn or deferred to a later date:**

08-12-CZ12-5	DONALD & HAYDEH BRACKIN **Deferred Indefinitely** **with leave to amend**	08-115	36-54-40
08-12-CZ12-1	RONALD, RAMIRO, & MAGALI CHAVEZ **Deferred To Date Certain (01/06/09)** **with leave to amend**	07-344	03-55-40

EXHIBIT "A"

21

Posted: 12-08-08

COMMUNITY ZONING APPEALS BOARD 12

Hearing Date: DECEMBER 2, 2008

III The Items listed below may be appealed to Circuit Court

Appeals to Circuit Court must be made within thirty (30) days of the date the resolution is transmitted to the Clerk's Office

08-12-CZ12-4	JCMM HOLDINGS, LLC **Approved** **as per staff's recommendation**	08-82 **CZAB121908**	35-54-40
08-12-CZ12-7	JUAN GONZALEZ & CARMEN MENDOZA **Approved** **as per staff's recommendation**	08-124 **CZAB122008**	23-54-40
08-12-CZ12-3	COLONIAL BANK, N. A. **Approved** **with modified condition #2 and added condition #8, that the building be LEED certified; to withdraw without prejudice that the application be analyzed under Section 33-311(A)(4)(c) (ANUV) and to waive the refilling period.**	08-74 **CZAB122208**	36-54-40
08-12-CZ12-6	WRC PROPERTIES, INC. **Approved** **as per staff's recommendation and waiving the refilling period.**	08-116 **CZAB122308**	36-54-39

22

RESOLUTION NO. CZAB12-22-08

WHEREAS, **COLONIAL BANK, N.A.** applied for the following:

(1) Applicant is requesting to permit a bank setback 10' (75' required) from the front (north) property line abutting an "E" Street (US Hwy #1).

(2) Applicant is requesting to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (S.W. 67 Avenue); to permit a building frontage of 56'1" (114' required).

(3) Applicant is requesting to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line.

(4) Applicant is requesting to permit surface parking setback 7'9" (30' required) along the "B" street (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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 "Colonial Bank – Dadeland Branch," as prepared by Glen Hanks Consulting Engineers, Inc., Sheet SP-1, dated stamped received 7/29/08 and Sheets "A-1.1" and "A-3.1", as prepared by Reynolds, Smith and Hills, Inc., dated stamped received 8/28/08 and the remaining 3 sheets entitled "Colonial Bank," as prepared by Landscape Architects Collaborative, dated stamped received 7/29/08, for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW ¼ of Section 36, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the southwest corner of the NW ¼ of the SW ¼ of said Section 36 and run N89°31'30"E along the south line of the said NW ¼ of the SW ¼ of Section 36, for 40'; thence north along a line parallel with and 40' east of the west line of the NW ¼ of the SW ¼ of said Section 36 for 563.72' to the Point of beginning of the parcel of land hereinafter described: thence continue north along the last described course for 152.18' to a point on the SE/ly right-of-way line of U.S. Highway No. 1; (State Road No. 5); thence N49°52'45"E along said SE/ly right-of-way line of U.S. Highway No. 1 for 119.83'; thence S40°07'15"E at right angles to the last described course for 63.93'; thence S°00'45"E along a line parallel with and 156.5' west of the east line of the west ½ of the west ½ of the NW ¼ of the SW ¼ of said Section 36, for 180.17'; thence S89°51'10"W for 132.87' to the Point of beginning. LESS: The external area formed by a 25' radius curve at the northwest corner thereof, tangent to the east line of the west 40' of the NW ¼ of the SW ¼ of said Section 36 and tangent to the SE/ly right-of-way line of said U.S. Highway 1 (State Road No. 5) said radius curve being concave to the southeast.

LOCATION: 6601 South Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested a waiver of the refiling period, 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 requests to permit a bank setback 10' from the front (north) property line abutting an "E" Street (US Hwy #1) (Item #1), to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (S.W. 67 Avenue); to permit a building frontage of 56'1" (Item #2), to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line (Item #3), and to permit surface parking setback 7'9" along the "B" street (west) property line (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to waive the refiling period should be granted, and

WHEREAS, a motion to approve Items #1 through 4 as non-use variances, and grant the waiver of the refiling period was offered by Jose I. Valdes, seconded by Carla Savola, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	absent	Carla Savola	aye
Jorge Luis Garciga	aye	Jose I. Valdes	aye
Alberto Santana	aye	Angela Vazquez	aye

Elliot N. Zack aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requests to permit a bank setback 10' from the front

(north) property line abutting an "E" Street (US Hwy #1) (Item #1), to waive the zoning regulations requiring a minimum of 75% of the building frontage to be along the "B" Street (S.W. 67 Avenue); to permit a building frontage of 56'1" (Item #2), to permit the sidewalk to be 6' in width (8' required) along the "B" street (west) property line (Item #3), and to permit surface parking setback 7'9" along the "B" street (west) property line (Item #4) be and the same are hereby approved as non-use variances, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; 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 "Colonial Bank - Dadeland Branch," as prepared by Glen Hanks Consulting Engineers, Inc., Sheet Sp-1, dated stamped received 7/29/08 and Sheets "A-1.1" and "A-3.1", as prepared by Reynolds, Smith and Hills, Inc., dated stamped received 8/28/08 and the remaining 3 sheets entitled "Colonial Bank," as prepared by Landscape Architects Collaborative, dated stamped received 7/29/08, for a total of 6 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 final zoning inspection.

5. That the applicant apply for and obtain a Certificate of Use 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 a Cross-Access agreement or a Declaration of Restrictions in lieu of a Unity of Title, in recordable form, encumbering the subject property abutting the subject property to the south and east, be submitted to and meet with the approval of the Director of the Department of Planning and Zoning prior to any type of platting or the issuance of a building permit, whichever comes first.

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

8. That the Building be LEED certified.

BE IT FURTHER RESOLVED, that the requested waiver of the refiling period be and the same is hereby granted and the filing period is hereby waived.

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

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

PASSED AND ADOPTED this 2nd day of December, 2008.

Hearing No. 08-12-CZ12-3
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 16TH DAY OF DECEMBER, 2008.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-22-08 adopted by said Community Zoning Appeals Board at its meeting held on the 2nd day of December, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16th day of December, 2008.

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

SEAL

Posted: 12-08-08

Correction for #08-12-CZ12-3 Posted: 12-24-08

COMMUNITY ZONING APPEALS BOARD 12

Hearing Date: DECEMBER 2, 2008

I The Items listed below may be appealed to B.C.C.
Appeal Deadline for PUBLIC: DECEMBER 22, 2008
Appeal Deadeline for Department: DECEMBER 26, 2008

08-12-CZ12-2	RAMON AND BARBARA CANSECO **Approved** **as per staff's recommendation without a covenant**	08-30 **CZAB122108**	23-54-40
08-12-CZ12-3	COLONIAL BANK, N. A. **Approved** **with modified condition #2 and added condition #8, that the building be LEED certified; to withdraw without prejudice that the application be analyzed under Section 33-311(A)(4)(c) (ANUV) and to waive the refilling period.**	08-74 **CZAB122208**	36-54-40

II Items listed below have been withdrawn or deferred to a later date:

08-12-CZ12-5	DONALD & HAYDEH BRACKIN **Deferred Indefinitely** **with leave to amend**	08-115	36-54-40
08-12-CZ12-1	RONALD, RAMIRO, & MAGALI CHAVEZ **Deferred To Date Certain (01/08/09)** **with leave to amend**	07-344	03-55-40

EXHIBIT "C"

28

Posted: *12-08-08*

Correction for #08-12-CZ12-3 Posted: 12-24-08

COMMUNITY ZONING APPEALS BOARD 12

Hearing Date: DECEMBER 2, 2008

III The Items listed below may be appealed to Circuit Court
Appeals to Circuit Court must be made within thirty (30) days of the date the resolution is transmitted to the Clerk's Office

08-12-CZ12-4	JCMM HOLDINGS, LLC **Approved** **as per staff's recommendation**	08-82 **CZAB121908**	35-54-40
08-12-CZ12-7	JUAN GONZALEZ & CARMEN MENDOZA **Approved** **as per staff's recommendation**	08-124 **CZAB122008**	23-54-40
08-12-CZ12-6	WRC PROPERTIES, INC. **Approved** **as per staff's recommendation and waiving the refilling period.**	08-116 **CZAB122308**	36-54-39

Correction Posted: 12-30-08

Originally Posted: 12-08-08

COMMUNITY ZONING APPEALS BOARD 12

Hearing Date: DECEMBER 2, 2008

The Items listed below may be appealed to B.C.C.

* * * * *

08-12-CZ12-3	COLONIAL BANK, N. A. **Approved** **with modified condition #2 and added condition #8, that the building be LEED certified; to withdraw without prejudice that the application be analyzed under Section 33-311(A)(4)(c) (ANUV) and to waive the refilling period.**	08-74 **CZAB122208**	36-54-40

* * * * *

(Correction to reflect that any appeal of the above-listed Item is to the Board of County Commissioners rather than to the Circuit Court.)

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

January 13, 2009

JEFFREY BERCOW
200 S. BISCAYNE BLVD. #850
MIAMI , FL 33131

RE: COLONIAL BANK, N. A.
Appeal of Zoning Hearing for: 08-74

CZAB-12
36-54-40

Dear JEFFREY BERCOW :

This is to advise you that an appeal has been filed contesting the decision of the Community Zoning Appeals Board concerning the subject hearing.

When a date is set for the appeal hearing you will be notified by mail. The hearing will go before the Board of County Commissioners and will be held in the County Commission Chambers of the Stephen P. Clark Center located at 111 NW 1 Street, 2nd Floor. Included herein is a copy of the appeal for your reference.

If further information is desired, please contact the Zoning Hearings Section at (305) 375-2640.

Sincerely,

Ronald Connally

Ronald Connally, Development Supervisor
Zoning Hearings Section

*Attachment: Copy of the Appeal

APPEAL NOTIFICATION LETTER

Memorandum

Date: 12-MAY-08

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

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

Subject: Z2008000074

Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped April 23, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2008000074
located at 6601 SOUTH DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1798 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
4,440 Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.32 alarms-annually.
The estimated average travel time is: 6:06 minutes

Existing services:

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

Station 14 - South Miami - 5860 SW 70 Street
Rescue, ALS Engine, 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 based on plans date stamped April 23, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 11/04/08

TEAM METRO

ENFORCEMENT HISTORY

COLONIAL BANK, N. A.	6601 SOUTH DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2008000074

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open cases. No prior or current violations.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Colonial Bank, N.A.

NAME AND ADDRESS	Percentage of Stock
Publicly traded on NYSE under the symbol CNB*	

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

TRUST/ESTATE NAME: N/A

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percent of Ownership

RECEIVED
208074
APR 23 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & 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: N/A

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

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

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

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

Signature: _____
(Applicant) –

Sworn to and subscribed before me this day of 22ND, APRIL 2008 Affiant is personally known to me or has produced _____ as identification.

Cristina D. Gonzalez
(Notary Public)

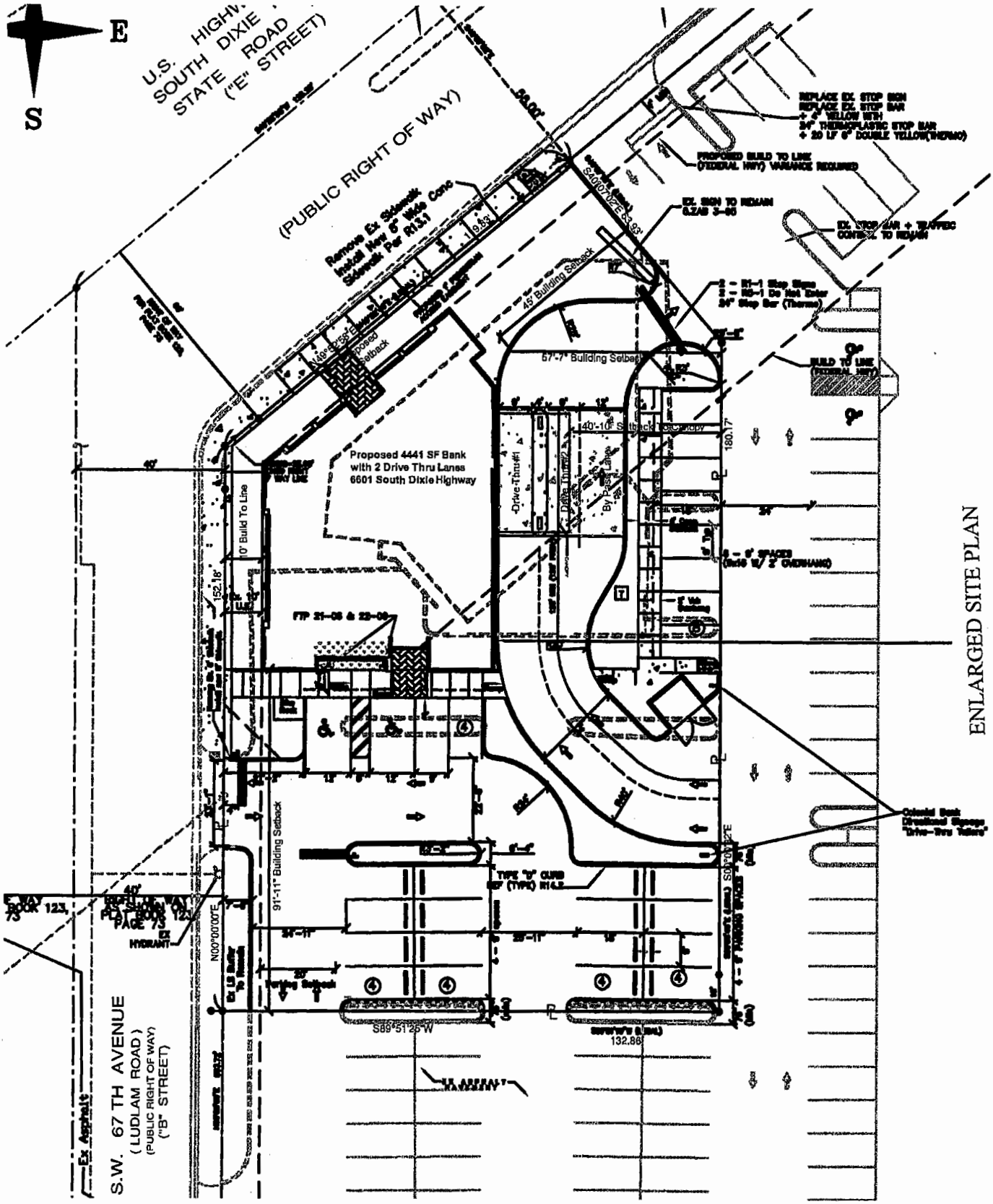
NOTARY PUBLIC-STATE OF FLORIDA
Cristina D. Gonzalez
Commission # DD514108
Expires: MAR. 23, 2010
Bonded Thru Atlantic Bonding Co., Inc.

My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other 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 percent (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.

RECEIVED
2080781
MAY - 5 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

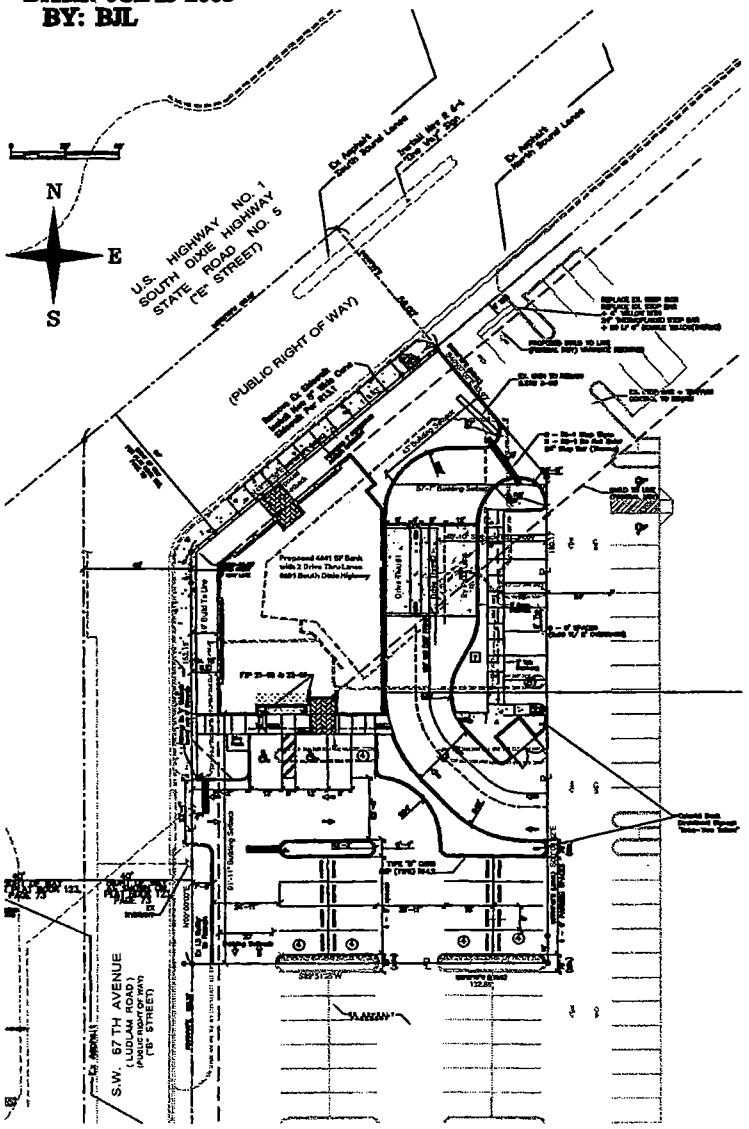
35


E
S
U.S. HIGHW
SOUTH DIXIE
STATE ROAD
("E" STREET)
(PUBLIC RIGHT OF WAY)
Remove Ex Sidewalk
Install New 6" Wide Conc
Sidewalk Per R13.1
Proposed 4441 SF Bank
with 2 Drive Thru Lanes
6601 South Dixie Highway
45' Building Setback
57'-7" Building Setback
40'-10" Setback To Canopy
Drive-Thru #1
Drive Thru #2
By Pass Lane
10' Build To Line
91'-11" Building Setback
S.W. 67 TH AVENUE
(LUDLAM ROAD)
(PUBLIC RIGHT OF WAY)
("B" STREET)
Ex Asphalt
S89°51'25"W
132.86'
180.17'
152.18'
N00°00'00"E
S00°00'32"E
ENLARGED SITE PLAN

37

RECEIVED

MIAMI-DADE COUNTY
PROCESS #: Z08-074
DATE: JUL 29 2008
BY: BJL



Site Plan Data

Legal Description

A portion of the Southwest ¼ of Section 39, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of the Northwest ¼ of the Southwest ¼ of said Section 36 and run North 89°31'30" East along the South line of the said Northwest ¼ of the Southwest ¼ of Section 36, for 40.00 feet; thence North along a line parallel with and 40.00 feet East of the West line of the Northwest ¼ of the Southwest ¼ of said Section 36 for 563.72 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North along the last described course for 152.18 feet to a point on the Southeasterly Right-of-Way line of U.S. Highway No. 1; (State Road No. 5), thence North 49°52'45" East along said Southeasterly Right-of-Way line of U.S. Highway No. 1 for 118.83 feet; thence South 40°07'15" East at right angles to the last described course for 83.93 feet; thence South 0°00'45" East along a line parallel with and 158.50 feet West of the East line of the West ¼ of the West ¼ of the Northwest ¼ of the Southwest ¼ of said Section 36, for 160.17 feet; thence South 89°51'10" West for 132.87 feet to the Point of Beginning, lying and being in Miami-Dade County, Florida.

Zoning - DXUC (Downtown Kendall Urban Center Edge Sub-District

Total net land -	26,837 SF	0.594 acres
Gross Building lot Coverage (Bank w/ 2 Drive Thru Lanes) -	4,636 SF	16.1%
Parking Area	4,758 SF	
Walks	1,197 SF	
Drives	9,840 SF	
Total Impervious	20,504 SF	75.6%
Total Landscaped Area	6,283 SF	20.4%

District Regulations

Parking	Required	Provided
4,441 SF Bank @ 1/250 SF	18 sp	28 sp
Disabled spaces	1 space	2 sp
B Street Regulations		
Setback (Build to)	10 ft	10 ft
Building Height	2 story (min)	2 story* (14'6" ft)
Interior Side Setback	8'4" min	91'11"
Min. Bldg. Frontage	75%	35% (variance requested)
Parking Setback	20'	7'1" (variance requested)
E Street Regulations		
Setback (Build to)	75 ft	10 ft (variance requested)
Building Height	Per B street requirements above	
Sidar rear Setback	20' min	40' 10" to canopy 61' to building
Min. Bldg. Frontage	50%	67%
Parking Setback	5' per 33-127	60'

* District regulations classify single story buildings with greater than 14 ft height as 2 story.

Proposed Address: 6601 South Dixie Highway Miami-Dade County

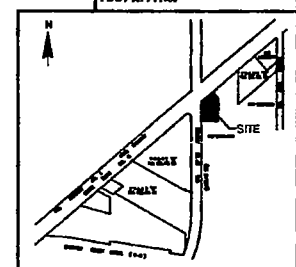
NOTICE:
In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County, Section 553.79(10), Florida Statutes, effective 7/10/97.

Parking: Open parking lots, parking for non-enclosed areas under or within building, will be lighted as required by Chapter "B-C" of Miami-Dade County Code.

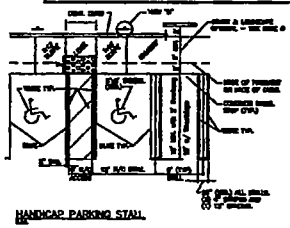
Landscaping: All landscaping areas will have a sprinkler system.

ACCESS VIA ADJACENT PARCEL IS GRANTED BY EASEMENT
ORB 12019 PG. 2032
EXISTING 4441 SF RESTAURANT TO BE DEMOLISHED.

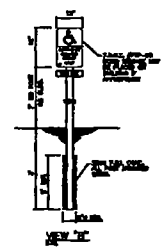
FDOT APP. No.



LOCATION SKETCH
SCALE: N.T.S.
S 36 T 54S R 40E



HANDICAP PARKING STALL



HANDICAP PARKING, STALLS AND DETAILS

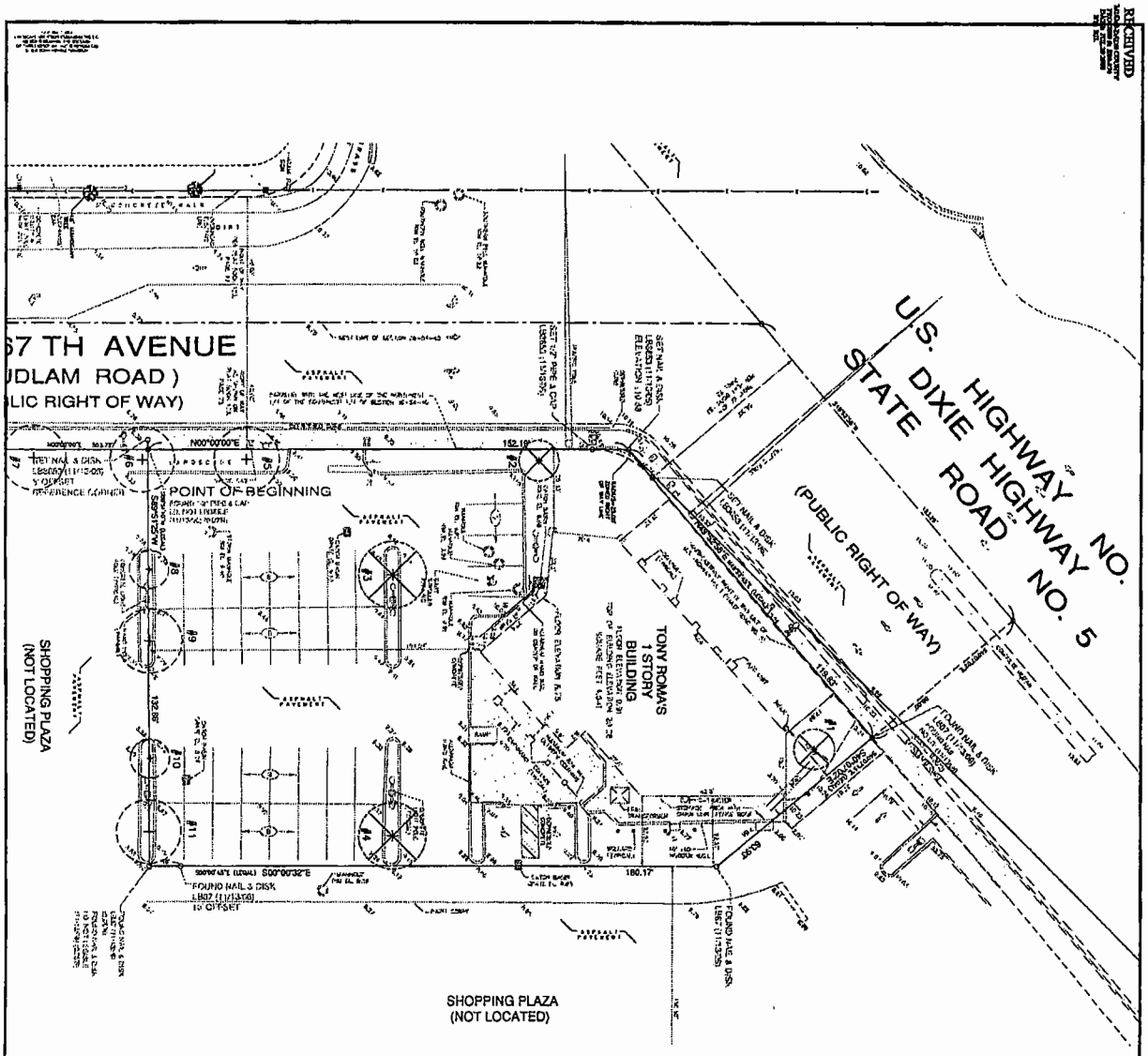
GLEN HANKS consulting engineers, inc.
7522 wilson rd., ste 203-B
coral springs, fl 33067
phone:954-752-8860
fax:954-752-8869
EB#26034

4/22/08 County Review
7/28/08 County Resubmittal
RELEASE INFO

REVISIONS

Colonial Bank - Dadeland Branch
6601 South Dixie Highway
Site Plan

Sheet No:
SP-1



GRAPHIC KEY

EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE RELOCATED

EXISTING TREE TO REMAIN

TREE RELOCATION NOTES:

TREE PROTECTION FOR RELOCATED TREES

TREE PROTECTION FOR EXISTING TREES TO REMAIN

EXISTING TREE INVENTORY LIST

NUMBER	DIAMETER (D.B.H. IN INCHES)	BOTANICAL NAME	COMMON NAME	APPROXIMATE HEIGHT IN FEET	APPROXIMATE CANOPY DIAMETER IN FEET	CONDITION (Poor, Fair, Good)	PLAN ACTION
1	9	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
2	11	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
3	11	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
4	9	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
5	10	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
6	13	Bursera simaruba	TRIDENT SWEETGUM	25	15	GOOD	REMOVE
7	20	Swietenia mahagoni	MAHOGANY	30	20	GOOD	REMOVE
8	16	Swietenia mahagoni	MAHOGANY	30	20	GOOD	REMOVE
9	10	Swietenia mahagoni	MAHOGANY	30	20	GOOD	REMOVE
10	8	Swietenia mahagoni	MAHOGANY	30	20	GOOD	REMOVE
11	8	Swietenia mahagoni	MAHOGANY	30	20	GOOD	REMOVE
12	8+8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
13	8+8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
14	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
15	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
16	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
17	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
18	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
19	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
20	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
21	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
22	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
23	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
24	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
25	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
26	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
27	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
28	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
29	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
30	8+8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
31	8	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE
32	13	Bursera simaruba	BLACK OLIVE	30	20	GOOD	REMOVE

NOTE: SEE SHEET TS-2 OF 2 FOR ADDITIONAL TREE INVENTORY LIST

NORTH

TREE INVENTORY PLAN:

PROJECT: COLONIAL BANK

ADDRESS: 6601 SOUTH DIXIE HIGHWAY, MIAMI, FLORIDA

REVISIONS:	NO	DATE:	DESCRIPTION:
	1.	7-10-08	REVISED TO PBZ COMMENTS OF 5-12-08
	2.	7-25-08	REVISED PER CITY COMMENTS OF 6-30-08
	3.		
	4.		
	5.		
	6.		

SEAL:

DRAWN BY:	SCALE:
T.A.	1" =16'
CHECKED BY:	DATE:
T.A.	04-16-08
SUBMITTED BY:	

LANDSCAPE ARCHITECT'S COLLABORATIVE
4340 W. Broward Boulevard
Plantation, Florida 33317
P (954) 727-1228 F (954) 727-1171

PROJECT NO. 28-008

SHEET: TS-1 of 1

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
JUL 29 2008
BY

RECEIVED
JUL 29 2008

38

RECEIVED
JUL 29 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

39

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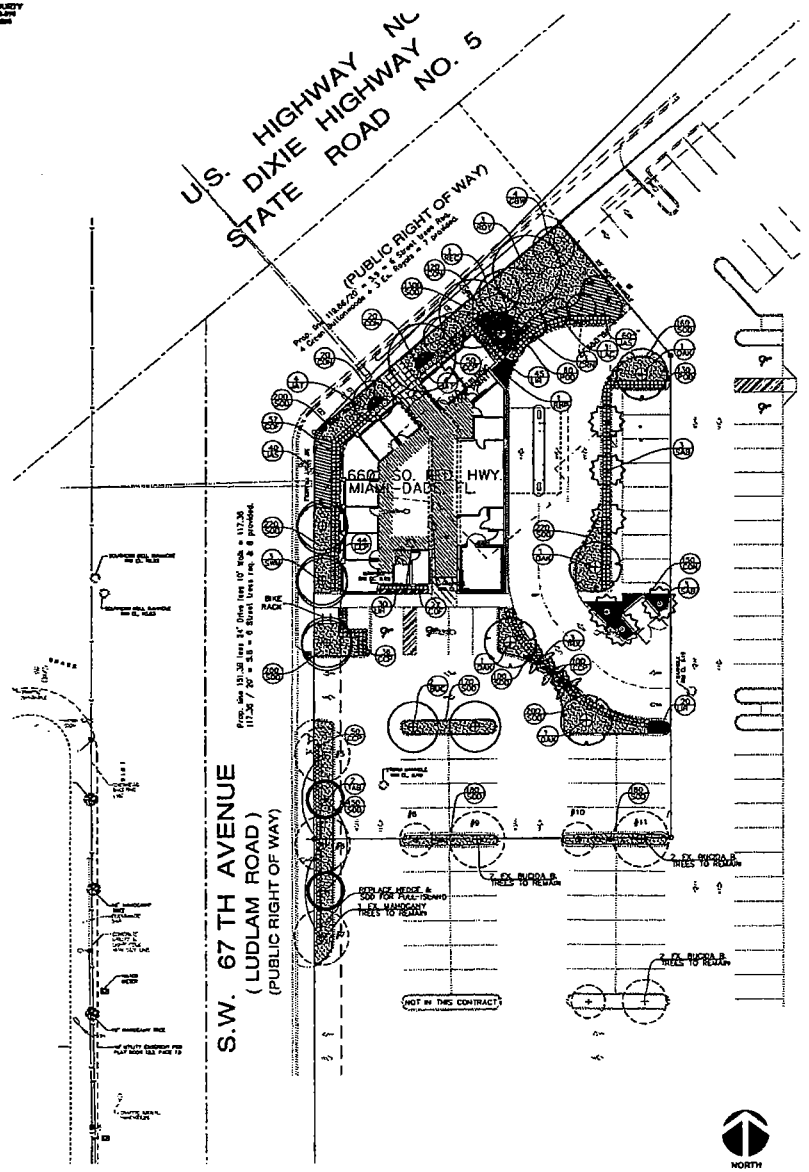


BY:

PROJECT:

Miami, Dade County, Florida

ZONING: B.N.I.C.
Downtown Kendall Urban Center NET LOT AREA: 8.594 Acres 25,887 s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. 10 s.f. Open space required by Chapter 33, as indicated on Site Plan Net lot area = 25,887 s.f. x 18 % = 4,659.66 s.f.	4,659 s.f.	7,855 s.f.
B. Square feet of pervious lot open space required by Chapter 18A, as per Site Plan Total # of parking spaces 19 x 10 s.f. per parking space = 190 s.f.	190 s.f.	320 s.f.
C. Total S.F. open space required by Chapter 33 (A) + (B) =	4,849 s.f.	8,175 s.f.

LAWN AREA CALCULATION (B-1 Commercial Property)	REQUIRED	PROVIDED
A. Total s.f. open space required by Chapter 33 8 - 9 = 4,849 s.f.	4,849 s.f.	5,692 s.f.
B. Perimeter lawn area (area between property line and building) for new trees 21' Lawn area x 264 open space = 5,544 s.f. - 3,847 s.f.	1,697 s.f.	2,858 s.f.

TREES	REQUIRED	PROVIDED
A. Number of Trees required per Net Lot Area by Chapter 18A Net lot acres = 27,007 s.f. = 25 acres x 22 =13 Trees	13 Trees	23 Trees + 13 Palms
B. Percentage of Palms allowed = Number of Trees/2 x 30% Number of Trees 23 /2= 35.5 = 6 Palms	4 Palms	12 Palms
C. Percentage of Medium Size and = Number of Trees x 30% Number of Trees 13 x 30% = 4 Medium	4 Medium	7 Medium Trees + 12 Medium Palms
Percentage of Flowering Size trees = Number of Trees x 20% Number of Trees 13 x 20% = 3 Flowering	3 Flowering	3 Flowering
D. Street Trees required (along 67 St.) Total Linear feet along right-of-way = 264'	7 Str. Trees	7 Str. Trees
E. Tot. Street trees required between sidewalk and curb (Street Median spacing of 25' o.c.) Total linear feet along right-of-way = 30.17'/25'	N/A	N/A

TOTAL TREES REQUIRED: 20 Trees
TOTAL TREES PROVIDED: 23 Trees + 13 Palms (includes existing trees to remain)

SHRUBS	REQUIRED	PROVIDED
A. Number of Trees multiplied X 10 = Required Min. Number of Shrubs Number of Trees 13 x 10 = 130	130 Shrubs	311 Shrubs
B. Number of Shrubs required X 30% = Required Min. Number of Native Shrubs Number of Shrubs 311 x 30% = 97	97 Natives	364 Natives

PLANT MATERIAL LIST

BOC	Bucida buceras Black Olive	16' ht.x 10' Spr., 6" CT, 8" cal DBH	2	Rev.#1 7-10-08 Increase Size
CCP	Chrysobalanus icaco "Red Tip" Red Tip Cocoplum	30" Ht X 24" Spr. 24" O.C. sp.	235	
COF	Psychotria nervosa Wild Coffee	24" Ht X 18" Spr. 20" O.C. sp.	80	
COM	Zamia furfuracea Coontie	12" ht x 12" spr 1 gals. @ 12" OC Spacing	310	
CRH	Crinum americanum String Lily	36" ht x 36" spr 10 gal., Mature Bhgs	3	
CSW	Conocarpus erectus Green Buttonwood	12' ht.x 10' Spr., 3" CT, 5" cal DBH	4	Rev.#1 7-10-08 Increase Size
JAS	Jasminum volubile Wavy Jasmine	18" Ht X 18" Spr. 24" O.C. spacing	100	
JAT	Jatropha integerrima 'Compacta' Jatropha	42" Ht X 36" Spr. 10 Gal., Well branched, full	6	
LAG	Lagerstroemia indica "Petonic Pink" Pink Crape Myrtle	10' OA ht x 6' spr, matching, B&B, multi-stems	3	Rev.#1 7-10-08 Flowering Tree
LIR	Liriope muscari 'Evergreen Giant' Giant Liriope	1 Gal., full to pot 12" OC spacing	95	
OAK	Quercus virginiana Live Oak	15' Ht.x 10' Spr., 6" CT, 8" cal DBH	4	Rev.#1 7-10-08 Increase Size
POD	Podocarpus macrophyllus 'Maki' Weld Podocarpus	36" ht. x 20" Spr. @ 20" OC Full, Well formed shape	120	
REC	Phoenix reclinata Senegal Date Palm	20' OA ht, specimen Min. 8 trunk, symetrical	1	
RHA	Rhaphis excelsa Lady Palm	5' OA ht x 4' spr min 20' stems, Fla. Fancy	1	
ROY	Roystonea elata Florida Royal Palm	min. 12' GW, full heads 20' OA ht., matching	3	
SAB	Sabal palmetto Cabbage Palm	20' OA ht., 18"CT, Bended, Matched Palms	8	
SWM	Swietenia mahagoni Mahogany	16' Ht.x 10' Spr., 6" CT, 8" cal DBH	3	Rev.#1 7-10-08 Increase Size
TAB	Tabebuia caraiba Silver Trumpet	15' Ht.x 10' Spr., 6" CT, 8" cal DBH	2	Rev.#1 7-10-08 Flowering tree
THX	Thrinax radiata Florida Thatch Palm	8' O.A. ht., matched palms Full head	3	
SOD	Stenotaphrum secundatum "Floritam" St. Augustine Grass	Solid sod tight joints, weed free	as needed	
SOIL	Planting Soil as required per Details and Specifications	70 / 30 Mix of Pulverized Mulch and Sand	per details	
MULCH	All areas not covered by Sod shall be Mulched in 3" continuous layer.	Eco-Cypress Mulch / available source 561-499-8148 www.mulchspecialtions.com	per details	

*PLANS TAKE PRECEDENCE OVER PLANT LIST

Site Plan Data

Legal Description

A portion of the Southwest ¼ of Section 36, Township 54 South, Range 40 East, being more particularly described as Follow:

Commence at the Southwest corner of the Northwest ¼ of the Southwest ¼ of said Section 36 and run North 89°37'26" East along the South line of the said Northwest ¼ of the Southwest ¼ of Section 36, for 660 Feet; Thence North along a line parallel with and 660 Feet East of the West line of the Northwest ¼ of the Southwest ¼ of said Section 36 for 362.72 Feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North along the last described course for 264.34 Feet to a point on the Southeasterly Right-of-Way line of U.S. Highway No. 1 (Dixie Road No. 5), thence North 47°36'47" East along said Southeasterly Right-of-Way line of U.S. Highway No. 1 For 119.83 Feet; thence South 42°23'13" East at right angles to the last described course for 63.83 Feet; thence South 0°49'49" East along a line parallel with and 104.28 Feet West of the East line of the West ½ of the West ½ of the Northwest ¼ of the Southwest ¼ of said Section 36, For 134.17 Feet; thence South 89°37'26" West For 132.87 Feet to the Point of Beginning, lying and being in Miami-Dade County, Florida.

Zoning - BNIC Downtown Kendall Urban Center
Edge Sub-district

Total net land -	25,887 SF	0.594 acres
Gross Building lot Coverage -	4,659 SF	18%
Parking Area	4,758 SF	
Walks	2,737 SF	
Drives	6,864 SF	
Total Impervious	18,799 SF	80%
Total Landscaped Area	5,092 SF	20%

District Regulations

Parking	Required	Provided
5,600 SF Bank @ 1/250 SF	18 sp	29 sp
Residential Apartments	1 space	2 sp

B Street Regulations

Setback (Build to) required feet	15 Ft	15 Ft
Building Height	2 story (max) 3 story CU 10	
Interior Side Setback	5'0" ea	10 Ft
Min. Bldg. Frontage required feet	75%	33% frontage
Parking Setback from build to the 25' required feet		0 Insurance
		7 Ft to right of way line

C Street Regulations

Setback (Build to) required feet	75 Ft	10 Ft frontage
Building Height	For 3 street requirements above	
Side/ Rear Setback	0'0" ea	40 Ft to canopy
		60 Ft to building
Min. Bldg. Frontage	25%	38% facing 2 streets
Parking Setback	7' per 23-127	80 Ft.

B District regulations classify single story buildings with greater than 14 Ft height as 2 story.
Proposed Address: 6600 South Federal Highway
Miami-Dade County

- Site to be filled to County flood criteria elevation N.G.V.D. or an elevation no less than the highest approved crown elevation of the road abutting the property.
- Area adjacent to lake or canal to be graded so as to prevent direct overland discharge of stormwater into lake or canal.
- Lot will be graded so as to prevent direct overland discharge of stormwater onto adjacent property. Applicant will provide certification prior to final inspection.
- ANY APPLICABLE REGULATIONS

NOTE:
In addition to the requirements of the permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this County. Section 553.79(10), Florida Statutes, effective 7/1/97.

Geological:
Must comply with Section 19-131 of the Miami-Dade County Code, regarding notice of rock mining, blasting where blasting is permitted, prior to starting construction.

Parking:
Open parking lots, parking for nonenclosed areas under or within building, will be lighted as required by Chapter 18-A of Miami-Dade County Code.

Landscaping:
All landscaping areas will have a sprinkler system.

Sign:
No signs deleted from this plan and require separate plans, applications and permits.

LANDSCAPE ARCHITECTS COLLABORATIVE
428 S. Dixie Highway
Coral Gables, Florida 33146
P (954) 327-1913 F (954) 327-1171
Jay Jay Swanson
Tomas A. Lemkuhl
Landscape Architect

SEAL:

REVISIONS:

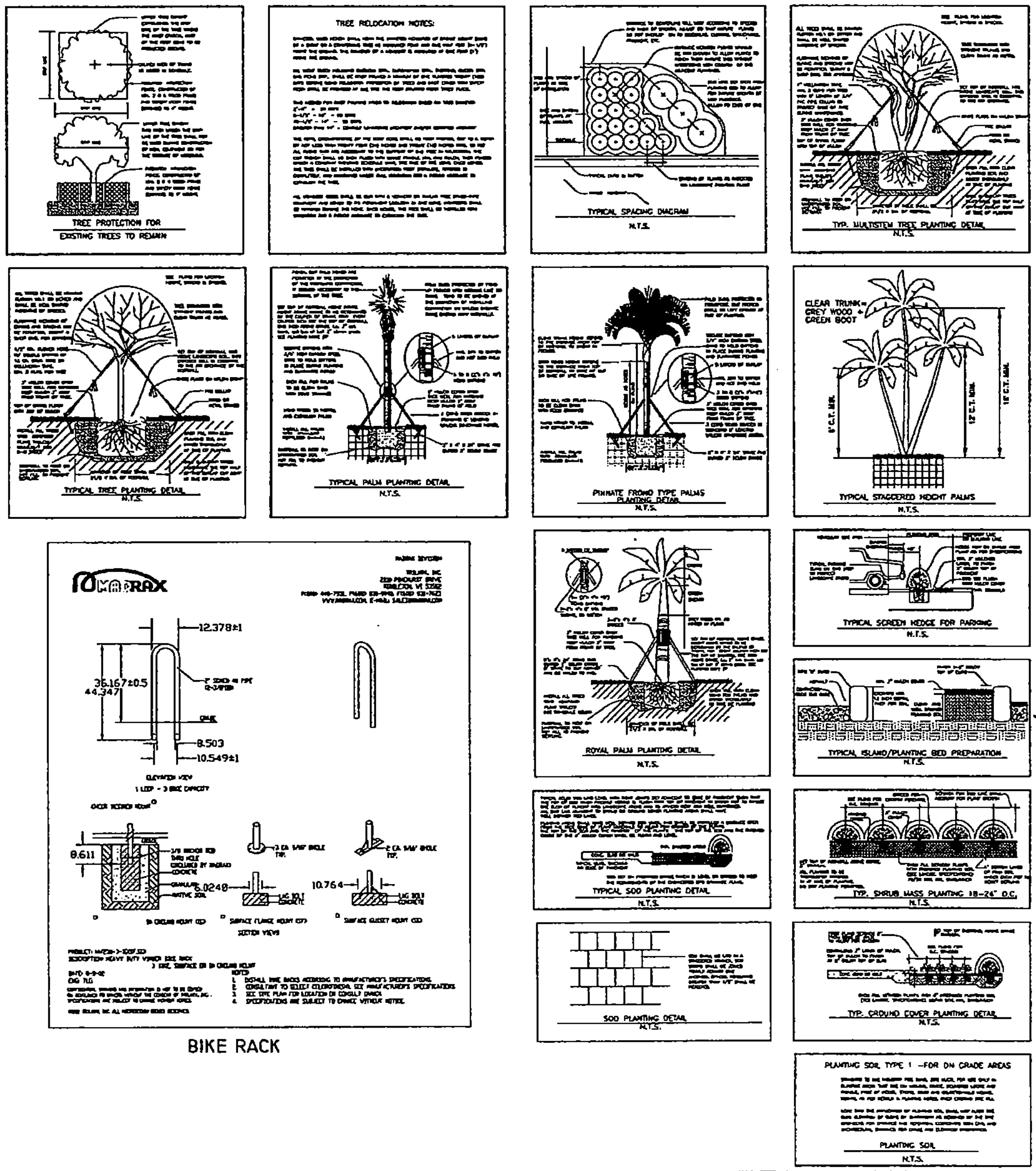
NO	DATE:	DESCRIPTION:
1.	7-10-08	REVISED TO REFLECTS OF 5-12-08
2.	7-23-08	REVISED PER SITE COMMENTS OF 6-30-08
3.		
4.		
5.		
6.		

LANDSCAPE PLAN:
PROJECT: COLONIAL BANK
ADDRESS: 6600 SOUTH DIXIE HIGHWAY, MIAMI, FLORIDA

PROJECT NO.
28-008

SHEET:
LP-1 of 2

RECEIVED
JUL 29 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



P L A N T I N G N O T E S:

1. All sizes [illegible] are considered as minimums. All plant material must meet or exceed these minimum requirements for both height and spread. Any other requirements for specific shape or effect as noted on the plan will also be required for final acceptance.

2. All plant material furnished by the Landscape Contractor shall be Florida No.1 or better, unless otherwise specified, and shall be installed as specified in the most current edition of Grades and Standards for Nursery Plants, Part I by the Florida Department of Agriculture, Consumer Services Division, State Plant Board of Florida.

3. Landscape Design and Installation shall conform to xeriscape landscape principles as included in the South Florida Water Management District's xeriscape Principle Guide II, updated version. Xeriscape requirements apply to all materials required by code. Additional plantings over and above code are provided to develop a higher aesthetic than code requires, and are not bound by these minimum standards.

4. In addition to these requirements all local landscape codes and requirements shall be met as a part of this base bid and contract in order to satisfy the review and approval of the governing municipality.

5. Quantities for landscape materials as noted on plans supersede any quantities as listed in summary tables or lists.

6. All landscaping scheduled to occur in vehicular use areas shall be protected from vehicular encroachment by curbing or other durable barriers.

7. All planting holes shall be a minimum of 2½ times greater than the diameter of the plant ball or a minimum of 12" of soil on all sides of the plant ball, whichever is greater. All planting holes shall be excavated to remove all objectionable materials, such as asphalt, sub-base, concrete, rock, caustic materials with an excessive soil Ph, or similar materials not suited for landscape planting. Planting hole(s) shall be dug to a depth that is 10% the height of the root ball, with the installed root ball resting on undisturbed soil. Top of root ball to be 10% above final grade. For small caliper trees of 4" or less, plant the root ball above grade 1" for every 1" caliper, (i.e. If you have a 3" caliper tree plant the rootball 3" above grade. For all shrubs and ground cover plant the rootball minimum 2" above grade.

8. All plant material shall be planted in planting soil that is delivered to the site in a clean, loose and friable condition. All soil shall have well drained characteristics. Soil must be free of all rocks, sticks, objectionable debris including weeds and weed seed. Minimum soil depth requirements may vary with each municipality. See details and local codes for clarification.

9. All plant materials shall be thoroughly watered in at the time of planting. No dry planting shall be permitted.

10. Local codes require specific formulas for the use of native plants, as well as calculations for required number of code size trees by type and caliper inch. See code calculation tables provided with plan drawings.

11. Plans and new plantings shall be required to provide for safe sight lines at all access and egress points from the site, as well as intersections. All emergency equipment such as fire hydrants shall be maintained as visible and accessible, free of obstruction by new plantings. Trees require setbacks from lighting poles and fixtures. The contractor is required to field adjust the location of plant materials to meet these standards as work in contract.

12. Fertilizer shall be applied directly to the surface of the plant bed immediately after installation and prior to mulching.
Turf Areas - Sunniland Fertilizer 16-4-8, applied per mfg. recommendation noted on the bag.
Shrub Areas - Atlantic Fertilizer 12-6-8 plus Minors, applied per mfg. recommendation noted on the bag.
Canopy Trees - Atlantic Fertilizer 12-6-8 plus Minors, applied per mfg. recommendation noted on the bag.
Palm Trees - Atlantic Fertilizer Palm Mix 8-4-12 plus Minors, applied per mfg. recommendation noted on the bag.

13. All landscape areas not covered by shrubs or ground cover shall be planted with sod, and conversely all areas not covered by sod shall be covered with mulch to a minimum depth of (3) three inches of cover when settled. Mulch shall be kept 3" away from the face of the trunk (tree or palm). Eco-Cypress mulch or Eco-Melaleuca mulch shall be used; see natural mulch products at www.mulchingsolutions.com for product information or call 561-499-6146.

14. Sod shall be (as noted) solid sod, and shall be laid on a smooth planting base which has been graded to meet the drainage characteristics of the site. All sod shall be laid with closely fitted joints, and shall be in a green and healthy growing condition at planting. Sod shall be free of disease, debris, sticks, rocks and weeds. Variety as specified in plans. Where sod is abutting shrub and/or ground cover beds, the sod line shall be cut in a clean smooth line (radial or straight) free of any jagged or crooked edges.

15. All landscape areas shall be finished graded such that they are flush and level with the surrounding paved surfaces as not to impede the flow of drainage into landscape areas and to prevent the back wash of mulch and debris onto paved areas.

16. All new landscaped areas shall be excavated of all road rock, existing site fill down to a depth of 12" minimum from top of curb. SEE DETAIL THIS SHEET FOR SPECIFICS.

17. All landscape areas shall be irrigated by a fully automatic system adjusted to provide 100% coverage of all landscape areas. All heads shall be adjusted to minimum 100% overlap.

18. The irrigation system shall be equipped with a rain sensor shutoff device, hard wired to over ride the time clock, controller or pump station in the event of rain or equally wet conditions. This requirement conforms to the County and SFWMD ordinance.

19. Any existing trees on site shall be protected from damage including the root zones during construction. Any and all trees/palms to be removed or relocated shall require proper permitting and documentation of size, species, condition and proposed action as well as established values for mitigation in the case of removals. Trees to be relocated shall be free of any hazardous defects and/or characteristics including but not limited to: Girdling roots, codominant leaders with bark inclusions, active trunk decay, stub cuts, open trunk wounds and broken leader(s). All permitting and review processes must be complete prior to work being done. Any relocation's shall be root pruned in advance except for palm species.

20. All selective trimming of existing or relocated trees on site, shall be done applying the standards of the American National Standards Institute, ANSI 300, 2001.

21. All new trees and relocated trees shall be guyed and braced applying the Standards of the National Arborist Association Guide Lines 1988 edition or most current.

22. All trees and palms shall be setback from roadways, walks and utility clear zones as required to conform to safety standards of the local municipality, FDOT and/or the utility companies, whether the plans show dimensions or not. These standards shall supersede all plan documents and are included in the work required by the contractor to complete the project.

23. Any substitutions to plant materials for areas and items addressed on the plans shall be approved by the governing municipality prior to work performed.

24. Landscape materials shall be maintained during construction as part of this base contract and any materials that die or decline below grades and standards shall be replaced immediately and prior to final acceptance.

25. All landscape materials are guaranteed for full replacement including the material and labor for a period of one year from the time of final acceptance. This applies to any materials which are dead or declined beyond grades and standards. The guarantee is void only in cases of 75 mph hurricane force winds at the site and/or freeze below 35 degrees when established by the weather bureau as effecting the project location.

26. Medium and large maturing palms shall be planted at least 3' (feet) from all hardscapes and at least their typical frond length from a building or light pole.

27. Medium and large maturing trees shall be planted at least 5' (feet) from all hardscapes (e.g. sidewalks, driveways, pavers, curbs, etc.) They shall be planted a minimum of 10' (feet) from a building or light pole.

LANDSCAPE ARCHITECTS COLLABORATIVE
4310 W. Broward Boulevard, Plantation, Florida 33317
P (954) 327-1853 F (954) 327-1171

Drawn by: T.JL	Scale: N.T.S.
Approved by: T.JL	Date: 04-16-08

SEAL:

REVISIONS:

NO.	DATE:	DESCRIPTION:
1.	7-10-08	REVISED TO PBZ COMMENTS OF 5-12-08
2.	7-25-08	REVISED PER CITY COMMENTS OF 6-30-08
3.		
4.		
5.		
6.		

LANDSCAPE NOTES & DETAILS:

PROJECT: COLONIAL BANK

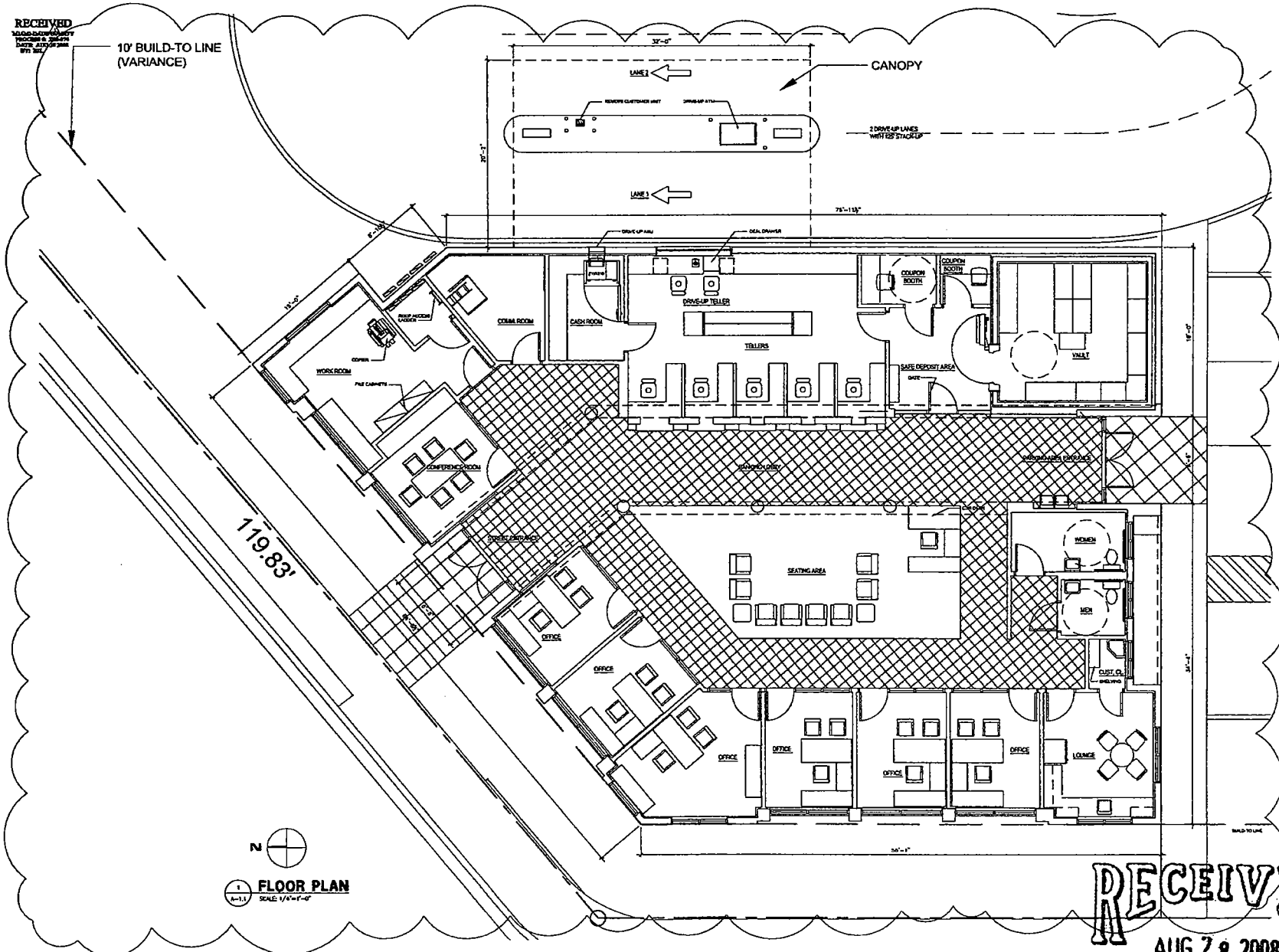
ADDRESS: 6501 SOUTH DIXIE HIGHWAY, MIAMI, FLORIDA

PROJECT NO. 28-008

SHEET: LP-2 of 2

40

RECEIVED
10-08-08 09:00 AM
ROOM 2, 2nd FLR
DATE: 10/7/08
BY: MC



1 FLOOR PLAN
SCALE: 1/4"=1'-0"

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AUG 28 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

RS&H
Architectural, Engineering, Planning and Environmental Services

Reynolds, Smith and Hills, Inc.
3125 W. COMMERCIAL BLVD.
Fort Lauderdale, Florida 33309
954-474-3008 FAX 954-474-3006
www.rsandh.com
FL Certificate: AAC001886 - EB0006820 - LC0000219

COLONIAL BANK

1680 Sawgrass Corporate Pkwy
Sunrise, FL 33323

DADELAND BRANCH

6801 SOUTH DIXIE HIGHWAY
MIAMI, FL 33143

REVISIONS

NO.	DESCRIPTION	DATE
1	P&Z Comment Response	8/15/08

DATE ISSUED: 4-22-08
REVIEWED BY: RES
DRAWN BY: DIG
DESIGNED BY: DIG
AEP PROJECT NUMBER

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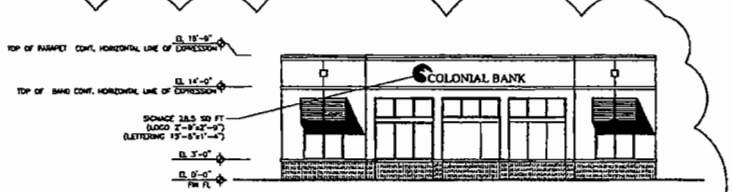
SHEET TITLE
FLOOR PLAN

A-1.1
OF

RECEIVED
MIAMI-DADE COUNTY
PLANNING & ZONING
DATE ACCEPTED
STE. SEC.

North Face Alone

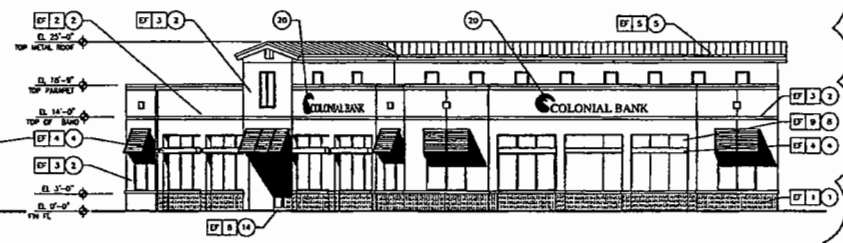
NORTH FRONTAGE GLASS AREA: 397 SF / NORTH FRONTAGE BLDG AREA: 1282 SF = 31.45% GLASS



West Face Alone

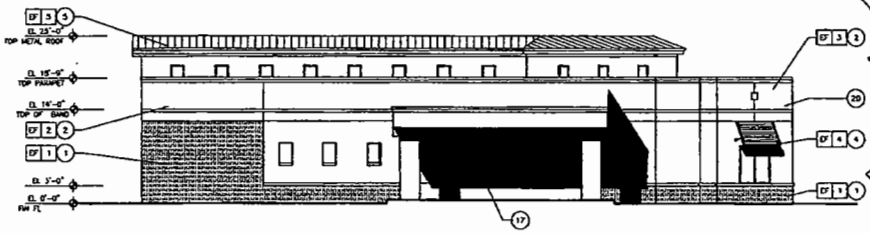
WEST FRONTAGE GLASS AREA: 348 SF / WEST FRONTAGE BLDG AREA: 1052 SF = 33% GLASS

1 A-3.1 **NORTH ELEVATION**
SCALE: 1/8" = 1'-0"



2 A-3.1 **WEST ELEVATION**
SCALE: 1/8" = 1'-0"

3 A-3.1 **SOUTH ELEVATION**
SCALE: 1/8" = 1'-0"



4 A-3.1 **EAST ELEVATION**
SCALE: 1/8" = 1'-0"

CODE			DESCRIPTION			
TAG	MATERIAL	MANUFACTURER	SERIES	COLOR	LOCATION	ADDITIONAL INFORMATION
EF-1	SPLITFACE CMU	OLDCASTLER COASTAL		CAMEL		REFER TO SPECIFICATIONS
EF-2	EXTERIOR PAINT	SHERWIN WILLIAMS		P1	FIELD, TOWER AND TRIMS	REFER TO SPECIFICATIONS
EF-3	EXTERIOR PAINT	SHERWIN WILLIAMS		P2	FASCIA	REFER TO SPECIFICATIONS
EF-4	ALUMINUM	TBD		WHITE	SUNSCREEN	REFER TO SPECIFICATIONS
EF-5	ROOF SYSTEM	TBD	METAL		ROOF	REFER TO SPECIFICATIONS
EF-6	FLASHING	ALUMINUM		WHITE		
EF-7	NOT USED					
EF-8	ALUM STOREFRONTS	YKK AP AMERICA	YHS-50	WHITE		
EF-9	EXTERIOR GLAZING	VISTACON	LAMINATED - TINTED GLASS	ATLANTICA		REFER TO SPECIFICATIONS
EF-10	NOT USED					

1	SPLITFACE BLOCK	9	NOT USED	17	SECURITY WINDOW - BY OTHERS
2	STUCCO - TROWELED FINISH	10	NOT USED	18	NOT USED
3	SMOOTH SAND FINISH	11	NOT USED	19	NOT USED
4	ALUMINUM SUNSCREEN	12	NOT USED	20	BUILDING SIGNAGE BY OTHERS. G.C. SHALL PROVIDE POWER AS REQUIRED PER SIGNAGE MANUFACTURERS SPECIFICATIONS.
5	METAL ROOFING SYSTEM	13	NOT USED		
6	FASCIA	14	ALUM STOREFRONT W/ TINTED GLAZING	21	NOT USED
7	NOT USED	15	NOT USED	22	NOT USED
8	SPANDREL GLASS	16	NOT USED		

- - **EXTERIOR FINISHES & KEYED NOTES**
SCALE: NTS

RECEIVED
AUG 28 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

RS&H
Architectural, Engineering, Planning and Environmental Services
Reynolds, Smith and Hills, Inc.
3120 W. COMMERCIAL BLVD.
Fort Lauderdale, Florida 33309
954-474-3005 FAX 954-474-3006
www.rsandh.com
FL Cert.Nos. AA0002884 - EB0006829 - LC0000219

COLONIAL BANK

1580 Sawgrass Corporate Pkwy
Sunrise, FL 33323

DADELAND BRANCH

6601 SOUTH DIXIE HIGHWAY
MIAMI, FL 33143

REVISIONS

NO.	DESCRIPTION	DATE
1	P&Z Comment Response	8/14/08

DATE ISSUED: 4-22-08
REVIEWED BY: RES
DRAWN BY: TAC
DESIGNED BY: DIG
AEP PROJECT NUMBER

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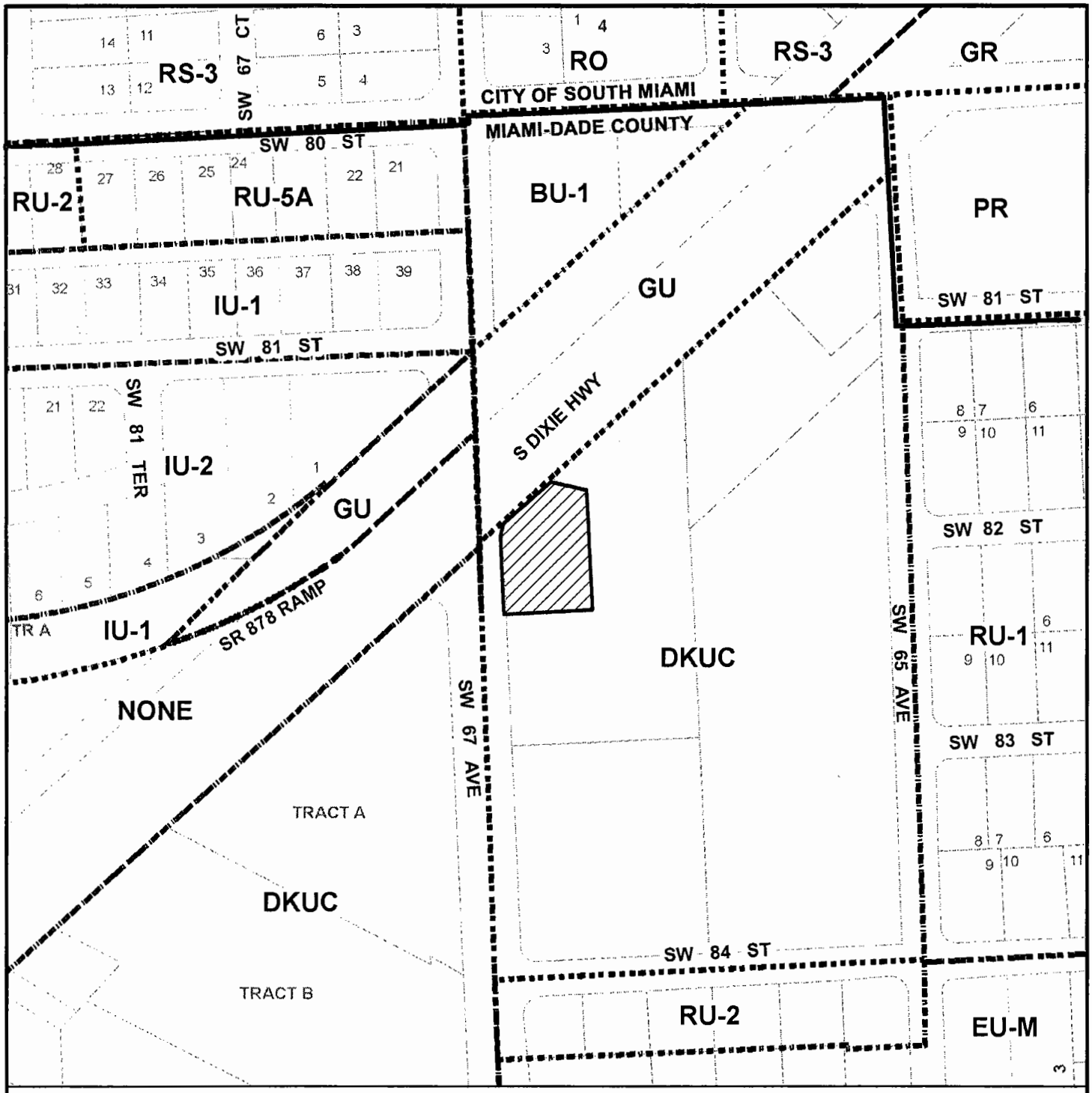
SHEET TITLE
EXTERIOR ELEVATIONS

A-3.1
OF



MIAMI-DADE COUNTY

HEARING MAP

Section: 36 Township: 54 Range: 40
Applicant: COLONIAL BANK NA
Zoning Board: C12
District Number: 07
Drafter ID: JOAQUIN
Scale: NTS

Process Number

08-074

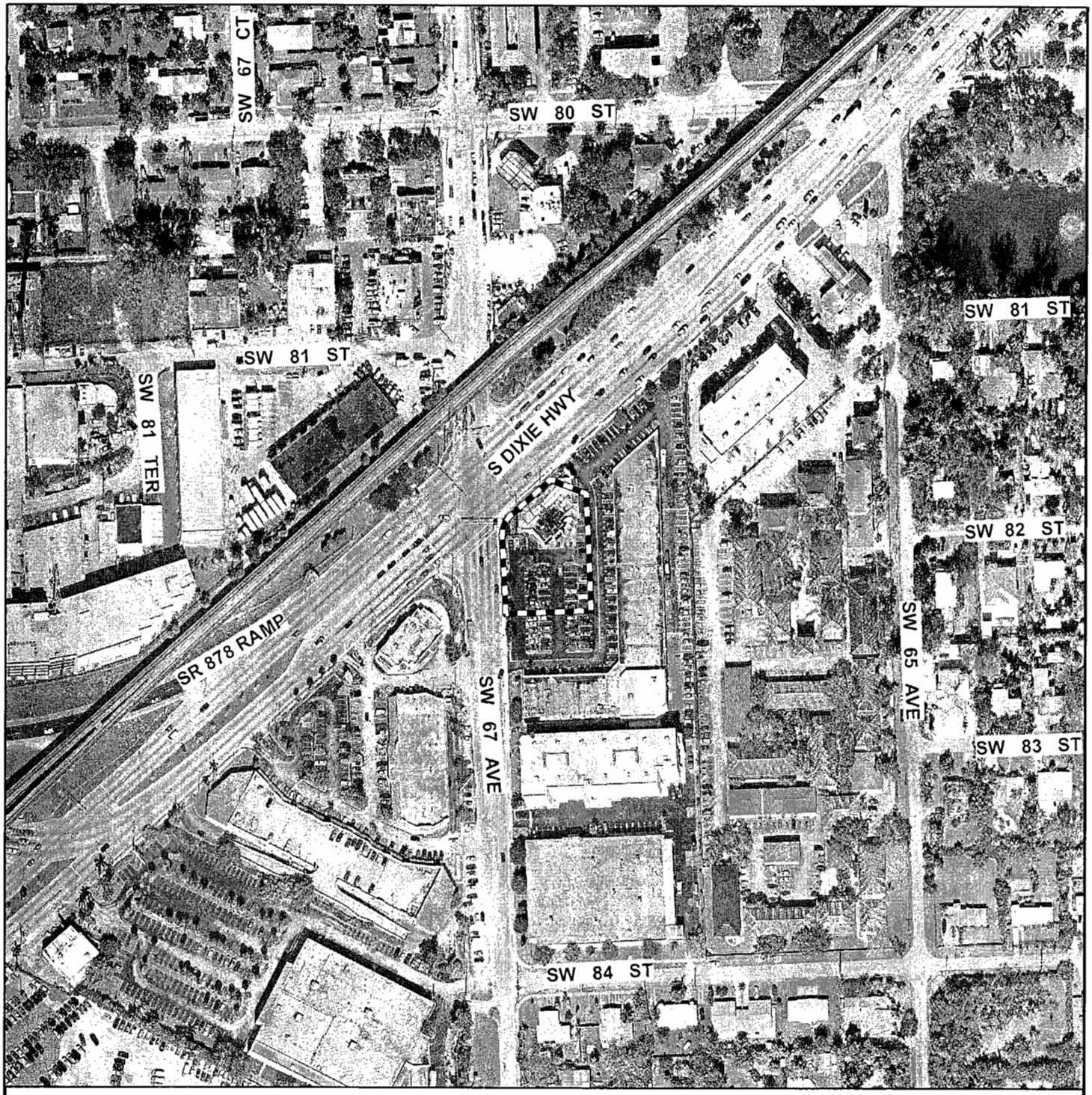
SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

CREATED ON: 05/01/08

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL

Section: 36 Township: 54 Range: 40
Applicant: COLONIAL BANK NA
Zoning Board: C12
District Number: 07
Drafter ID: JOAQUIN
Scale: NTS

Process Number

08-074

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

CREATED ON: 05/01/08

REVISION	DATE	BY
		44

EAS
10/20/83

1983 DEC 28 AM 11: 19 83R369271

OFF. REC. 12010 PG 2053

CROSS PARKING EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS of this Cross Parking Easement made this 31 day of October, 1983 by and between LEONARD L. LEVENSTEIN, individually and as trustee, and CLIFFORD L. SUCHMAN, individually and as trustee (hereafter collectively "Levenstein-Suchman") and ROMA CORPORATION, a Nevada corporation (hereafter "Roma").

W I T N E S S E T H :

For good and valuable consideration, including the mutual promises and covenants hereinafter set forth and the release by Dade County Building and Zoning Department of that certain Unity of Title dated July 18, 1961, filed July 19, 1961 under Clerk's file no. 61R-122358 of the Public Records of Dade County, Florida, the parties agree as follows:

1. Levenstein-Suchman is the owner of a parcel of property located in Dade County, Florida (hereafter "Parcel A") described as follows:

> A portion of the Southwest 1/4 of Section 36, Township 54 South, Range 40 East, being more particularly described as follows:
>
> Commence at the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 36 and run North 89 degrees 31 minutes 30 seconds East along the South line of the said Northwest 1/4 of the Southwest 1/4 of Section 36, for 40.00 feet; thence North along a line parallel with and 40.00 feet East of the West line of the Northwest 1/4 of the Southwest 1/4 of said Section 36 for 358.72 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North along the last described course for 205.00 feet; thence North 89 degrees 51 minutes 10 seconds East for 132.87 feet; thence North 0 degrees 00 minutes 45 seconds West along a line parallel with and 156.50 feet West of the East line of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36, for 180.17 feet; thence North 40 degrees 07 minutes 15 seconds West for 63.93 feet to a point on the Southeasterly Right-of-Way line of U.S. Highway

Prepared by:
Edward A. Stern
Arky, Freed, Stearns,
Watson & Greer, P.A.
One Biscayne Tower, Suite 2800
Miami, Florida 33131

Return to: Robert H. Blank, Esq.
Suite 3630
Two South Biscayne Blvd.
Miami, Florida 33131

45

Exhibit A

No. 1 (State Road No. 5); thence North 49 degrees 52 minutes 45 seconds East along said Southeasterly Right-of-Way line of U.S. Highway No. 1, for 233.63 feet; thence South 0 degrees 00 minutes 45 seconds East along a line parallel with and 19.00 feet West of the aforementioned East line of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, for 584.25 feet; thence South 89 degrees 51 minutes 10 seconds West for 270.41 feet to the Point of Beginning, lying and being in Dade County, Florida, containing 2.33 acres more or less.

2. Roma is the owner of a parcel of property adjacent to Parcel A (hereafter "Parcel B") described as follows:

A portion of the Southwest 1/4 of Section 36, Township 54 South, Range 40 East, being and more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 36 and run North 89 degrees 31 minutes 30 seconds East along the South line of the said Northwest 1/4 of the Southwest 1/4 of Section 36, for 40.00 feet; thence North along a line parallel with and 40.00 feet East of the West line of the Northwest 1/4 of the Southwest 1/4 of Section 36 for 563.72 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North along the last described course for 152.18 feet to a point on the Southeasterly Right-of-Way line of U.S. Highway No. 1, (State Road No. 5), thence North 49 degrees 52 minutes 45 seconds East along said Southeasterly Right-of-Way line of U.S. Highway No. 1 for 119.83 feet; thence South 40 degrees 07 minutes 15 seconds East at right angles to the last described course for 63.93 feet; thence South 0 degrees 00 minutes 45 seconds East along a line parallel with and 156.50 feet West of the East line of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36, for 180.17 feet; thence South 89 degrees 51 minutes 10 seconds West for 132.87 feet to the Point of Beginning, lying and being in Dade County, Florida.

Less the external area formed by a 25.00 foot radius curve at the Northwest corner thereof, tangent to the East Line of the West 40 feet of the Northwest 1/4 of the Southwest 1/4 of said Section 36 and tangent to the Southeasterly Right-of-Way line of said U.S. Highway No. 1 (State Road No. 5) said radius curve being concave to the Southeast.

3. Levenstein-Suchman hereby grants and conveys unto Roma, its successors and assigns, a perpetual non-exclusive ease-

ment of ingress and egress to and from Parcel A over and across the driving lanes which shall exist from time to time on Parcel A together with the non-exclusive right to park passenger automobiles on sixty (60) parking spaces located on Parcel A in areas to be designated from time to time by Levenstein-Suchman. All such ingress, egress and parking shall be subject to reasonable and uniform rules and regulations established by Levenstein-Suchman from time to time for all pedestrians and motor vehicles using Parcels A and B, which rules and regulations shall be submitted to Roma for its consent, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, Levenstein-Suchman may at any time reduce the number of parking spaces covered by this paragraph from sixty (60) to thirteen (13) parking spaces by executing and delivering to Roma a release in recordable form from Levenstein-Suchman of the right to use Parcel B for parking as provided in paragraph 4 below. Upon receipt of such release, Roma shall cause same to be promptly recorded in the public records of Dade County, Florida. In the event Levenstein-Suchman shall exercise its option to reduce the number of parking spaces from sixty (60) to thirteen (13) parking spaces, as provided above, then the thirteen (13) parking spaces that shall be designated from time to time by Levenstein-Suchman shall be adjacent to Parcel B.

4. Roma hereby grants and conveys unto Levenstein-Suchman, its successors and assigns, a perpetual non-exclusive easement of ingress and egress to and from Parcel B and over and across the driving lanes which shall exist from time to time on Parcel B together with the non-exclusive right to park passenger automobiles on all parking spaces located on Parcel B as same shall exist as of the date hereof. All such ingress, egress and parking shall be subject to reasonable and uniform rules and regulations established by Levenstein-Suchman from time to time for all pedestrians and motor vehicles using Parcels A and B, which rules and regulations shall be submitted to Roma for its consent, which consent shall not be unreasonably withheld.

5. Roma hereby grants and conveys unto Levenstein-Suchman, its successors and assigns, a perpetual non-exclusive easement of ingress and egress to all utility lines and facilities located on Parcel B and providing utility service to Parcel A for the purpose of installation, use, operation, maintenance, repair, replacement, relocation and removal.

6. Levenstein-Suchman hereby grants and conveys unto Roma, its successors and assigns, a perpetual non-exclusive easement of ingress and egress to all utility lines and facilities located on Parcel A and providing utility service to Parcel B for the purpose of installation, use, operation, maintenance, repair, replacement, relocation and removal.

7. The total areas of Parcel A and B that are designated for roadways and parking including but not limited to all pole lights and drainage facilities thereon (hereafter the "parking lot") shall be repaired and maintained by Levenstein-Suchman, who shall perpetually have the exclusive right to modify the location and configuration of so much of the Parking Lot as is located in Parcel A, including the location and configuration of the pole lights located thereon; provided, however, that Roma shall continue to have at all times the use of thirteen (13) parking spaces located on Parcel A. Roma shall promptly reimburse Levenstein-Suchman in an amount equal to forty (40%) percent of all costs incurred by Levenstein-Suchman for the repair and maintenance of the parking lot from time to time, including but not limited to the cost of electricity for the lights used to illuminate the parking lot.

8. Parcel B presently contains a pole sign (the "pole sign") which is used to advertise both the business conducted by Roma on Parcel B and the shopping center operated by Levenstein-Suchman on Parcel A (the "Shopping Center"). Roma hereby grants and conveys to Levenstein-Suchman, its successors and assigns, the perpetual non-exclusive right to continue its existing use of the illuminated pole sign for the aforedescribed purpose without

charge; provided, however, that Levenstein-Suchman shall be responsible for the cost of repairing and maintaining that portion of the pole sign used on its behalf. Roma does hereby grant and convey unto Levenstein-Suchman, its successors and assigns, a perpetual non-exclusive easement of ingress and egress over and across Parcel B for the purpose of maintaining and repairing that portion of the pole sign used by Levenstein-Suchman. Roma and Levenstein-Suchman each reserve the right from time to time to modify that portion of the pole sign used by them to advertise their respective business and Shopping Center but no change in the pole sign location or configuration shall be made by either party without the prior written approval of the other party, which approval shall not be unreasonably withheld.

9. Neither party will hereafter cause nor permit the erection or existence of any fence, wall or other barrier to separate Parcel A and B or to substantially impair the use by either party of any of the rights granted to such party pursuant to this agreement.

10. The easements and rights granted under this agreement shall be deemed an appurtenance to and running with the respective parcels of land described above. The provisions of this Cross Parking Easement Agreement shall not be amended without prior written approval of the Office of the County Attorney of Dade County, Florida.

11. Enforcement of this Cross Parking Easement Agreement shall be by action in law or in equity with costs and reasonable attorneys fees to the prevailing party.

12. Levenstein-Suchman will maintain the Shopping Center in accordance with the site plan entitled "Dadeland North, Dade County, Florida, identified as Sheet A2 of 9 prepared by Leff and Alexander, Architects and Planners, dated March 5, 1979, as revised on April 20, 1979; such site plan shall not be modified without the approval of the Director of the Dade County Building and Zoning Department except as may be permitted by law.

OFF. REC. 12010 PG 2058

IN WITNESS WHEREOF, the parties have executed this instrument as of the date first above written.

Witnesses as to Levenstein:

Helene Stein
Douglas A. Foster

LEONARD L. LEVENSTEIN,
individually and as trustee

Witnesses as to Suchman:

Helene Stein
Douglas A. Foster

CLIFFORD L. SUCHMAN,
individually and as trustee

Witnesses as to Roma Corporation:

Linda Hardshaw
Isabel M. Fernandez

ROMA CORPORATION, a
Nevada corporation

By
PRESIDENT

STATE OF FLORIDA)
SS:
COUNTY OF DADE)

BEFORE ME, the undersigned notary, duly authorized to take acknowledgments in the State and County aforesaid, personally appeared LEONARD L. LEVENSTEIN, individually and as trustee, who, upon oath, stated that he executed the foregoing for the purposes stated therein.

WITNESS my hand and official seal this 31 day of October, 1983.

My Commission Expires:

Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES DEC 3 1986
BONDED THRU GENERAL I

STATE OF FLORIDA)
SS:
COUNTY OF DADE)

BEFORE ME, the undersigned notary, duly authorized to take acknowledgments in the State and County aforesaid, personally appeared CLIFFORD L. SUCHMAN, individually and as trustee, who, upon oath, stated that he executed the foregoing for the purposes stated therein.

WITNESS my hand and official seal this 31 day of October, 1983.

My Commission Expires:

Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES DEC 3 1986
BONDED THRU GENERAL INSURANCE UND

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EAS
10/20/83

OFF REC 12010 PG 2059

STATE OF FLORIDA)
SS:
COUNTY OF DADE)

BEFORE ME, the undersigned notary, duly authorized to take acknowledgments in the State and County aforesaid, personally appeared L. GRANT DEEPE, as PRESIDENT of ROMA CORPORATION, a Nevada corporation, who, upon oath, stated that he executed the foregoing for the purposes stated therein.

WITNESS my hand and official seal this 1 day of ~~October~~ NOVEMBER, 1983.

My Commission Expires:

Lee C. Thompson
Notary Public

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES NOV 19 1984
BONDED THRU GENERAL INS. UNDERWRITERS

WEAS18F

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

2. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC.
& IRVIN JOSEPH (Applicant) 09-5-CC-1 (06-203)

3. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC.
& SAMUEL B. FELD (Applicant) 09-5-CC-2 (07-212)

4. PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC.
& SAMUEL B. FELD (Applicant) 09-5-CC-3 (07-213)
BCC/District 4
Hearing Date: 5/7/09

Property Owner (if different from applicant) **Presidential Club LLLP.**

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
1954	C & N Construction Corp.	Class "C" billboard.	BCC	Approved on a temporary basis
1954	C & N Construction	Extend time for class "C" billboard.	BCC	Approved on a temporary basis
1955	C & N Construction	Extend time for class "C" billboard.	BCC	Approved on a modified basis
1962	State Nine Development Corp.	Unusual Use golf course, clubhouse, tennis courts, water hazard.	ZAB	Recommended for approval
1962	State Nine Development Corp.	Zone change from GU to BU-2.	BCC	Approved
1964	Hasam Realty Corp.	Zone change from GU to RU-1.	BCC	Modified approval w/conds.
1964	Hasam Realty Corp.	- Zone change from GU to RU-1. - Non-Use variances.	ZAB	Recommended for approval on a modified basis
1964	Hasam Realty Corp.	Non-Use variances.	BCC	Denied Appeal Sustain ZAB
1979	Hasam Realty Corp.	- Special exception night club. - Non-Use variance spacing & number of floors, size of dance floor.	ZAB	Denied without prejudice
1983	Hasam Realty Corp.	- Zone change from RU-1 & GU to GU. - Special exception & unusual use golf course.	BCC	Denied without prejudice
1984	Hasam Realty Corp.	- Zone change to RU-1, RU-3M, RU-4M. - Unusual use private recreational facility. - Non-Use variance private drives & lot frontage.	BCC	Denied without prejudice

1986	Hasam Realty Corp.	- Zone change from GU, RU-1 and BU-2 to RU-4M. - Use variance to waive road dedication. - Unusual use golf course. - Special exception recreational facility. - Non-Use variances.	BCC	Approved w/conds.
1987	Hasam Realty Corp	Declaration of covenants.	BCC	Approved w/conds.

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

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

SECTION: 05-52-42 **DATE:** May 7, 2009

COMMISSION DISTRICT: 4 **Z06-203, Z07-212, Z07-213**

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A. INTRODUCTION

ITEM NO.: 2

APPLICANT: Presidential Estates Homeowners Association, Inc. & Irvin Joseph (06-203)

- **REQUEST:**

  Appeal of Administrative Decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2006000004.

  The purpose of this appeal is to reverse the Department's administrative approval of a specific site plan, which the applicants claim is in violation of the zoning regulations and the declaration of restrictions running with the land.

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ITEM NO.: 3

APPLICANT: Presidential Estates Homeowners Association, Inc. & Samuel B. Feld (07-212)

- **REQUEST:**

  Appeal of Administrative Decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2007000011.

  The purpose of this appeal is to reverse the Department's administrative approval of a specific site plan, which the applicants claim is in violation of the zoning regulations and the declaration of restrictions running with the land.

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ITEM NO.: 4

APPLICANT: Presidential Estates Homeowners Association, Inc. & Samuel B. Feld (07-213)

- **REQUEST:**

  Appeal of Administrative Decision alleging that the Department of Planning and Zoning erred in the approval of Administrative Site Plan Review application #A2007000010.

The purpose of this appeal is to reverse the Department's administrative approval of a specific site plan, which the applicants claim is in violation of the zoning regulations and the declaration of restrictions running with the land.

- **SUMMARY OF REQUESTS:**

The appellants disagree with the decision of the Department of Planning and Zoning granting the approval of Administrative Site Plan Review Applications:

- A2006000004 for a 25-unit townhouse and a 267-unit multi-family development (zoning hearing application #06-203).
- A20007000011 for a 76-unit multi-family residential development (zoning hearing application #07-212)
- A20007000010 for a 78-unit townhouse development (zoning hearing application #07-213)

- **LOCATION:**

19560 NE 18 Avenue, Miami-Dade County Florida.

- **SIZE:** 104 Acres

- **IMPACT:**

Approval of any or all of these three (3) zoning hearing applications will reverse the Department's decision to administratively approve these ASPR applications.

B. ZONING HEARINGS HISTORY:

The zoning history of the parent 158-acre parcel dates back to 1962 when the Zoning Appeals Board (ZAB) approved a 7,000 yard golf course and a rezoning to BU-2, Special Business District, to allow the construction of a private club pursuant to Resolution 2-ZAB-261-62. The ZAB's decision was appealed by an aggrieved party, and the Board of County Commissioners (BCC) affirmed the ZAB and approved the application pursuant to Resolution Z-166-62. The subject property is a 104-acre portion of the parent parcel zoned RU-4M, Modified Apartment House District (35.9 units per net acre), and BU-2, Special Business District.

In 1983, Hasam Realty Corporation filed an application to rezone the parent parcel to RU-4A, Apartment-Hotel District (50 units per net acre), and an unusual use and a special exception to realign the golf course in order to develop the property with 1,202 residential units and 52 hotel rooms. The design consisted of three (3) buildings with 25-30 stories and 317 ft. in height. The request was denied by the BCC pursuant to Resolution Z-1-83. The applicant filed a subsequent application in 1984 eliminating the hotel rooms and the reconfiguration of the golf

course, and seeking only to permit 1,202 residential units. This amended application was also denied by the BCC pursuant to Resolution Z-275-84.

In 1986, Hasam Realty Corporation filed a subsequent application to develop a 960-unit residential development and a 5,400 yard golf course. Noting neighborhood opposition, the applicant reduced the number of residential units proposed from 960 to 850 and proffered a Declaration of Restrictions (Original Declaration) which, among other things, restricted the height of the buildings; established setbacks from the north, east and south property lines; specified certain landscaping provisions; limited the lighting for the tennis courts; restricted the size of the apartment units; required the maintenance of an executive or similar golf course of at least 5,400 yards; specified the donations to be made to the Fire-Rescue Department and the School Board; required specific roadway improvements and their timing; required the preservation of an archeological zone; and included specific language as to the procedure to be followed in order to amend the Original Declaration. The application, subject to the acceptance of the Original Declaration, was approved by the BCC pursuant to Resolution Z-282-86.

The BCC's decision was appealed to the Appellate Division of the Circuit Court which remanded the matter back to the BCC for its consideration of a Supplemental Declaration of Restrictions (Supplemental Declaration) that reduced the number of units from 850 to 800, included additional setback restrictions, and amended the modification paragraph to require, prior to public hearing, the written consent of 75% of the property owners of the subject property and of 75% of the property owners within 500 ft. of the boundaries of the property. The Original Declaration required prior written approval, and applied only to 51% of the owners of the subject property and those located within 375 ft. of the boundaries of the property to the north, east and south. The BCC approved the remanded application, subject to the Supplemental Declaration and the Original Declaration, pursuant to Resolution Z-237-87.

In 1996, Coscan Florida Inc. filed an ASPR application with the Department (A96-35) to allow a 177-unit zero lot line development on a portion of the site. A subsequent zoning hearing application was filed to allow four (4) zero family residential units to be developed as "floater" lots and not require, as per the Zero Lot Line District regulations, a zero foot setback from one of the property lines. This configuration was approved pursuant to Resolution CZAB2-9-98 which subsequently approved the development from the original 177 to 173 units. The current development on the entire property consists of 173 units.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates a portion of the subject property as being within the Urban Development Boundary for **Low Density Residential** use and another portion as **Parks and Recreation**. 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.

2. **Parks and Recreation** The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne

and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The sitting and use of future parks and recreation areas shall be guided by the Park and Open Space, and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.

3. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertains to existing zoning and uses. **The existing BU-2 and RU-4M zoning, as governed by the zoning resolutions, and the Original and Supplemental Declarations, are consistent with the CDMP.**

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-4M & BU-2; Single Family residences, Golf course and clubhouse	Low density Residential 2.5-6 u/a and Parks and Recreation.
Surrounding Properties:	
NORTH: GU; I-95 Extension and residential	Transportation
SOUTH: RU-4; Apartments	Parks and Recreation
EAST: RU-1 & EU-M; single family residences	Low density Residential 2.5-6 u/a

WEST: GU; I-95 Extension Transportation

The subject property is located south of the I-95 extension, north of NE 191 Street and west of NE 18 Avenue. The surrounding area is developed with single family residences, apartments and townhouses.

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**

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.

Sec. 33-207.4. Site plan review for RU-4M zoned properties: The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with the procedure established for appeals of administrative decision. (C) Multiple-family housing developments [shall be] permitted only after staff review of the site plan to ensure compliance with all RU-4M District requirements and site plan review criteria

Sec. 33-311. Community Zoning Appeals Board--Authority and duties.
(E) Takings and vested rights:

(1) No argument shall be made or evidence presented to a Community Zoning Appeals Board or the Board of County Commissioners to the effect that a decision may result in a temporary or permanent taking of private property or abrogation of vested rights unless the person making such argument: (1) files a sworn statement and supporting documents pursuant to Section 2-114.1 with the coordinator of the Development Impact Committee not less than forty-five (45) calendar days prior to the first hearing on the application, and (2) exhausts the remedy afforded by Section 2-114.1. Pursuant to Section 33-314(C)(2)**, the Board of County Commissioners has direct jurisdiction over the application to which such taking or vested rights argument pertains**. Any individual or entity having an interest in property

which is the subject of a zoning application filed by a County official shall be entitled to file an application for a taking or vested rights determination pursuant to Section 2-114.1 of the Code.

Sec. 33-314. Direct applications and appeals to the County Commission.
(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(2) Applications for developmental resolutions for which the applicant or the executive council of the DIC has invoked the administrative remedy set forth in Section 2-114.1, Code of Miami-Dade County, Florida and to which the procedure of Section 33-311(E)(1) applies.

Sec. 2-114.1. Administrative review of takings and vested rights claims.
(a) Documentation of claim.

(2) Claims of a taking or abrogation of vested rights are limited solely to extreme circumstances rising to the level of a potential denial of rights under the Constitutions of the United States and the State of Florida. The procedures provided herein for demonstrating such a taking or abrogation of vested rights are not intended to be utilized routinely or frivolously, but only in the extreme circumstances described above. The claimant or the attorney for the claimant shall exercise due diligence in the filing and argument of any sworn statement, notice of invoking administrative remedy or other claim for a taking or abrogation of vested rights. The signature of the claimant or the attorney for the claimant upon any document in connection with a claim of taking or abrogation of vested rights shall constitute a certificate that the person signing has read the document and that to the best of his knowledge it is supported by good grounds and that it has not been presented solely for delay. The claimant and the attorney for the claimant shall have a continuing obligation throughout the proceedings to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances. If a claim of taking or abrogation of vested rights is: (1) based upon facts that the claimant or the attorney for the claimant knew or should have known were not true; or (2) frivolous or filed solely for the purposes of delay, the appropriate County board or agency shall make such a finding and may pursue any remedy or impose any penalty provided by law or ordinance.

(c) Invocation of administrative remedy

(1) Any developmental permit denied on the grounds of inconsistency with the Comprehensive Development Master Plan shall state in writing that the permit has been denied on such basis. Any applicant seeking to appeal the denial of a developmental permit on the grounds set forth in Section 2-114.1(a) shall file a notice of invoking administrative remedy with the Developmental Impact Committee Coordinator on a form prescribed by the Director within fifteen (15) days of the denial of said developmental permit. Any claimant contending that action upon a County application will result in a taking or abrogation of vested rights under Section 33-311

of this Code shall file a notice of invoking administrative remedy with the Developmental Impact Committee Coordinator on a form prescribed by the Director within thirty (30) days of receipt of the certified mail notice required by Section 33-311, provided the County Commission may extend the thirty-day filing period prescribed by this sentence upon a showing of good cause as provided by Section 33-311. The applicant shall file a complete sworn statement within ninety (90) working days of the filing of the notice of invoking administrative remedy. Failure to file the sworn statement within the time specified in this paragraph shall constitute an irrevocable waiver of claim.

(4) Any applicant alleging that the action of the Board of County Commissioners or a Community Zoning Appeals Board upon an application for a zoning action under Chapter 33 would constitute a temporary or permanent taking of private property or an abrogation of vested rights shall file a complete sworn statement with the Developmental Impact Committee Coordinator not later than forty-five (45) days before the first hearing on the developmental resolution. No oral testimony or written reports or documents in support of any argument that the denial of the developmental resolution would constitute a temporary or permanent taking of private property or would abrogate vested rights shall be considered as evidence at the public hearing unless the complete sworn statement has been timely filed pursuant to this paragraph; provided, however, that where an applicant has failed to timely file a sworn statement pursuant to this paragraph, the Board of County Commissioners, Environmental Quality Control Board, or any other board taking action on a developmental resolution may defer the hearing on an application for a developmental resolution to avoid a manifest injustice and to provide adequate time for review of the sworn statement by the Developmental Impact Committee or, in the event of an application initiated by a party other than the affected property owner, to provide adequate time for the property owner to invoke the administrative remedy and to adhere to the time schedules provided herein.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The appellants (HOA) disagree with the decision of the Department of Planning and Zoning granting the approval of three (3) different and separate Administrative Site Plan Review Applications (ASPR) to Presidential Club, LLC (The Club) and, as allowed by the Zoning Code, the HOA has filed an appeal on each of the following approved ASPRs:

- A2006000004 for a 25-unit townhouse and a 267-unit multi-family development (zoning hearing application #06-203).

- A20007000011 for a 76-unit multi-family residential development (zoning hearing application #07-212).

- A20007000010 for a 78-unit townhouse development (zoning hearing application #07-213).

Administrative Site Plan Reviews (ASPRs) are required by the Miami-Dade County Zoning Code to be filed and approved on all applications seeking approval of multi-family residential developments. No building permits may be granted on these sites until the owners of properties have an approved ASPR. The three (3) appeals filed by the HOA were originally scheduled to be heard by the Community Zoning Appeals Board-2. However, The Club filed a Notice of Invoking Administrative Remedies (DIC application #01-09) alleging that the approval of any or all of the appeal applications (#Z06-203, #Z07-10, and #Z07-11) seeking to revoke their ASPR approvals (A06-04, A07-10, A07-11), would result in an abrogation of vested rights and a taking of private property rights. In accordance with Section 33-314(C)(2) of the Miami-Dade County Zoning Code, the County Commission shall have jurisdiction to directly hear applications for which the applicant has invoked the administrative remedies set forth in Section 2-114.1 (Administrative review of takings and vested rights claims) of the Code of Miami-Dade County. As such, these applications must be heard by this Board.

On March 4, 2009, pursuant to Section 2-114.1 of the Miami-Dade County Code, the takings and abrogation of vested rights' claim by The Club was heard by the Executive Council of the Development Impact Committee (DIC). In this instance, the Executive Council is charged with making a recommendation to the Board of County Commissioners on whether approval of the appeals would constitute a taking and/or an abrogation of vested rights. Pursuant to Order No. VR-01-09, which is attached hereto, the Executive Council recommended to this Board that the approval of any or all of the appeals (thereby reversing the ASPRs) would not result in an abrogation of vested rights or a taking of property rights.

The HOA claims in their appeal applications that the Department improperly approved the ASPRs which are the subject of these applications. Their claims are based on the following arguments:

1. **FIRST ARGUMENT, Golf Course Restrictions**: The appellants claim that the 1986 Covenant (the Original Declaration) restricts the use of the Golf Course to a golf course for 15 years and thereafter to a golf course, bike path, jogging path or landscape open space. No other uses are permitted. The specific limitation provided in the Section addressed by the appellants reads as follows:

   Golf Course. Owner agrees to maintain an executive or similar golf course of at least 5400 yards within the Property with fairways along the southern, eastern and western borders of the Property for a period of 15 years and thereafter to utilize and maintain such area for a golf course or for bike or

> *jogging path, or as landscaped open space. Owner acknowledges that the maintenance of the golf course, bike or jogging paths or landscaped open space is an integral part of its zoning application and agrees to establish a homeowners' or property owners' association prior to the sale or subdivision of the Property or portions thereof in order to assess the individual owners of the units for the maintenance and operation of the aforesaid golf course, bike or jogging paths or landscaped open space. In no event shall the Owner ever utilize the golf course for other than a golf course, bike or jogging paths, or open space without the prior written approval of 51% of the owners of residential units within the Property boundary and within 375 feet outside of the north, south and east exterior boundaries of the Property and the approval of same by the Board of County Commissioners after a public hearing. The use of the golf course area for other than a golf course, bike or jogging paths, or open space would also be subject to all amendment and modification provisions contained in Section R of this Declaration.*

The HOA further states that the 1987 Covenant (the Supplemental Covenant) "reaffirms all the provisions of the 1986 Covenant and imposes a similar use restriction on the Golf Course, after permitting one modification to the Golf Course" that existed on the Property. That specific restriction reads as follows:

> *The Owner intends to modify the shape, length and configuration of the golf course currently on the property, and during such modification period the golf course may be unplayable. After restoration of the golf course, however, the Owner shall maintain the modified golf course in good, playable condition until the following association has been created and assumes this responsibility…by whomever maintained the golf course shall remain in good playable condition for a minimum of 15 years after its final modification.*

The HOA also claims that these provisions allowing for one modification were further explained in the 1997 applicable plat restriction contained in the Plat of Presidential Estates recorded in Plat Book 151 at page 67 of the public records of Miami-Dade County, Florida (the "Plat") which states:

> *By restrictive covenants and supplements thereto recorded in official records books 13130 at page 4797 and 13476 at page 2759, the golf course existing within tracts "A" and "O" of the attached Plat can be modified as to shape, length, and configuration concurrently with the site planning as defined in the aforesaid instruments…. The golf course after its redesign and final modification shall remain in playable condition for a minimum of 15 years, thereafter it can continue as a golf course or be utilized as defined in the aforesaid restrictive covenants.*

The HOA further claims that when read together, these provisions in the Covenants and the Plat require the developer to design and build out a golf course of at least 5,400 yards. The existing golf course may be modified during site planning, after which it must be maintained in playable condition for at least 15 years. In accordance with their claims, the 1987 Covenant permits one exception to the 15-year maintenance period: the golf course may be

//

unplayable while the modifications are implemented. Once altered, the 1987 Covenant and the Plat require that the modified golf course be maintained as such for at least 15 years. The golf course existing on the Property prior to development was modified subsequent to Plat approval in 1997 to accommodate the current development on the Property. Once that modification was completed sometime thereafter, the HOA claims, the 15-year period began, and indicates that the Department erred in not obtaining the written consent of 75% of the owners of the property and those owners located within 500 ft. of the boundaries of the property, and requiring the approval of the site plan to be obtained at a public hearing before this Board.

Staff notes that the HOA erroneously states that only **"one modification"** is permitted by the Covenants and the Plat. However, none of the three documents quoted above indicate that only "one modification" is permitted, instead, the language utilized in all three documents indicate that it was (and is) the owner's intent and right to redesign the golf course during site planning and development. The golf course (which cannot be less than 5,400 yards) after redesign and **"final modification"** is to be maintained in good playable condition for a period of 15 years. The HOA claims that once the 173 units were built on the property "the 15-year period began." Notwithstanding, they fail to indicate that subsequent to what they claim is the "final modification" (the 1997 Plat), the golf course property was altered without obtaining written consent and approval at public hearing. In 2000, the property was replatted in Platbook 155, page 76.

Staff notes that in a property where the number of units permitted to be developed is 800, as is in this instance, the redesign of the golf course and the development of only 173 units could not be determined to be the "final modification" as is stated in the claim. During staff's review of the ASPRs, it was clear and evident that, as long as The Club maintained an executive or similar 5,400 yard golf course, and complied with all the restrictions of the Covenants, the property owner was not required to obtain the written consent mentioned above, and was not required to obtain approval at public hearing.

2. **SECOND ARGUMENT, Access Restrictions**: The appellants claim that the Plat and Covenants further restrict vehicular traffic within the Property by giving ownership of all roads within the Property to the Homeowners' Association (HOA), and that the Department has approved the use of the private roads in the ASPRs for the use of the future homeowners of the proposed development. Their claim states that the Department should have made the HOA a co-applicant or should have demonstrated that the permission of the Homeowners' Association to use the private roads had been previously obtained.

Staff notes that any of the developments proposed by the ASPRs will be required to be platted and that a Homeowners Association will have to be established to maintain all the common elements. Neither the Covenants nor the Plat require that, prior to these ASPR approvals, the current HOA's consent be obtained. In addition, although the HOA claims that the roadways are only for private use, the Covenants specifically indicated where the main entrance to the development would have to be located and, since the number of units that can be built on the property may reach 800, access must be provided to those future residents or expansion could never occur beyond what has been developed on the site to date.

3. **THIRD ARGUMENT, Impacts on existing development:** The appellants claim that they will be negatively affected by the proposed development by way of increased traffic on both private streets within the existing community and surrounding public streets, overcrowding of land at the expense of valuable open space, and increased demand for public infrastructures, services and amenities. Furthermore, the proposed development is incompatible with the Applicants/Appellants' existing single-family neighborhood (both in the elimination of open space and by way of high-rise structures that are out of scale with the single-family community and insufficiently set back from the homes), and contravenes the intent of the Zoning Code and Comprehensive Development Master Plan.

Staff notes that RU-4M zoning allows the development of not only single-family units, but duplexes, triplexes, townhouses, affordable housing, and multi-family units. The Club has the right to potentially build 800 units on the subject property, including 9-story 100 ft. high multi-family developments. As a condition of the approval of the rezoning of the property, the applicant had to comply with certain specific obligations and requirements in order to mitigate the impacts of the future development. The applicant was required, and has complied with, all the donations to the Fire-Rescue Department, the School Board, and the required roadway improvements. In accordance with The Club, the current residents of this development were provided a copy of the zoning actions on this site indicating the entitlements and restrictions applicable to all existing and proposed development. Although the residents may be affected by the increased density and the reduction in size of the current 6,576 yard golf course, the property owner has the right to build more units and reduce the size of the golf course to 5,400 yards. Contrary to the HOA' arguments, the existing zoning on the property, subject to the Original and Supplemental Declarations of Restrictions, does not contravene the zoning code and is consistent with the CDMP.

4. **FOURTH ARGUMENT, Procedure**: The HOA questions the very method of approving the proposed development and indicate that "The Covenants do not specify that future development is to be reviewed and approved via the Administrative Site Plan Review process, nor does any provision in the County Code of Ordinances ("The Code") support the County's application of the Administrative Site Plan Review in this instance."

Staff notes that the current development on the site was approved via the ASPR approval process. In 1996, Coscan Florida Inc., filed an ASPR application with the Department (A96-35) to allow a 177-unit zero lot line development on a portion of the site. Subsequently, the development was reduced to the current existing 173 units. In addition, Section 33-207.4 of the Zoning Code states that all RU-4M zoned properties shall be reviewed in accordance with the site plan review criteria outlined in said Section. Since the zoning resolutions and covenants did not restrict the development of the property substantially in accordance with an approved plan, all development on this site must be reviewed via the ASPR process. Finally, not only is an ASPR required by the zoning code to permit development on this RU-4M zoned site, but the Original Covenant addresses in Paragraph #6 the Site Planning Process required for the development of the property.

5. **FIFTH ARGUMENT, Setbacks**: The HOA claims that the plans submitted for the ASPRs contain residential buildings within the RU-4M district that do not comply with the minimum setback required from the adjacent tract zoned BU-2. Further, the ASPR plans do not depict a wall between the RU-4M tract and the BU-2 tract as required by code. Both the noncompliant setback and the elimination of the wall require non-use variances from the local Community Zoning Appeals Board. In conclusion, the HOA claims that these nonconformities were not discovered during the review of the ASPR plans, and that the approvals are therefore contrary to the zoning code and should be revoked.

Staff notes that a waiver of the required wall between the BU-2 and the RU-4M zoned property was approved pursuant to Resolution Z-282-86. As such, there is no basis for the claim made by the HOA regarding this matter. In addition, the setbacks addressed by the HOA above are required from "property lines" not from "zone lines" as indicated in the Zoning Code. The waiver of the wall between the two zones was intended to create a development that would function as part of an overall design, and not to isolate both uses. As such, the setbacks are neither required by the code nor applicable in this instance. There are several developments that have been designed similar to those under appeal at this time, where a property owner owns land that has dual zoning districts. The setbacks are required from the property lines and not from zone lines.

6. **SIXTH ARGUMENT, Improper removal of golf course fairways**: The HOA claims that the Covenants require that fairways must be maintained along the southern, eastern, and western borders of the property. They further state that "fairways currently encompass the entire western border of the property."...and that..."the proposed development would improperly remove the fairways from a portion of the western border of the property" and replace it with townhouse and multi-family units which is "expressly prohibited by the Covenants."

Staff notes that the language in the Covenants state that "The Owner agrees to maintain....fairways along the southern, eastern and western borders of the property....". Said language does not prohibit structures along these borders but requires that fairways "be maintained". The approved ASPR plans comply with the language of the Covenants since they maintain fairways along all these borders.

Noting all the aforementioned, the determinations made by the Department of Planning and Zoning approving Administrative Site Plan Review applications #A2006000004, #A2007000010, and #A2007000011 are correct and do not violate the Zoning Code, the zoning resolutions, and the Covenants governing development on the property. As such, their approval did not require the written consent of the property owners and neighbors nor did they require approval at public hearing.

In staff's opinion, there has been no error in the Department's decision or determination in the interpretation of any portion of the regulations. As such, staff recommends denial without prejudice of the three (3) appeals and, should this Board agree with this recommendation, then the takings and abrogation of vested rights claims would be a moot issue.

I. **RECOMMENDATION:** Denial without prejudice of applications Z06-203, Z07-212, and Z07-213.

J. **CONDITIONS:** None

DATE INSPECTED: 11/16/07
DATE TYPED: 08/20/08
DATE REVISED: 10/02/08; 10/06/08;03/12/09; 03/23/09; 04/16/09
DATE FINALIZED: 04/16/09

MCL:MTF:NN:AA

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

NDW

Memorandum

MIAMI-DADE COUNTY

Date: April 22, 2009

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

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

Subject: BCC #Z2006000203, Z2007000212, Z2007000213
Presidential Estates Homeowners Association, Inc., Samuel B. Feld and Irvin Joseph.
19560 N.E. 18th Avenue
Appeal of Approval of Administrative Site Plan Review Numbers A2006000004, A2007000011 and A2007000010
(BU-2) (104.28 Acres)
05-52-42

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.

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

Enforcement History
DERM has found the following closed enforcement case for the subject property:

Presidential Country Club - Tree 0031
A Cease and Desist order, along with an after-the-fact tree removal permit application, was issued to this facility for the removal of a live oak tree. The after-the-fact permit was issued on 03/25/02, which required the planting of 1,413 square feet of tree canopy. The case was closed administratively on 12/21/05, as the permit was issued in 2002.

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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code; therefore, it may be scheduled for public hearing. Furthermore, this memorandum shall constitute DERM's written approval, as required by the Code.

PH# 06-203
07-212
07-213
CZAB-C02

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: PRESIDENTIAL ESTATES HOMEOWNERS ASSOCIATION, INC.

This Department has no objections to this application.

This Department has no objections to the applicant's request to appeal an administrative decision alleging that the Director erred in the approval of Administrative Site Plan Review applications A06-04, A07-11 and A07-10.

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

Raul A. ~~Pino, P.L.S.~~

4-22-09
Date

APPLICATION FOR PUBLIC HEARING

APPEAL OF ADMINISTRATIVE VARIANCE OR ADMINISTRATIVE SITE PLAN REVIEW

AMOUNT OF FEE $_____

RECEIPT #_____

FOLIO # 30-2205-060-1800, 30-2205-060-1810 & 30-2205-064-0140

CZAB#_____

Sec. 5 Twp. 52 Rge. 42

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206-203
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MIAMI-DADE PLANNING AND ZONING DEPT.

BY:_____
Date Receipt Stamp

Fee: $399.00 (z202) BY _____

RADIUS ASSIGNED 500'

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

1. Name of Applicant (PRINT) Presidential Estates Homeowners' Association, Inc. as an affected property owner and on behalf of the residents of the Presidential Estates subdivision and Irvin Joseph, an affected property owner

2. Mailing Address c/o Tony Recio, Esq. Tel. No. (305)854-0800

   2665 S. Bayshore Drive, Suite 420, Miami FL 33133

3. Contact Person Tony Recio, Esq.

4. Mailing Address Weiss Serota Helfman Pastoriza Tel. No. (305) 854-0800

   Cole &Boniske P.A., 2665 S. Bayshore Drive, Miami FL 33133

5. Name of Property Owner Presidential Club LLLP

6. Owner's Address 1200 Brickell Ave., Suite 1720, Miami, FL 33131

   _____ Tel. No. _____

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 19560 NE 18th Ave and adjacent property

9. Size of Property _____ ft. x _____ ft Acres Irregular 104.28 Acres

10. Administrative Decision appealed: (State in brief and concise language.)

    Issuance of ASPR No. 2006000004, dated June 29, 2007, attached as Exhibit "B".

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

    The Applicant/Appellant is proceeding pursuant to the appeals process for decisions on Administrative Site Plan Review. Specifically, the Applicant/Appellant contends that the subject ASPR was issued in contravention of several terms of Declarations of Restrictions recorded in OR Book 13130 at page 4797 and OR Book 13476 at page 2759 and accepted by the Board of County Commissioners in Resolutions No. Z-282-86 and Z-237-87, respectively as well as the plat restrictions recorded in Plat Book 151 at page 67.

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

Please see attached Exhibit "C" for a complete description of the alleged errors in the granting of the ASPR approval.

13. Reason why the decision should be reversed:

Approval of the development proposed in the ASPR contravenes the terms of the applicable Declarations of Restrictive Covenants and Plat Restrictions which clearly require written consent of affected homeowners as well as a public hearing before the Board of County Commissioners for this type of development.

AFFIDAVITS ON NEXT PAGE

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BY

AFFIDAVIT

I, Alben Duffie, as President of Presidential Estates Homeowners Association, being first duly sworn, depose and say that Presidential Estates Homeowners Association is the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statement 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 14 day of July 2006

LYNDA M. ROUSE
MY COMMISSION # DD 245205
EXPIRES: August 26, 2007
Bonded Thru Pichard Insurance Agency

NOTARY PUBLIC

AFFIDAVIT

I, Irvin Joseph, 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 statement 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 14 day of July, 2006

NOTARY PUBLIC

Rev. 11/21/01

ESTRELLITA SIBILA
Notary Public - State of Florida
My Commission Expires Mar 22, 2009
Commission # DD 409832
Bonded By National Notary Assn.

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BY

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 9-A, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 86 degrees 30 minutes 28 seconds East, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning; thence continue South 86 degrees 30 minutes 28 seconds East, a distance of 118.74 feet; thence South 59 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 39 degrees 10 minutes 45 seconds West, a distance of 67.05 feet to the Point of Beginning.

PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot 9-A, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9-A; thence North 50 degrees 49 minutes 15 seconds East, along the West line of said Lot 9-A, a distance of 32.82 feet; thence South 39 degrees 10 minutes 45 seconds East, a distance of 30.26 feet; thence North 86 degrees 30 minutes 28 seconds West, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning.

EXHIBIT
tabbies
A

MIAMI-DADE

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

June 29, 2006

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2006-203
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BY JSH

Mr. Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2006000004

Name/Date of Plan:

Plans entitled "Presidential Country Club", Survey plans prepared by Schwebke–Shiskin & Associates, Inc. consisting of eleven (11) sheets, Cover sheet and Site plans prepared by Zyscovich, consisting of fifty four (55) sheets, all dated/stamped/received June 20, 2006.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of **a proposed 25 unit townhouse and 267 unit condominium development**, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Presidential Country Club", Survey plans prepared by Schwebke--Shiskin & Associates, Inc. consisting of eleven (11) sheets, Site plans prepared by Zyscovich, consisting of fifty four (54) sheets, all dated/stamped/ received June 20, 2006.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of

EXHIBIT
tabbies
B

plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

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BY

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. That a plat restriction be recorded for the easternmost townhouse lots abutting the western property line of Coventry prohibiting the erection of any structures, walls or fences on the rear of these lots.

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

Sincerely,

Diane O'Quinn Williams
Director

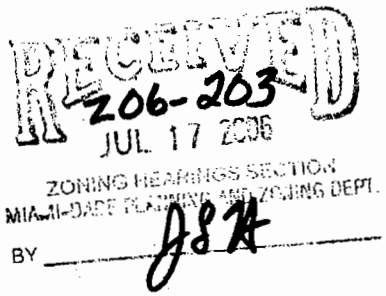
This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination 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.

DO'QW:AJT:MTF:CR

Attachments
c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department



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LEGAL DESCRIPTION:

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Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

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WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.A.

ATTORNEYS AT LAW

MITCHELL A. BIERMAN
NINA L. BONISKE
MITCHELL J. BURNSTEIN
JAMIE ALAN COLE
STEPHEN J. HELFMAN
GILBERTO PASTORIZA
MICHAEL S. POPOK
GARY I. RESNICK
JOSEPH H. SEROTA
SUSAN L. TREVARTHEN
RICHARD JAY WEISS
DAVID M. WOLPIN

MELISSA P. ANDERSON*
LILLIAN ARANGO DE LA HOZ*
JAMES E. BAKER
JEFF P.H. CAZEAU
IGNACIO G. DEL VALLE*
RAQUEL ELEJABARRIETA
PAUL S. FIGG
CHAD FRIEDMAN

MIAMI-DADE OFFICE
2665 SOUTH BAYSHORE DRIVE
SUITE 420
MIAMI, FLORIDA 33133

TELEPHONE 305-854-0800
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3107 STIRLING ROAD • SUITE 300
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*OF COUNSEL

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KAREN LIEBERMAN*
JOHANNA M. LUNDGREN
ANDREW W. MAI
MATTHEW H. MANDEL
ALEXANDER L. PALENZUELA-MAURI
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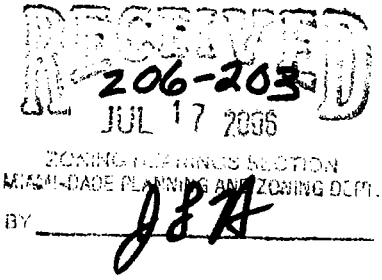
JOHN J. QUICK
ANTHONY L. RECIO
SCOTT A. ROBIN
FRANK A. RULLAN
GAIL D. SEROTA*
JONATHAN C. SHAMRES
ESTRELLITA S. SIBILA
MICHAEL L. STINES
JOSE S. TALAVERA
STEVEN E. TAYLOR
JAMES E. WHITE

July 14, 2006

VIA HAND DELIVERY

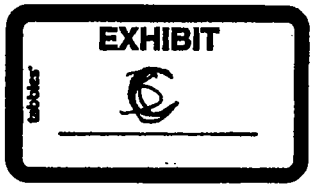


Ms. Diane O'Quinn Williams
Director
Miami-Dade County
Department of Planning & Zoning
111 N.W. 1st Street
11th Floor
Miami, Florida 33128

Re: Appeal of Approval of Administrative Site Plan Review Application No. A2006000004 (the "ASPR")

Dear Ms. O'Quinn Williams:

This letter is written on behalf of the Presidential Estates Homeowners' Association, Inc. (the "Homeowners' Association") as an affected property owner and on behalf of the residents of Presidential Estates subdivision and Irvin Joseph ("Joseph"), an affected property owner (together, the "Applicants/Appellants"). The Homeowners' Association and Joseph assert that the County improperly approved the above-mentioned Administrative Site Plan Review Application for modification of and residential development upon the existing Presidential Estates Golf Course (the "Golf Course") because the approval was granted without the written consent of the affected homeowners and without a public hearing before the Board of County Commissioners, both of which were required by the applicable restrictive covenants. Without those required elements, the proposed development violates a number of provisions of the applicable restrictive covenants governing maintenance and development of the subject Property.



26

206-203
JUL 17 2006
DSK

Background

The entire Presidential Estates development consists of 173 single family homes, internal roadways, a guardhouse, a golf course clubhouse, and an existing golf course of approximately 6,576 yards surrounding the homes (collectively, the "Property"). Development of the Property was authorized by Board of County Commissioners Resolution No. Z-282-86 and Z-237-87 in 1986 and 1987, respectively. As an inducement to approval, the developer recorded two covenants in favor of the County. The covenants impose significant restrictions on the amount and type of development that can actually occur on the Property and the Golf Course in particular. The covenants are recorded in OR Book 13130 at page 4797 and OR Book 13476 at page 2759. (The 1986 Covenant and the 1987 Covenant are collectively referred to as the "Covenants").

While the Covenants contain numerous restrictions on the entire Property, the most significant and relevant restrictions relate to the Golf Course. The proposed development will significantly impact the Golf Course in a manner that conflicts with the Covenants. Specifically, the ASPR approves the redevelopment of the northern portion of the Golf Course, replacing fairways, sand traps and other features of the existing Golf Course with five 8-story towers and 25 townhouse units on 21.4± acres of the Golf Course. As shown below, this redevelopment of the Golf Course is specifically prohibited by the Covenants absent homeowner consent and Board of County Commissioners approval.

Golf Course Restrictions

The 1986 Covenant restricts the use of the Golf Course to a golf course for 15 years and thereafter to a golf course, bike path, jogging path or landscape open space. No other uses are permitted. The specific limitation provided in Section K reads as follows:

> Golf Course. Owner agrees to maintain an executive or similar golf course of at least 5400 yards within the Property with fairways along the southern, eastern and western borders of the Property **for a period of 15 years and thereafter to utilize and maintain such area for a golf course or for bike or jogging paths, or as landscaped open space.** Owner acknowledges that the maintenance of the golf course, bike or jogging paths or landscaped open space is an integral part of its zoning application and agrees to establish a homeowners' or property owners' association prior to the sale or subdivision of the Property or portions thereof in order to assess the individual owners of the units for the maintenance and operation of the aforesaid golf course, bike or jogging paths or landscaped open space. **In no event shall the Owner ever utilize the golf course for other than a golf course, bike or jogging paths, or open space without the prior written approval of 51% of the owners of residential units within the Property boundary and within 375**

Z06-203
JUL 17 2006
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> **feet outside of the north, south and east exterior boundaries of the Property and the approval of same by the Board of County Commissioners after a public hearing.** The use of the golf course area for other than a golf course, bike, or jogging paths, or open space would also be subject to all amendment and modification provisions contained in Section R of this Declaration.
> (emphasis added)

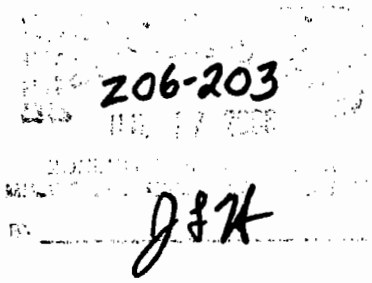
The 1987 Covenant reaffirms all provisions of the 1986 Covenant and imposes a similar use restriction on the Golf Course, after permitting one modification to the Golf Course that existed on the Property. That specific restriction reads as follows:

> The Owner intends to modify the shape, length and configuration of the golf course currently on the property, and during such modification period the golf course may be unplayable. **After restoration of the golf course, however, the Owner shall maintain the modified golf course in good, playable condition** until the following association has been created and assumes this responsibility...by whomever maintained the golf course **shall remain in a good, playable condition for a minimum of 15 years after its final modification.**
> (emphasis added)

This provision allowing for one modification was further explained in the applicable plat restriction contained in the Plat of Presidential Estates recorded in Plat Book 151 at page 67 of the public records of Miami-Dade County, Florida (the "Plat") which states:

> By restrictive covenants and supplements thereto recorded in official records books 13130 at page 4797 and 13476 at page 2759, the golf course existing within tracts "A" and "O" of the attached Plat can be modified as to shape, length, and configuration concurrently with the site planning as defined in the aforesaid instruments. . . . The golf course after its redesign and final modification shall remain in playable condition for a minimum of 15 years, thereafter it can continue as a golf course or be utilized as defined in the aforesaid restrictive covenants.

When read together, these provisions in the Covenants and the Plat require the developer to design and build out a golf course of at least 5,400 yards. The existing golf course may be modified during site planning, after which it must be maintained in a playable condition for at least 15 years. The 1987 Covenant permits one exception to the 15-year maintenance period: the golf course may be unplayable while the modifications are implemented. Once altered however, the 1987 Covenant and the Plat require that the modified golf course be maintained as such for at least 15 years. The golf course existing on the Property prior to development was modified subsequent to Plat approval in 1997 to accommodate development of the Property. Once that modification was completed sometime thereafter, the 15 years period began.



After the 15-year period expires, the 1986 Covenant requires that the area devoted to golf course use be maintained as a golf course, or converted to bike and jogging paths, or kept as landscaped open space. The area established as a golf course may not be used for any other purpose, absent at a minimum, prior written approval from 51% of all property owners within Presidential Estates and living within 375 feet of the Property's north, south, and east boundaries, and approval from the Board of County Commissioners. Under this provision, the proposed development, which would alter portions of the Golf Course and introduce non-golf course uses not listed among the provision's permitted uses, would require written approval from neighbors and Board of County Commissioners' approval.

Additional Restrictions

The Covenants also restrict development of the Golf Course by mandating that fairways must continue to exist "along the southern, eastern and western borders of the Property". Pursuant to the Covenants, the Golf Course and its fairways currently encompass the entire western border of the Property. The proposed development would improperly remove the fairways from a portion of the western border of the Property and replace it with five 8-story towers and 25 townhouse units. As discussed above, this modification of the Golf Course is expressly prohibited by the Covenants.

In addition to the restrictions on development of the Golf Course, the 1986 Covenant restricts ingress and egress to the Property to the "eastern portion of the Property fronting on N.E. 18th Avenue". The Plat further restricts vehicular traffic within the Property by giving ownership of all roads within the Property to the Homeowners' Association. Pursuant to the Plat, tracts C, D, K and L, which together constitute the private access road to the existing single family houses, are owned by the Homeowners' Association and tracts D, F, G, J, K, and L are dedicated for, among other things, ingress and egress. Despite the restrictions in the 1986 Covenant and the Plat, the owner has proposed and the County has approved the use of the private roads, owned by the Homeowner's Association, for ingress into the proposed new development without making the Homeowners' Association a co-applicant or first demonstrating that the permission of the Homeowners' Association to use the private roads had been previously obtained.

Finally, in addition to the issues discussed above, the Applicants/Appellants will be negatively affected by the proposed development by way of increased traffic, overcrowding of land at the expense of valuable open space and increased demand for public infrastructures, services and amenities. Furthermore, the proposed development is incompatible with the Applicants/Appellants' existing single family neighborhood, and contravenes the intent of the Zoning Code and Comprehensive Development Master Plan.

Thank you for your attention to this matter. Please feel free to call me if you have any questions.

Very truly yours,

Tony Recio

SJH/mas
1160001

cc: Mr. Ronald Acle
Mr. Alben Duffie
Gary Mars, Esq.

206-203
BY JBA

07-212

APPLICATION FOR PUBLIC HEARING

APPEAL OF ADMINISTRATIVE VARIANCE OR ADMINISTRATIVE SITE PLAN REVIEW

AMOUNT OF FEE $_____

RECEIPT #_____

FOLIO # 30-2205-060-1800, 30-2205-060-1810 & 30-2205-064-0140

BY:_____ Date Receipt Stamp

CZAB#_____

Fee: $399.00 (z202)

Sec. 5 Twp. 52 Rge. 42

RADIUS ASSIGNED 500'

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

1. Name of Applicant (PRINT) Presidential Estates Homeowners' Association, Inc. as an affected property owner and on behalf of the residents of the Presidential Estates subdivision and Samuel B. Feld, an affected property owner residing at 19492 Diplomat Drive, Miami, Florida.

2. Mailing Address c/o Tony Recio, Esq. Tel. No. (305)854-0800

   2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134

3. Contact Person Tony Recio, Esq.

4. Mailing Address Weiss Serota Helfman Pastoriza Tel. No. (305) 854-0800

   Cole &Boniske P.A., 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134

5. Name of Property Owner Presidential Club LLLP

6. Owner's Address 1200 Brickell Ave., Suite 1720, Miami, FL 33131

   _____ Tel. No. _____

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 19560 NE 18th Ave and adjacent property

9. Size of Property _____ ft. x _____ ft Acres Irregular 104.28 Acres

10. Administrative Decision appealed: (State in brief and concise language.)

    Issuance of ASPR No. 2007000011, dated May 25, 2007, attached as Exhibit "B".

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2072622
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

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

    The Applicant/Appellant is proceeding pursuant to the appeals process for decisions on Administrative Site Plan Review. Specifically, the Applicant/Appellant contends that the subject ASPR was issued in contravention of several terms of Declarations of Restrictions recorded in OR Book 13130 at page 4797 and OR Book 13476 at page 2759 and accepted by the Board of County Commissioners in Resolutions No. Z-282-86 and Z-237-87, respectively as well as the plat restrictions recorded in Plat Book 151 at page 67.

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

Please see the letter to the Director of Planning and Zoning, attached Exhibit "C," for a complete description of the alleged errors in the granting of the ASPR approval.

13. Reason why the decision should be reversed:

Approval of the development proposed in the ASPR contravenes the terms of the applicable Declarations of Restrictive Covenants and Plat Restrictions which clearly require written consent of affected homeowners as well as a public hearing before the Board of County Commissioners for this type of development.

AFFIDAVITS ON NEXT PAGE

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207212
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

AFFIDAVIT

I, Sergio Rok, as President of Presidential Estates Homeowners Association, being first duly sworn, depose and say that Presidential Estates Homeowners Association is the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statement 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 ____ day of _____

NOTARY PUBLIC

AFFIDAVIT

I, Samuel B. Feld, an individual property owner residing at 19492 Diplomat Drive in Miami, Florida, 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 statement 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

Samuel Feld

Sworn and Subscribed before me

This 05 day of June 2007

NOTARY PUBLIC

LILIA EDITH AGUADO
Notary Public - State of Florida
My Commission Expires Feb 27, 2010
Commission # DD 422635
Bonded By National Notary Assn.

Rev. 11/21/01

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JUN - 5 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

AFFIDAVIT

I, Sergio Rok, as President of Presidential Estates Homeowners Association, being first duly sworn, depose and say that Presidential Estates Homeowners Association is the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statement 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 4th day of JUNE 2007

IRENE DEL SOL
MY COMMISSION EXPIRES
September 8, 2009
#DD 436348
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC

AFFIDAVIT

I, Samuel B. Feld, an individual property owner residing at 19492 Diplomat Drive in Miami, Florida, 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 statement 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 ____ day of _____

NOTARY PUBLIC

Rev. 11/21/01

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2072
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

EXHIBIT "A"

GAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 9-A, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 86 degrees 30 minutes 28 seconds East, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning; thence continue South 86 degrees 30 minutes 28 seconds East, a distance of 118.74 feet; thence South 59 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 39 degrees 10 minutes 45 seconds West, a distance of 67.05 feet to the Point of Beginning.

PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot 9-A, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9-A; thence North 50 degrees 49 minutes 15 seconds East, along the West line of said Lot 9-A, a distance of 32.82 feet; thence South 39 degrees 10 minutes 45 seconds East, a distance of 30.26 feet; thence North 86 degrees 30 minutes 28 seconds West, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning.

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20-7212
JUN - 6 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
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Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
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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

May 25, 2007

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2007212
JUN - 5 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2007000011

Name/Date of Plan:

Plans entitled "Banyan Oaks", Cover page prepared by Zyscovich, dated/stamped/received May 11, 2007, Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 8, 2007, Site Plan AS-01, AS-01.1, A-000 prepared by Zyscovich, dated/stamped/received May 23, 2007, L-1.01 dated/stamped/received May 23, 2007, D-1-1, A1-100-02, A1-200-01, D-2.1-2, A2-100-01, A-200-02 dated/stamped/received May 08, 2007, consisting of nineteen (19) sheets.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of **a proposed 76 multi-family residential units**, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Banyan Oaks", Cover page prepared by Zyscovich, dated/stamped/received May 11, 2007, Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 8, 2007, Site Plan AS-01, AS-01.1, A-000 prepared by Zyscovich, dated/stamped/received May 23, 2007, L-1.01 dated/stamped/received May 23, 2007, D-1-1, A1-100-02,

A1-200-01, D-2.1-2, A2-100-01, A-200-02 dated/stamped/received May 08, 2007, consisting of nineteen (19) sheets.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. Lake approval requires a separate application.

9. That the tennis courts not be lighted.

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

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2072-2
JUN - 5 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Sincerely,

Subrata Basu
Interim Director

This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination will subsequently be required. Provisional determinations or listings of needed facilities made in

regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

SB:AJT:MTF:er

Attachments

c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department

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07212
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 9-A, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 86 degrees 30 minutes 28 seconds East, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning; thence continue South 86 degrees 30 minutes 28 seconds East, a distance of 118.74 feet; thence South 59 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 39 degrees 10 minutes 45 seconds West, a distance of 67.05 feet to the Point of Beginning.

PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot 9-A, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9-A; thence North 50 degrees 49 minutes 15 seconds East, along the West line of said Lot 9-A, a distance of 32.82 feet; thence South 39 degrees 10 minutes 45 seconds East, a distance of 30.26 feet; thence North 86 degrees 30 minutes 28 seconds West, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning.

RECEIVED
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

07-213

APPLICATION FOR PUBLIC HEARING

APPEAL OF ADMINISTRATIVE VARIANCE OR ADMINISTRATIVE SITE PLAN REVIEW

AMOUNT OF FEE $_____

RECEIPT #_____

FOLIO # 30-2205-060-1800, 30-2205-060-1810 & 30-2205-064-0140

BY:_____ Date Receipt Stamp

CZAB#_____

Fee: $399.00 (z202)

Sec. 5 Twp. 52 Rge. 42

RADIUS ASSIGNED 500'

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

1. Name of Applicant (PRINT) Presidential Estates Homeowners' Association, Inc. as an affected property owner and on behalf of the residents of the Presidential Estates subdivision and Samuel B. Feld, an affected property owner residing at 19492 Diplomat Drive in Miami, Florida

2. Mailing Address c/o Tony Recio, Esq. Tel. No. (305)854-0800

   2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134

3. Contact Person Tony Recio, Esq.

4. Mailing Address Weiss Serota Helfman Pastoriza Tel. No. (305) 854-0800

   Cole &Boniske P.A., 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134

5. Name of Property Owner Presidential Club LLLP

6. Owner's Address 1200 Brickell Ave., Suite 1720, Miami, FL 33131

   _____ Tel. No. _____

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 19560 NE 18th Ave and adjacent property

9. Size of Property _____ ft. x _____ ft Acres Irregular 104.28 Acres

10. Administrative Decision appealed: (State in brief and concise language.)

    Issuance of ASPR No. 2007000010, dated May 23, 2007, attached as Exhibit "B".

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

    The Applicant/Appellant is proceeding pursuant to the appeals process for decisions on Administrative Site Plan Review. Specifically, the Applicant/Appellant contends that the subject ASPR was issued in contravention of several terms of Declarations of Restrictions recorded in OR Book 13130 at page 4797 and OR Book 13476 at page 2759 and accepted by the Board of County Commissioners in Resolutions No. Z-282-86 and Z-237-87, respectively as well as the plat restrictions recorded in Plat Book 151 at page 67.

RECEIVED
07213
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

40

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

Please see the letter to the Director of Planning and Zoning, attached Exhibit "C," for a complete description of the alleged errors in the granting of the ASPR approval.

13. Reason why the decision should be reversed:

Approval of the development proposed in the ASPR contravenes the terms of the applicable Declarations of Restrictive Covenants and Plat Restrictions which clearly require written consent of affected homeowners as well as a public hearing before the Board of County Commissioners for this type of development.

AFFIDAVITS ON NEXT PAGE

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

AFFIDAVIT

I, Sergio Rok, as President of Presidential Estates Homeowners Association, being first duly sworn, depose and say that Presidential Estates Homeowners Association is the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statement 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 ____ day of _____

NOTARY PUBLIC

AFFIDAVIT

I, Samuel B. Feld, an individual homeowner residing at 19492 Diplomat Drive, Miami, Florida, 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 statement 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

Samuel Feld

Sworn and Subscribed before me

This 05 day of June 2007

NOTARY PUBLIC

LILIA EDITH AGUADO
Notary Public - State of Florida
My Commission Expires Feb 27, 2010
Commission # DD 522635
Bonded By National Notary Assn.

Rev. 11/21/01

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JUN - 6 2007
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

AFFIDAVIT

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SIGNATURE

Sworn and Subscribed before me

This 4th day of June 2007

IRENE DEL SOL
MY COMMISSION EXPIRES
September 8, 2009
#DD 436343
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC

AFFIDAVIT

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SIGNATURE

Sworn and Subscribed before me

This ____ day of _____

NOTARY PUBLIC

Rev. 11/21/01

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BY

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

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PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

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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

midade.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

May 23, 2007

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BY

Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2007000010

Name/Date of Plan:

Plans entitled "Presidential Country Club", Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received March 29, 2007, Site Plan prepared by Zyscovich, dated/stamped/received May 22, 2007 Geometric Plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 22, 2007, A-000 prepared by Zyscovich, dated/stamped/received April 17, 2007, A1-100-02, D-1-2, AS-01.1, A1-200 dated/stamped/received May 22, 2007, A2-100-02 dated/stamped/received March 29, 2007, A2-200, D-3, dated/stamped/received May 22, 2007, A3-100-01 dated/stamped/received March 29, 2007, A3-200, D-4, A4-100, 200, D-5, A5-100, 200 dated/stamped/received May 22, 2007, L-1.01, L-4.02-07 dated/stamped/received April 20, 2007, consisting of thirty-six (36) sheets.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of a **proposed 78 units townhouse and a 91,019 square feet clubhouse development**, subject to the following conditions:

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

Delivering Excellence Every Day

2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Presidential Country Club", ~~Survey plans prepared by Schwebke-Shiskin & Associates, Inc.~~ dated/stamped/received March 29, 2007, Site Plan prepared by Zyscovich, dated/stamped/received May 22, 2007 Geometric Plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 22, 2007, A-000 prepared by Zyscovich, dated/stamped/received April 17, 2007, A1-100-02, D-1-2, AS-01.1, A1-200, dated/stamped/received May 22, 2007, A2-100-02 dated/stamped/received March 29, 2007, A2-200, D-3, dated/stamped/received May 22, 2007, A3-100-01 dated/stamped/received March 29, 2007, A3-200, D-4, A4-100, 200, D-5, A5-100, 200 dated/stamped/received May 22, 2007, L-1.01, L-4.02-07 dated/stamped/received April 20, 2007, consisting of thirty-six (36) sheets.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. That a plat restriction be recorded for the easternmost townhouse lots abutting the western property line of Coventry prohibiting the erection of any structures, walls or fences on the rear of these lots.

9. Lake approval requires a separate application.

10. That the northernmost roadway be used for exit only.

11. That all patio and outdoor living areas on each Townhouse site not overlooking a lake or golf course be enclosed by a wall in accordance with section 33-202.3 (2) (o).

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MIAMI-DADE PLANNING & ZONING DEPT.

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

Sincerely,

for Subrata Basu
Interim Director

This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination 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.

SB:AJT:MTF:er

Attachments

c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department

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JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Memorandum

MIAMI-DADE COUNTY

Date: April 22, 2009.

To: Marc LaFerrier, Director
Department of Plannning and Zoning

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

Subject: 06-203 Presidential Estates Homeowners Association Inc. & Irwin Joseph

07-212 Presidential Estates Homeowners Association Inc. & Samuel B. Feld

07-213 Presidential Estates Homeowners Association Inc. & Samuel B. Feld

---

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2006000203, Z2007000212 and Z2007000213
Located at 19560 N.E. 18 Avenue, MIAMI-DADE COUNTY, FLORIDA
in Police Grid 0133 is proposed as the following:

Residential::	N/A	Industrial:	N/A
Office:	N/A	Institutional:	N/A
Retail:	N/A	Nursing home/hospital:	N/A

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 63 – Highland Oaks – 1773 NE 205 Street
ALS Engine, Haz Mat, Rescue

Planned Service Expansions:

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

HL:gc

\

OFFICE OF NEIGHBORHOOD COMPLIANCE

ENFORCEMENT HISTORY

-

Presidential Estates HOA, INC. & Irvin Joseph Presidential Estates HOA, INC. & Samuel B. Field -	19560 NE 18 AVENUE, MIAMI-DADE COUNTY, FLORIDA
APPLICANT	**ADDRESS**
Z2006000203 Z2007000212 Z2007000213	
HEARING NUMBERS	

CURRENT ENFORCEMENT HISTORY:

No violation observed

Mufatau Folorunsho

50

06-203

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: Presidential Estates Homeowners Association, Inc., a Florida not-for-profit corporation

(public entity organized under State of Florida laws)

NAME AND ADDRESS	Percentage of Stock
Sergio Rok; 1422 Presidential Way, N. Miami Beach, FL 33179	President
Tara Solomiany; 1636 Presidential Way, N. Miami Beach, FL 33179	Vice President
Daniel Goldstein; 1567 Presidential Way, N. Miami Beach, FL 33179	Treasurer
Alan Sackrin; 19402 Diplomat Drive, N. Miami Beach, FL 33179	Secretary
Michel Cohen; 1555 Presidential Way, N. Miami Beach, FL 33179	Director
Henry Solomon, 19521 Embassy Court, N. Miami Beach, FL 33179	Director
Jeffrey Scheck, 19400 NE 14th Court, N. Miami Beach, FL 33179	Director

f 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 Stock

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 Stock

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BY AU

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

NAME OF PURCHASER: _____

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

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: _____
Tony Recio, Attorney for Applicant

Sworn to and subscribed before me this 6 day of June 2006.
Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

MARILYN SOMODEVILLA
MY COMMISSION # DD 222204
EXPIRES: September 13, 2007
Bonded Thru Budget Notary Services

My commission expires _____

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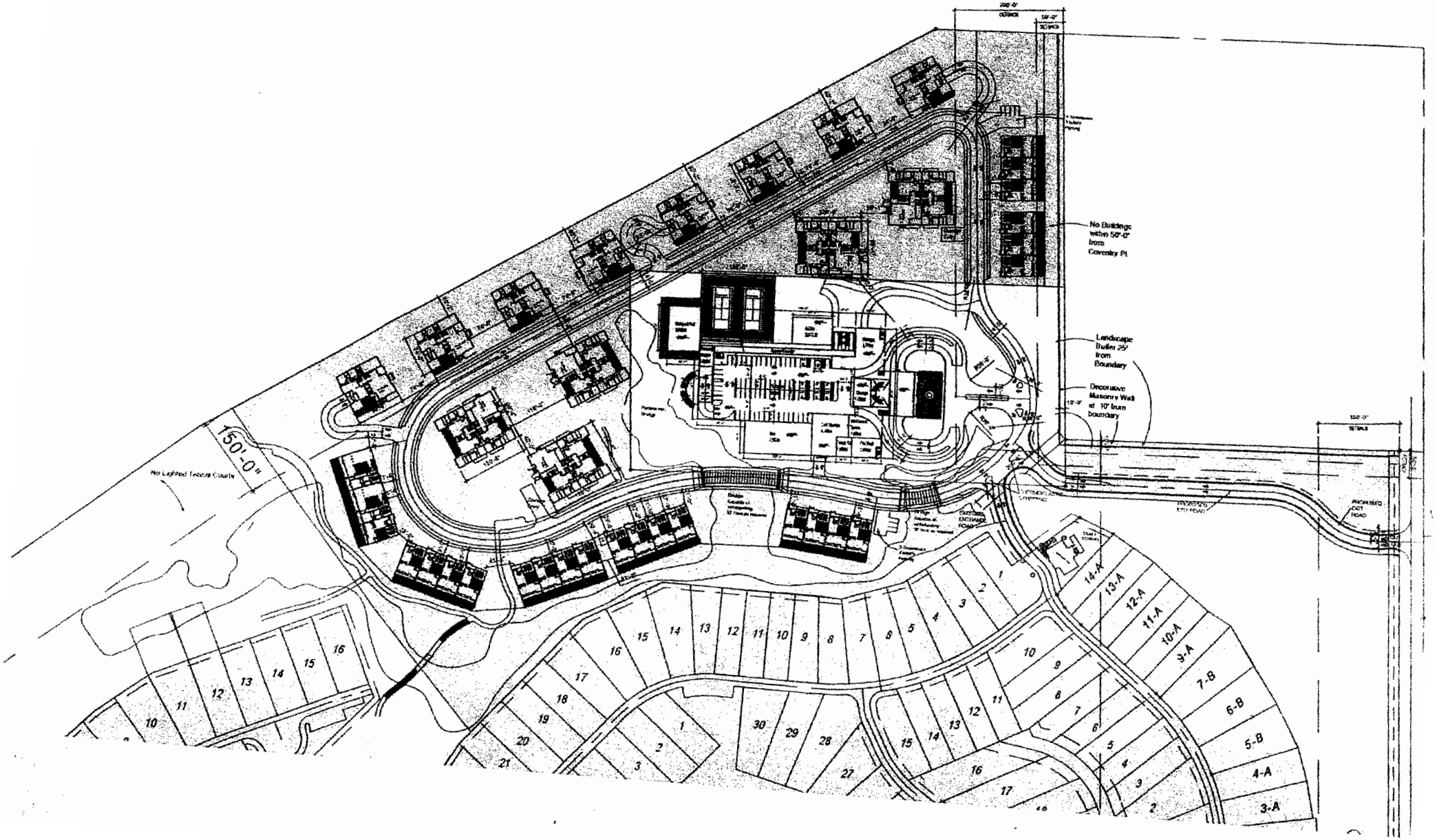
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

206.203

SITE PLAN A06.004

53



07-212

DISCLOSURE OF INTEREST*

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TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Stock

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PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Stock

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2007-212
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

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

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_____

_____

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Signature: _____
Tony Recio, Attorney for Applicant

Sworn to and subscribed before me this 6 day of June, 2007
Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

MARILYN SOMODEVILLA
MY COMMISSION # DD 222204
EXPIRES: September 13, 2007
Bonded Thru Budget Notary Services

My commission expires _____

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

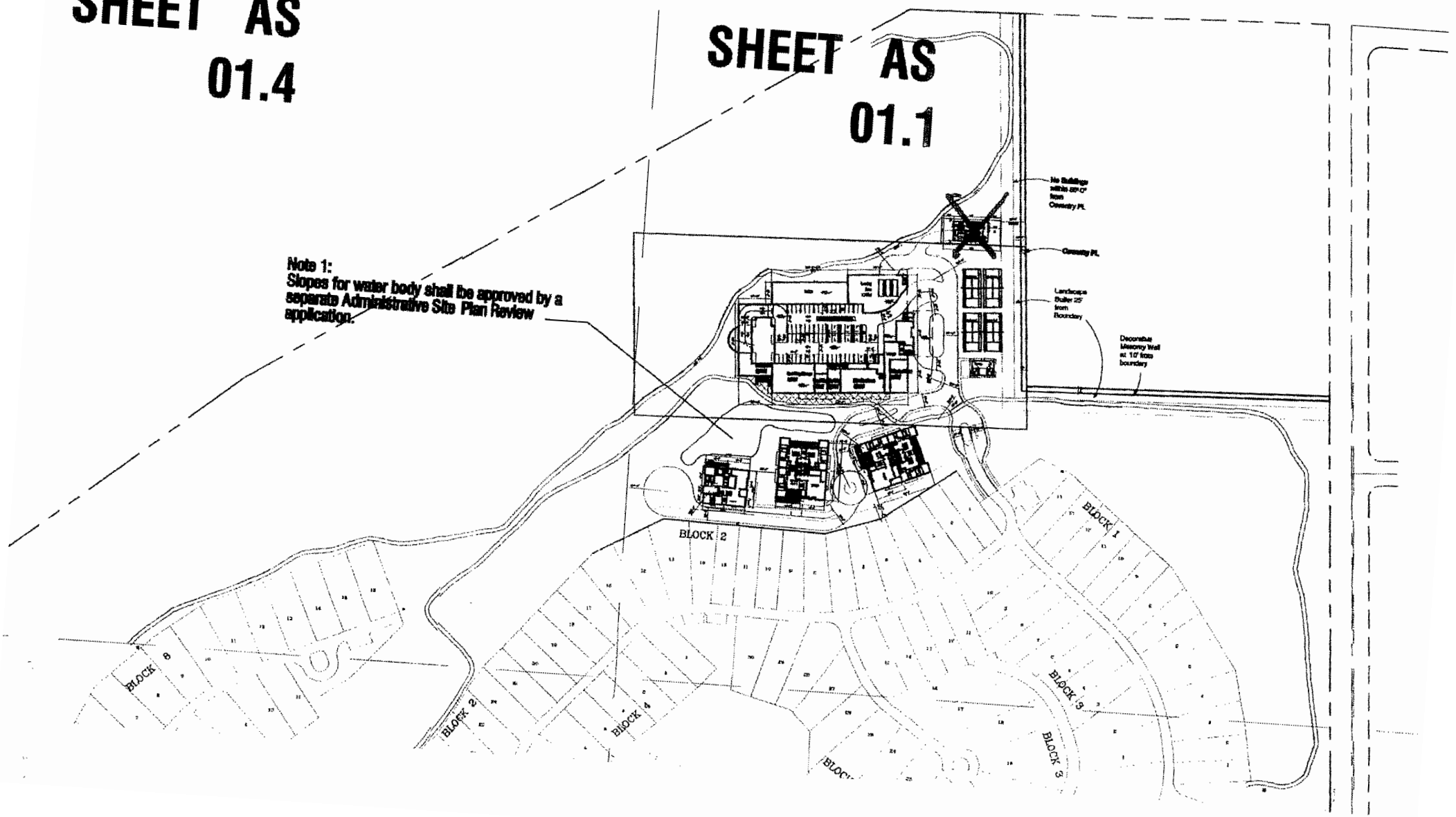
207-212

REFERENCE SITE PLAN A07-011

25

SHEET AS 01.4

SHEET AS 01.1



07-213

DISCLOSURE OF INTEREST*

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NAME AND ADDRESS	Percentage of Stock

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

57

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Affiant is personally known to me or has produced _____ as identification.

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(Notary Public)

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MY COMMISSION # DD 222204
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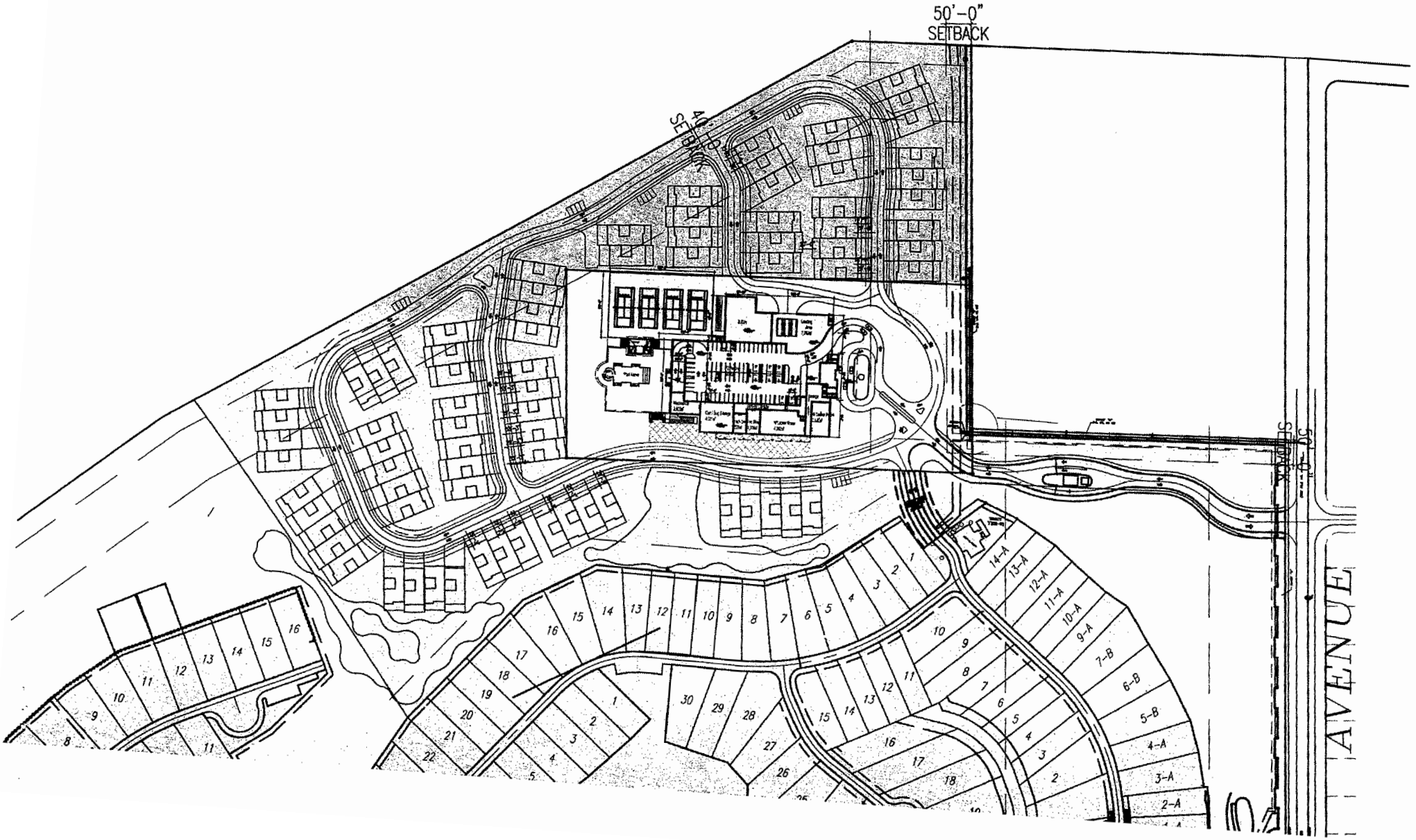
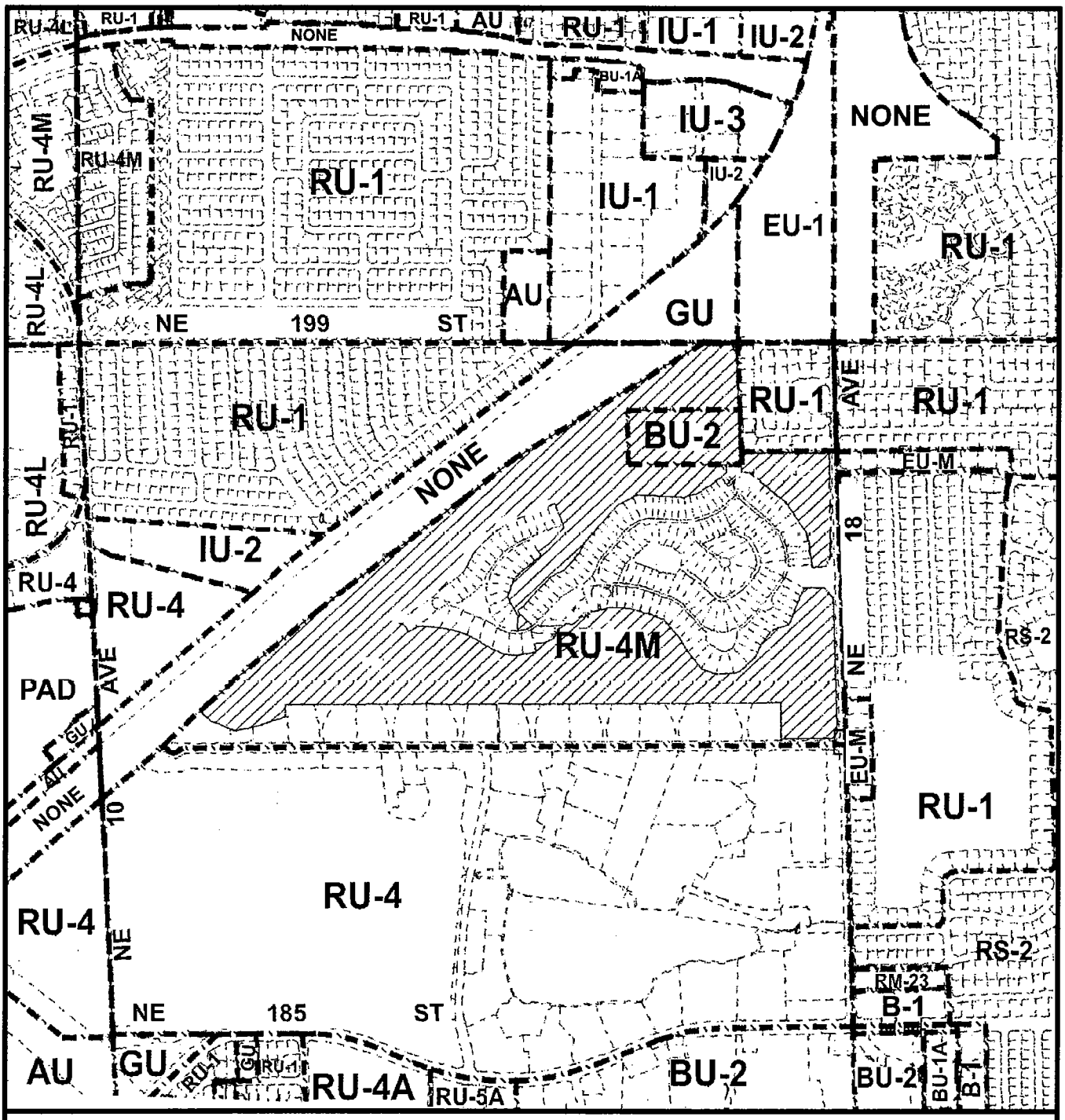
207213
JUN - 6 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

Z07-213

SITE PLAN A07-010

59





MIAMI-DADE COUNTY
HEARING MAP

Process Number
06-203, 07-212 ,07-213

N

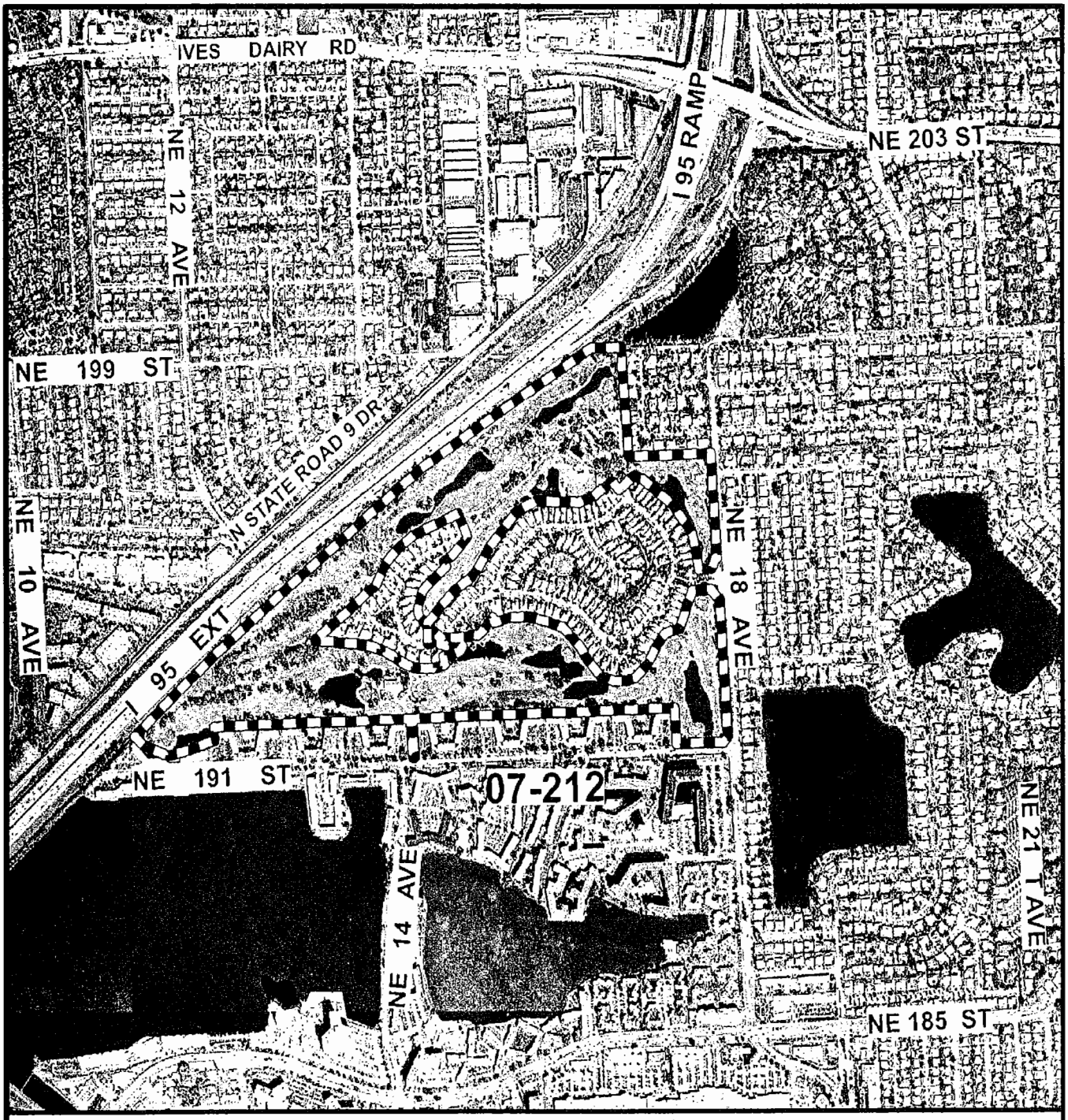
SUBJECT PROPERTY

Section: 05 Township: 52 Range: 42
Applicant: PRESIDENTIAL ESTATE HOA,INC
Applicant: PRESIDENTIAL ESTATES HOA & SAMUEL B. FELD
Zoning Board: BCC
District Number: 04
Drafter ID: JEFFER
Scale: NTS

60

CREATED ON: 08/04/06

REVISION	DATE	BY
NAME OF APPLICANT	4/21/09	JGURD



Process Number

MIAMI-DADE COUNTY
AERIAL

06-203, 07-212, 07213

N

SUBJECT PROPERTY

(AERIAL DATE, FIRST QUARTER 2007)

Section: 05 Township: 52 Range: 42
Applicant: PRESIDENTIAL ESTATE HOA, INC
Applicant: PRESIDENTIAL ESTATES HOA & SAMUEL B. FELD
Zoning Board: BCC
District Number: 4
Cadastral: JEFFER
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-212 07/15/07

ASPR'S

ASPR 2006-004

ASPR 2007-010

ASPR 2007-011

PRESIDENTIAL ESTATES

ASPR 2006-004

			S.F.	
BU-2				
GROSS AREA			294640	
ACRES			6.764	
LOT COVERAGE				97479
% OF LOT COVERAGE			0.3308	
BUILDING HEIGHT			35	
FLOORS (BELLOW GRADE)			2	
ON GRADE			2	
LANDSCAPING				
% OF LANDSCAPING				
TOTAL			4	
FAR (ABOVE GRADE)				48604
PARKING REQUIRED				
GOLF (# HOLES)	18	3	57	
TENNIS COURTS	2	4	8	
BANQUEST HALL				
RESTAURANTS (S.F.)	4600	50	92	
OFFICE (S.F.)	11700	300	39	
PRO-SHOP (S.F.)	2000	250	8	
SPA (S.F.)	17000	250	68	
HANDICAPPED			8	
SURPLUS PARKING			19	
TOTAL PARKING			299	
TOTAL SF. FT.				35300
F.A.R. MISSING S.F.				13304
LOT COV. MISSING S.F.				62179

RUTH			
GROSS AREA			197600
ACRES			4.5363
LOT COVERAGE			59800
% OF LOT COVERAGE			0.3026
UNITS			25
DENSITY			5.5111
BUILDING HEIGHT			35
FLOORS			2
C.O.S.			
% OF C.O.S.			
MIN. LOT AREA			4200
MIN. UNIT SIZE			3513
MAX. GROUP LENGTH			240
FRONT SETBACK			20
REAR SETBACK			20
BETWEEN BUILDINGS			20
PARKING	25	2.25	56.25

RU4M			
GROSS AREA			745500
ACRES			17.114
LOT COVERAGE			112846
% OF LOT COVERAGE			0.1514
UNITS			267
DENSITY			15.601
BUILDING HEIGHT			100
FLOORS			8
C.O.S.			
% OF C.O.S.			
FAR			757198
BETWEEN BUILDINGS			40-116
PARKING			
3 BEDROOMS-NORTH	62	2	124
3 BEDROOMS-SOUTH	93	2	186
3 BEDROOMS-B	112	2	224
HAND-PARKING		20	0
TOTAL-PARKING			534
TOTAL UNITS	267		

ASPR 2007-010

			S.F.	
BU-2				
GROSS AREA			294640	
ACRES			6.764003673	
LOT COVERAGE				97479
% OF LOT COVERAGE			0.330841026	
BUILDING HEIGHT			35	
FLOORS (BELLOW GRADE)			2	
ON GRADE			2	
LANDSCAPING				
% OF LANDSCAPING				
TOTAL			4	
FAR (ABOVE GRADE)				51612
PARKING REQUIRED				
GOLF (# HOLES)	18	3	57	
TENNIS COURTS	4	4	16	
BANQUET HALL	5047	100	50.47	
RESTAURANTS (S.F.)	4333	50	86.66	
OFFICE (S.F.)	6790	300	22.63333333	
PRO-SHOP (S.F.)	1316	250	5.264	
SPA (S.F.)	18117	250	72.468	
HANDICAPPED			8	
SURPLUS PARKING			8	
TOTAL PARKING			326.4953333	
TOTAL SF. FT.				35603
F.A.R. MISSING S.F.				16009
LOT COV. MISSING S.F.				61876

RUTH			
GROSS AREA			943073
ACRES			21.64997704
LOT COVERAGE			221175
% OF LOT COVERAGE			0.234525853
UNITS			78
DENSITY			3.602775183
BUILDING HEIGHT			35
FLOORS			2
C.O.S.			
% OF C.O.S.			
MIN. LOT AREA			4240
MIN. UNIT SIZE			3513
MAX. GROUP LENGTH			200
FRONT SETBACK			15-21
REAR SETBACK			13-16.33
BETWEEN BUILDINGS			20
PARKING	78	2.3	175.5

ASPR 2007-011

			S.F.	
BU-2				
GROSS AREA			294640	
ACRES			6.764003673	
LOT COVERAGE				75515
% OF LOT COVERAGE			0.256295819	
BUILDING HEIGHT			35	
FLOORS (BELLOW GRADE)			2	
ON GRADE			2	
LANDSCAPING				
% OF LANDSCAPING				
TOTAL			4	
FAR (ABOVE GRADE)				51612
PARKING REQUIRED				
GOLF (# HOLES)	18	3	57	
TENNIS COURTS	4	4	16	
BANQUET HALL	5047	100	50.47	
RESTAURANTS (S.F.)	3307	50	66.14	
OFFICE (S.F.)	6732	300	22.44	
PRO-SHOP (S.F.)	1316	250	5.264	
SPA (S.F.)	17560	250	70.24	
HANDICAPPED			8	
SURPLUS PARKING			38	
TOTAL PARKING			333.554	
TOTAL SF. FT.				33962
F.A.R. MISSING S.F.				17650
LOT COV. MISSING S.F.				41553

RU4M			
GROSS AREA			205553
ACRES			4.718847567
LOT COVERAGE			30701
% OF LOT COVERAGE			0.149358073
UNITS			76
DENSITY			16.10562726
BUILDING HEIGHT			100
FLOORS			8
C.O.S.			
% OF C.O.S.			
FAR			204130
BETWEEN BUILDINGS			58.75
PARKING			
3 BEDROOMS-NORTH	52	2	104
3 BEDROOMS-SOUTH	14	2	28
3 BEDROOMS-B	0	2	0
HAND-PARKING		6	6
TOTAL-PARKING			138
TOTAL UNITS	66		

JUNE 29, 2006

ASPR 2006-004

MIAMI-DADE

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

June 29, 2006

Mr. Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2006000004

Name/Date of Plan:

Plans entitled "Presidential Country Club", Survey plans prepared by Schwebke–Shiskin & Associates, Inc. consisting of eleven (11) sheets, Cover sheet and Site plans prepared by Zyscovich, consisting of fifty four (55) sheets, all dated/stamped/received June 20, 2006.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of **a proposed 25 unit townhouse and 267 unit condominium development**, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Presidential Country Club", Survey plans prepared by Schwebke–Shiskin & Associates, Inc. consisting of eleven (11) sheets, Site plans prepared by Zyscovich, consisting of fifty four (54) sheets, all dated/stamped/ received June 20, 2006.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of

plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. That a plat restriction be recorded for the easternmost townhouse lots abutting the western property line of Coventry prohibiting the erection of any structures, walls or fences on the rear of these lots.

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

Sincerely,

Diane O'Quinn Williams
Director

This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination 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.

DO'QW:AJT:MTF:CR

Attachments
c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 9-A, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 86 degrees 30 minutes 28 seconds East, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning; thence continue South 86 degrees 30 minutes 28 seconds East, a distance of 118.74 feet; thence South 59 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 39 degrees 10 minutes 45 seconds West, a distance of 67.05 feet to the Point of Beginning.

PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot 9-A, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9-A; thence North 50 degrees 49 minutes 15 seconds East, along the West line of said Lot 9-A, a distance of 32.82 feet; thence South 39 degrees 10 minutes 45 seconds East, a distance of 30.26 feet; thence North 86 degrees 30 minutes 28 seconds West, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning.

267
25
292

A06-004

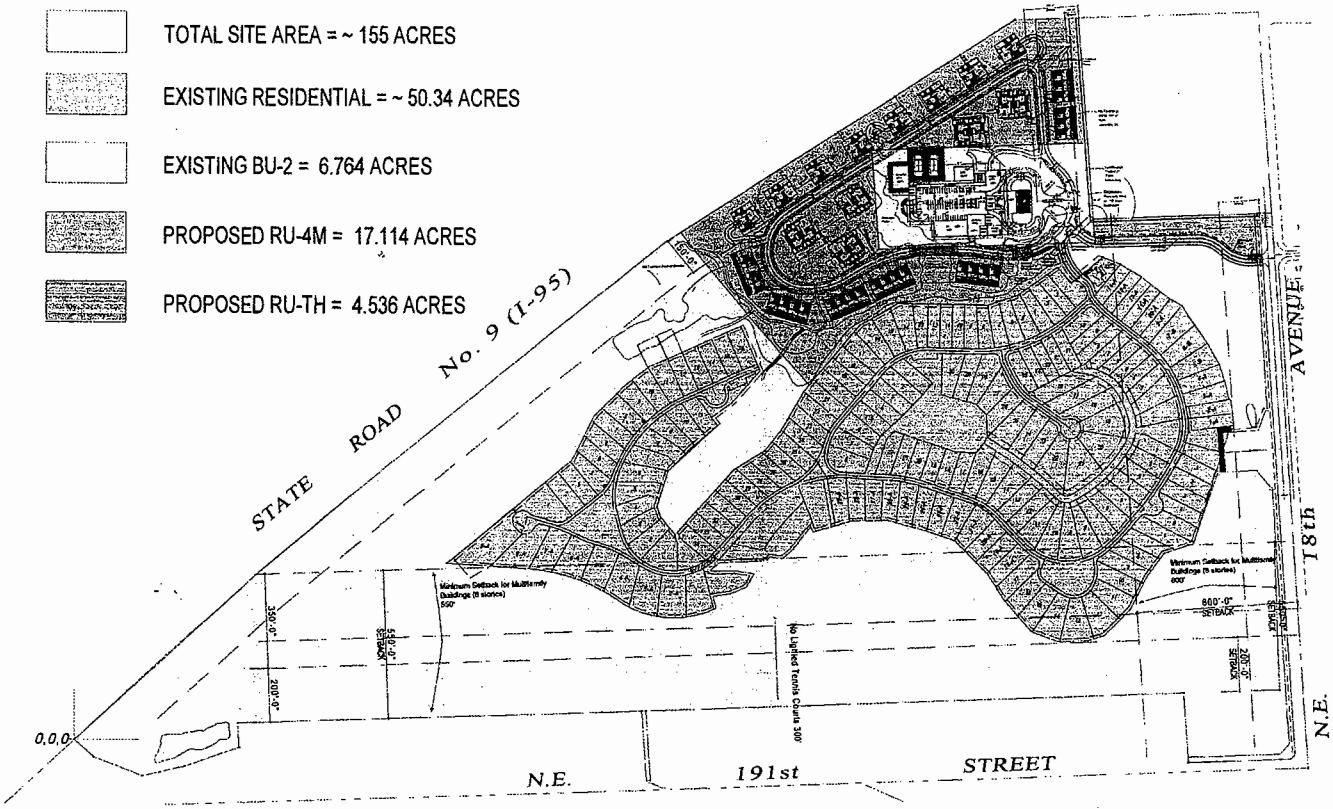
TOTAL SITE AREA = ~ 155 ACRES

EXISTING RESIDENTIAL = ~ 50.34 ACRES

EXISTING BU-2 = 6.764 ACRES

PROPOSED RU-4M = 17.114 ACRES

PROPOSED RU-TH = 4.536 ACRES



ZONING ANALYSIS- BU-2 DISTRICT (CLUB HOUSE)		
	REQUIRED/ALLOWED	PROPOSED
TOTAL LOT GROSS AREA	n/a	294,640 SF (6.764 ACRES)
MAX LOT COVERAGE	[illegible]	[illegible]
HEIGHT	35'-0"	35'-0"
# OF FLOORS	UNLIMITED NUMBER	[illegible]
FAR	[illegible]	[illegible]
MIN LANDSCAPE AREA	[illegible]	[illegible]

PARKING ANALYSIS- BU-2 DISTRICT (CLUB HOUSE)		
PROGRAM	REQUIRED	PROVIDED
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
TOTAL	332	341

ZONING ANALYSIS- RU-4M DISTRICT (MULTIPLE FAMILY HOUSING DEVELOPMENT)		
	REQUIRED/ALLOWED	PROPOSED
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

PARKING ANALYSIS- RU-4M DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
1 BEDROOM UNIT BUILDING A NORTH	[illegible]	[illegible]
2 BEDROOM UNIT BUILDING A NORTH W/ROOM OF 2ND FLOOR	[illegible]	[illegible]
3 BEDROOM UNIT BUILDING A NORTH W/ROOM OF 2ND FLOOR	[illegible]	[illegible]
2 BEDROOM UNIT BUILDING A SOUTH W/ROOM OF 2ND FLOOR	[illegible]	[illegible]
3 BEDROOM UNIT FLAT DRIVE-IN	[illegible]	[illegible]
2 BEDROOM UNIT BUILDING B W/ROOM OF 2ND FLOOR	[illegible]	[illegible]

ZONING ANALYSIS- RU-TH TOWNHOUSE DISTRICT		
	REQUIRED/ALLOWED	PROVIDED
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

PARKING ANALYSIS- RU-TH TOWNHOUSE DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
GARAGE/DRIVE	2 SPACES (+/- 30'	30
VISITORS	1 SPACE/UNIT	7

REVISED
RECEIVED
MAY 23 2006
PLANNING & ZONING
DEPARTMENT
MIAMI-DADE COUNTY, FLORIDA

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer: Investment Advisors, L.L.P. 1200 Brickell Avenue Suite 1701 Miami, FL 33131 T. 305.375.0089 F. 305.375.0099

Planner: ZYSCOVICH 100 N. Biscayne Blvd. 27th Floor, Miami, FL 33132 T. 305.372.3223 F. 305.577.4221 www.zyscovich.com

Landscape: E D S A

Civil Engineering: Schwebke-Shiskin & Associates, Inc. 3240 Corporate Way Miramar, FL 33025 P 954.435.7777 F 954.435.9504

comments

Administrative Site Plan Review
Submittal 1: 02-13-2006
Submittal 2: 05-05-2006
Submittal 3: 06-14-2006

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0536 PCCP

A 000

COS BU2 #137908

COS
RU4M - 492,764

RUTH COS
71737

ZONING ANALYSIS- BU-2 DISTRICT (CLUB HOUSE)

	REQUIRED/ALLOWED	PROPOSED
TOTAL LOT GROSS AREA	N/A	294,640 SF (6.764 ACRES)
MAX. LOT COVERAGE	(40 %) 117,856 SF	97,479 SF
HEIGHT	35'-0"	35'-0"
# OF FLOORS	UNLIMITED NUMBER	2 LEVELS ABOVE GRADE+ 2 LEVELS BELOW GRADE
FAR	(0.51) 150,266 SF	48,604 SF ABOVE GRADE
MIN.LANDSCAPE AREA	(15.5 % X GROSS AREA) 45,669 SF	SEE SHEET L-1.01

PARKING ANALYSIS- BU-2 DISTRICT (CLUB HOUSE)

PROGRAM	REQUIRED	PROPOSED
GOLF	(3 SPACES/HOLE + 3 SPACES) 57	57
TENNIS	(4 SPACES/COURT) 8	8
RESTAURANT/BARS	(1/50SF) 92	92
BANQUET HALL	(1/100SF) 50	50
OFFICE AREA	(1/300SF) 39	39
PRO-SHOP	(1/250SF) 8	8
SPA	(1/250SF) 68	68
(HANDICAP)	(HANDICAP)	(8) HAC
SURPLUS	-	19
TOTAL	322	341

ZONING ANALYSIS- RU-TH TOWNHOUSE DISTRICT		
	REQUIRED/ALLOWED	PROPOSED
GROSS LOT AREA	1 ACRE	197,600 SF (4.536 ACRES)
BUILDING FOOTPRINT AREA	N/A	59,800 SF
DENSITY	8.5 U/ACRE (38 T.H.)	6.5 U/ACRE (25 T.H.)
HEIGHT	35'	FROM 26' TO 35'
COMMON OPEN SPACE	(30%) 59,280 SF	SEE SHEET L-1.01
MIN. LOT AREA	1,250 SF	4,200 SF (40' X 105)
MIN. UNIT SIZE	800 SF	3,513 SF
MAX. LENGTH OF GROUPS	240'	240'
FRONT SETBACK	WITH GARAGE 20'	20'
REAR- SETBACK	10'	20'
BETWEEN GROUPS OF BUILDINGS- SETBACK	20'	20'

PARKING ANALYSIS- RU-TH TOWNHOUSE DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
TOWNHOUSES	2 SPACES/ T.H.) 50	50
VISITORS	(.25 SPACES/T.H.) 7	7

REV 2

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AGS - 004

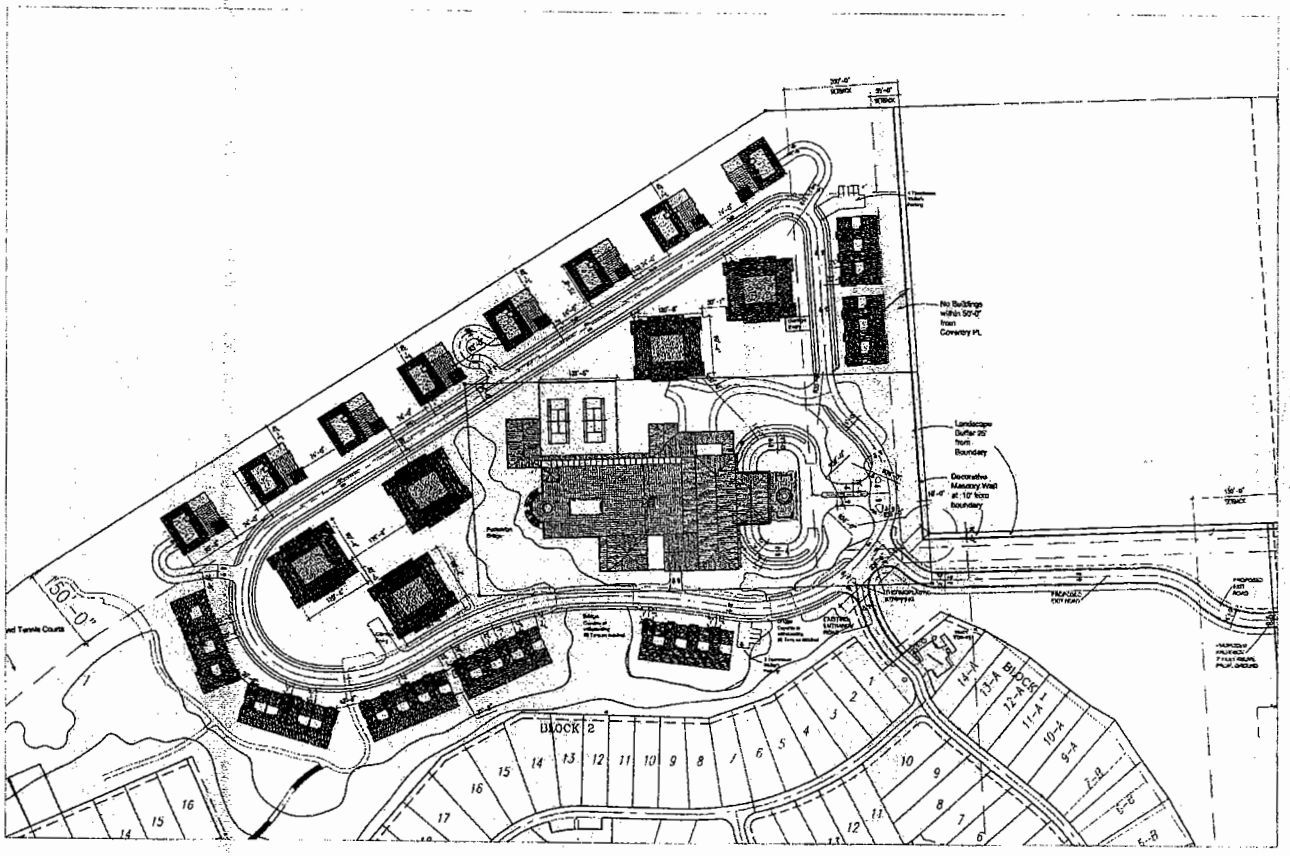
JUN 20 2006

ZONING ADMINISTRATIVE REVIEW SECT.
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

ZONING ANALYSIS- RU-4M DISTRICT (MULTIPLE FAMILY HOUSING DEVELOPMENT)		
	REQUIRED/ALLOWED	PROPOSED
TOTAL LOT GROSS AREA	10,000 SF	745,500 SF (17.114 ACRES)
MAX. LOT COVERAGE	(30%) 223,650 SF	112,846 SF
DENSITY	(35.9 U/ACRE) 614 UNITS	267 UNITS
FAR	(1.0 -8 STORIES) 771,535 SF	757,198 SF
OPEN SPACE	(35%) 260,925 SF	SEE SHEET L-1.01
MIN. DISTANCE BETWEEN BUILDINGS	30'	VARIES BETWEEN 40' AND 116'
HEIGHT BUILDING A	9 STORIES/100'	8 STORIES/ 100'-0"
HEIGHT BUILDING B	9 STORIES/100'	8 STORIES/ 100'-0"

PARKING ANALYSIS- RU-4M DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
3 BEDROOM UNIT BUILDING A NORTH	(2 SPACES/ UNIT) 2x 62=124	183 SPACES
3 BEDROOM UNIT BUILDING A NORTH HANDICAP SPACES	6	6
3 BEDROOM UNIT BUILDING A SOUTH	(2 SPACES/ UNIT) 2 X 93 = 186	240 SPACES
3 BEDROOM UNIT BUILDING A SOUTH HANDICAP SPACES	7	7
3 BEDROOM UNIT BUILDING B	(2 SPACES/ UNIT) 2 X 112= 224	228 SPACES
3 BEDROOM UNIT BUILDING B HANDICAP SPACES	7	7



Roof Plan

Scale: Rev 2

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AUG-04
JUN 2 8 2006

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisors, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0980
F. 305 375 8182

Partners:
ZYSCOVICH
100 N. Biscayne Blvd. 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schwartz Strauss & Associates, Inc.
3101 Emerson Way
Tampa, FL 33626
P 305 814 2913 F 305 582 8284

comments

Administrative Site Plan Review

Submittal 1: 02-13-2006
Submittal 2: 05-05-2006
Submittal 3: 06-14-2006

06/14/06

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AS 02

MAY 23, 2007

ASPR 2007-010

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

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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

May 23, 2007

Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2007000010

Name/Date of Plan:

Plans entitled "Presidential Country Club", Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received March 29, 2007, Site Plan prepared by Zyscovich, dated/stamped/received May 22, 2007 Geometric Plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 22, 2007, A-000 prepared by Zyscovich, dated/stamped/received April 17, 2007, A1-100-02, D-1-2, AS-01.1, A1-200 dated/stamped/received May 22, 2007, A2-100-02 dated/stamped/received March 29, 2007, A2-200, D-3, dated/stamped/received May 22, 2007, A3-100-01 dated/stamped/received March 29, 2007, A3-200, D-4, A4-100, 200, D-5, A5-100, 200 dated/stamped/received May 22, 2007, L-1.01, L-4.02-07 dated/stamped/received April 20, 2007, consisting of thirty-six (36) sheets.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of **a proposed 78 units townhouse and a 91,019 square feet clubhouse development**, subject to the following conditions:

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

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2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Presidential Country Club", Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received March 29, 2007, Site Plan prepared by Zyscovich, dated/stamped/received May 22, 2007 Geometric Plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 22, 2007, A-000 prepared by Zyscovich, dated/stamped/received April 17, 2007, A1-100-02, D-1-2, AS-01.1, A1-200, dated/stamped/received May 22, 2007, A2-100-02 dated/stamped/received March 29, 2007, A2-200, D-3, dated/stamped/received May 22, 2007, A3-100-01 dated/stamped/received March 29, 2007, A3-200, D-4, A4-100, 200, D-5, A5-100, 200 dated/stamped/received May 22, 2007, L-1.01, L-4.02-07 dated/stamped/received April 20, 2007, consisting of thirty-six (36) sheets.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. That a plat restriction be recorded for the easternmost townhouse lots abutting the western property line of Coventry prohibiting the erection of any structures, walls or fences on the rear of these lots.

9. Lake approval requires a separate application.

10. That the northernmost roadway be used for exit only.

11. That all patio and outdoor living areas on each Townhouse site not overlooking a lake or golf course be enclosed by a wall in accordance with section 33-202.3 (2) (o).

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

Sincerely,

Subrata Basu
Interim Director

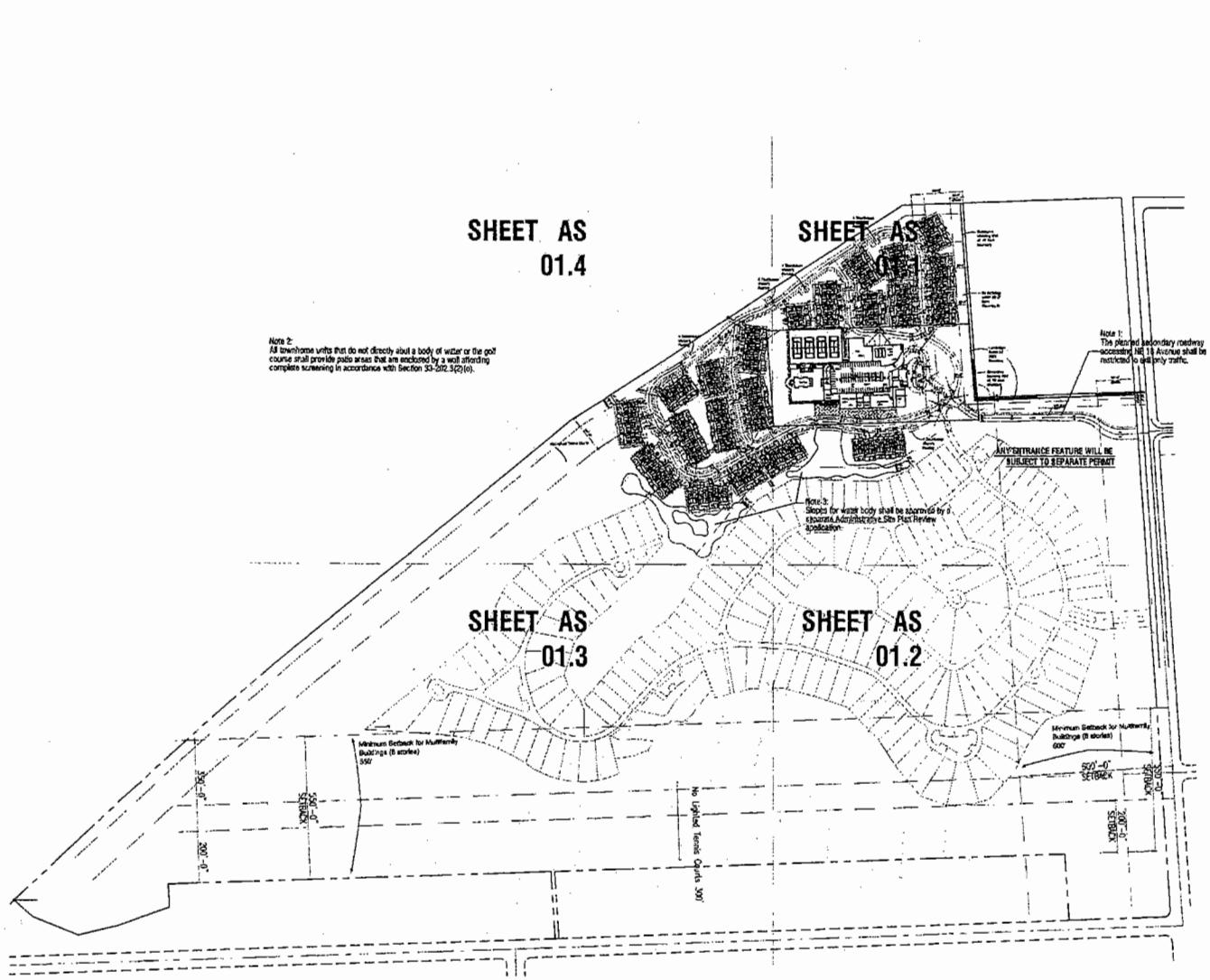
This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination 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.

SB:AJT:MTF:er

Attachments

c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department



A07-010
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MAY 22 2007
ZONING, ADMINISTRATIVE, REVIEW SECT. MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Site Plan

Scale: 1:200

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305.375.0090
F. 305.375.8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.6322 F. 305.577.4521
www.zyscovich.com

Landscape:
EDSA

Civil Engineering:
Schematic Station A Associates, Inc.
3240 Corporate Way
Miami, FL 33025
P 305.552.1010 F 305.552.8284

comments

Final Modification Plan

Administrative Site Plan Review

Submittal 1: 03-28-2007
Submittal 2: 04-18-2007
Submittal 3: 05-17-2007

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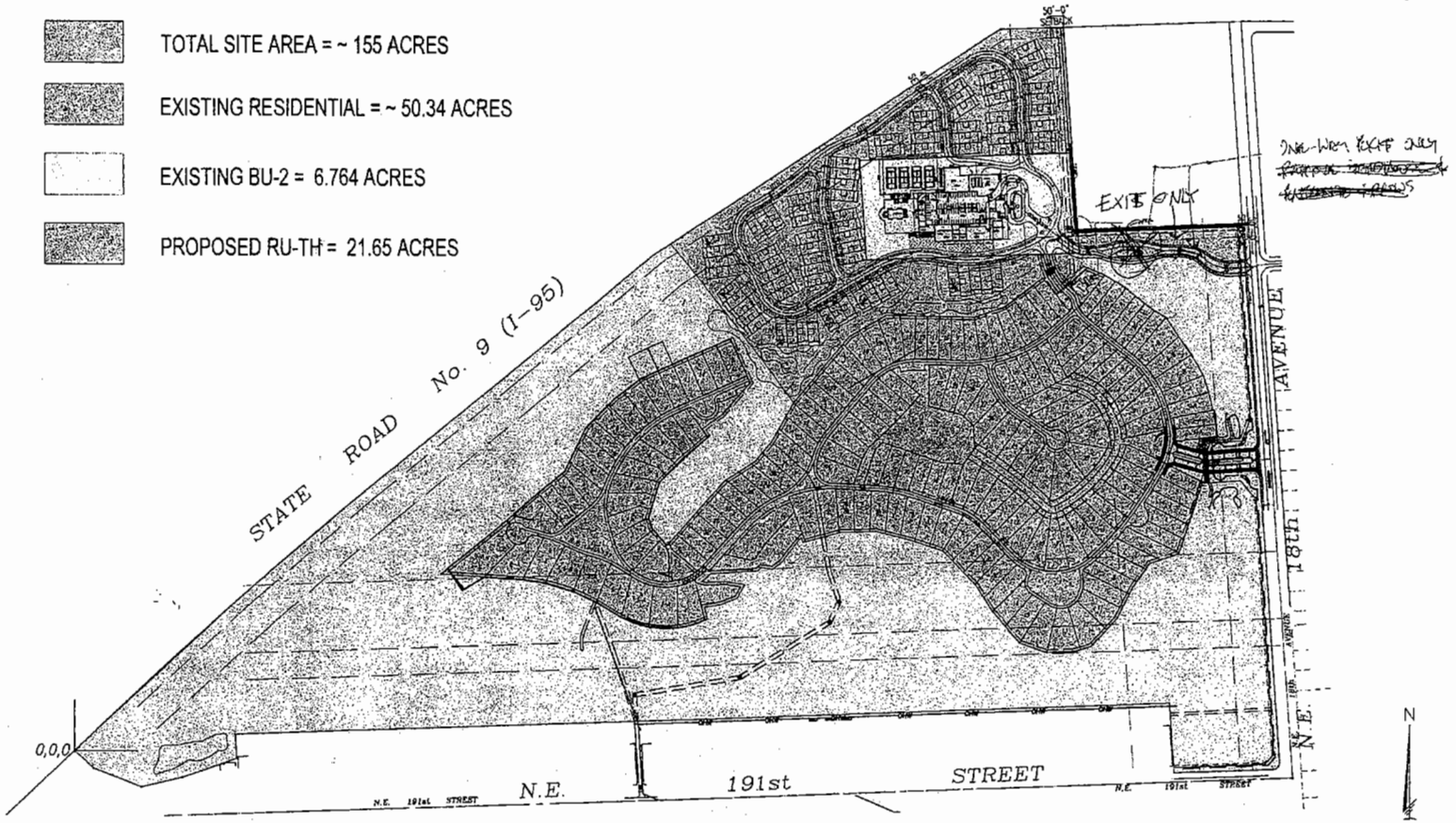
AS 01

TOTAL SITE AREA = ~ 155 ACRES

EXISTING RESIDENTIAL = ~ 50.34 ACRES

EXISTING BU-2 = 6.764 ACRES

PROPOSED RU-TH = 21.65 ACRES



ZONING ANALYSIS BU-2 DISTRICT (CLUBHOUSE)		
	REQUIRED / ALLOWED	PROPOSED
LOT GROSS AREA	N/A	294,643SF (6.764ACRES)
MAX. LOT COVERAGE	(40%) 117,856SF	9% (25SF)
HEIGHT	35'-0"	35'-0"
# OF FLOORS	UNLIMITED NUMBER	2 Levels Above Grade + 2 Levels Below Grade
FAR	(0.5) 132,321	0.18 (51,817 SF Above Grade)
MIN. LANDSCAPE AREA	(15.5%) (Gross Area) =3,626SF	See Sheet L-1.01

PARKING ANALYSIS BU-2 DISTRICT (CLUBHOUSE)		
PROGRAM	REQUIRED / ALLOWED	PROPOSED
GOLF	2 Spaces/Hole + 3 Spaces = 56	54
TENNIS	(4 Spaces/Court) = 16	16
RESTAURANT / BAR	(1/50SF) 4,330SF = 87	87
BANQUET HALL	(1/150SF) 5,047 = 33	33
OFFICE AREA	(1/250SF) 5,750SF = 23	23
PRO SHOP	(1/250SF) 1,311SF = 5	5
SPA	(1/250SF) 18,117SF = 73	73
HANDICAP	HANDICAP	7%
SURPLUS	-	8
TOTAL	312	320

ZONING ANALYSIS RU-TH TOWNHOUSE DISTRICT		
	REQUIRED / ALLOWED	PROPOSED
LOT GROSS AREA	1 ACRE	943,017SF(21.65 ACRES)
BUILDING FOOTPRINT	n/a	321,175 SF
DENSITY	(8.5 UNIT/AC) = 184	78
HEIGHT	35'-0"	30'-0"
COMMON OPEN SPACE	(30%) 282,922 SF	525,364SF (+1.9)
MIN. LOT AREA	1,750 SF	MIN. SIZE = 4,240 SF (40'X106')
MIN. UNIT SIZE	900 SF	3,312 SF
MAX LENGTH OF GROUPS	240'-0"	Max. 250'-0"
FRONT SETBACK with garage	20'-0"	Min. 20'-0"
FRONT SETBACK WITHOUT garage	15'-0"	Min. 15'-0"
REAR SETBACK	10'-0"	Varies 10'-0" - 14'-4"
Between Groups of Buildings Setback	30'-0"	Min. 30'-0"

PARKING ANALYSIS RU-TH TOWNHOUSE DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
TOWNHOUSES	2 SPACES/TH = 156	156
VISITORS	1.25 SPACES / TH = 20	20

RECEIVED
APR 17 2007
Zoning Administration & Customer Service
BY

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisors, LLP.
200 Biscayne Avenue
Suite 1705
Miami, FL 33131
P. 305.375-0090
F. 305.375 8183

Planners:
ZYSCOVICH
100 W. Biscayne Blvd. 27th Floor, Miami, FL 33132
T. 305.372.0327 F. 305.577.4627
www.zyscovich.com

Landscape:
EDSA

Civil Engineering:
S. Bernardo Rodriguez Associates, P.A.
8101 Biscayne Blvd.
Miami, FL 33138
P 305 751 7707 / F 305 751 4264

comments

Final Modification Plan

Administrative Site Plan Review

Submittal 1: 03-28-2007
Submittal 2: 04-16-2007

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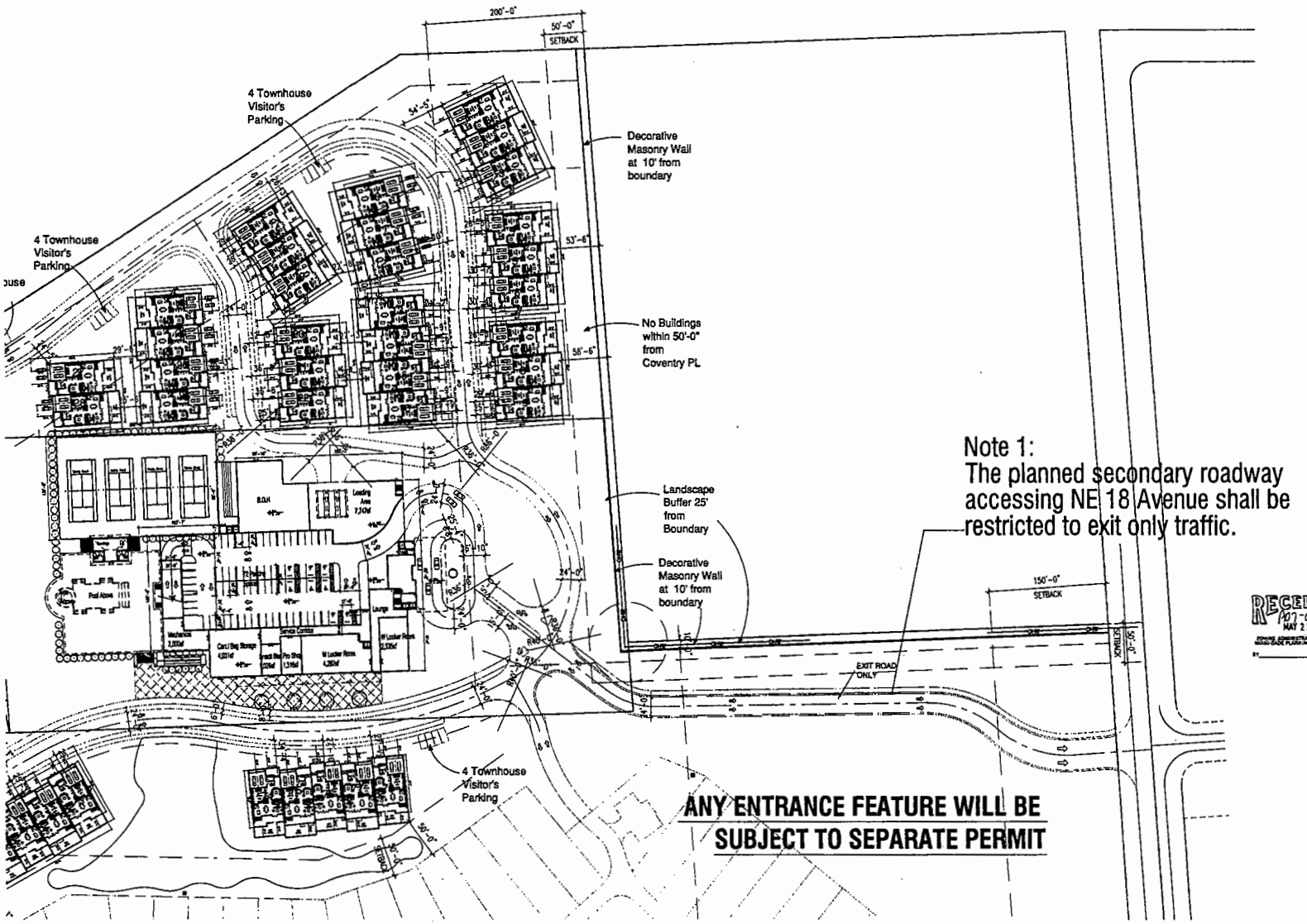

Note 1:
The planned secondary roadway accessing NE 18 Avenue shall be restricted to exit only traffic.

ANY ENTRANCE FEATURE WILL BE SUBJECT TO SEPARATE PERMIT

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MAY 2 2 2007

Site Plan

Scale: 1:60

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, Fl. 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, Fl. 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schoolcraft Stables & Associates, Inc.
2245 Corporate Way
Miami, Fl. 33025
P 305 852 7010 / F 305 852 8284

comments

Final Modification Plan

Administrative Site Plan Review

Submittal 1: 03-28-2007
Submittal 2: 04-16-2007
Submittal 3: 05-17-2007.

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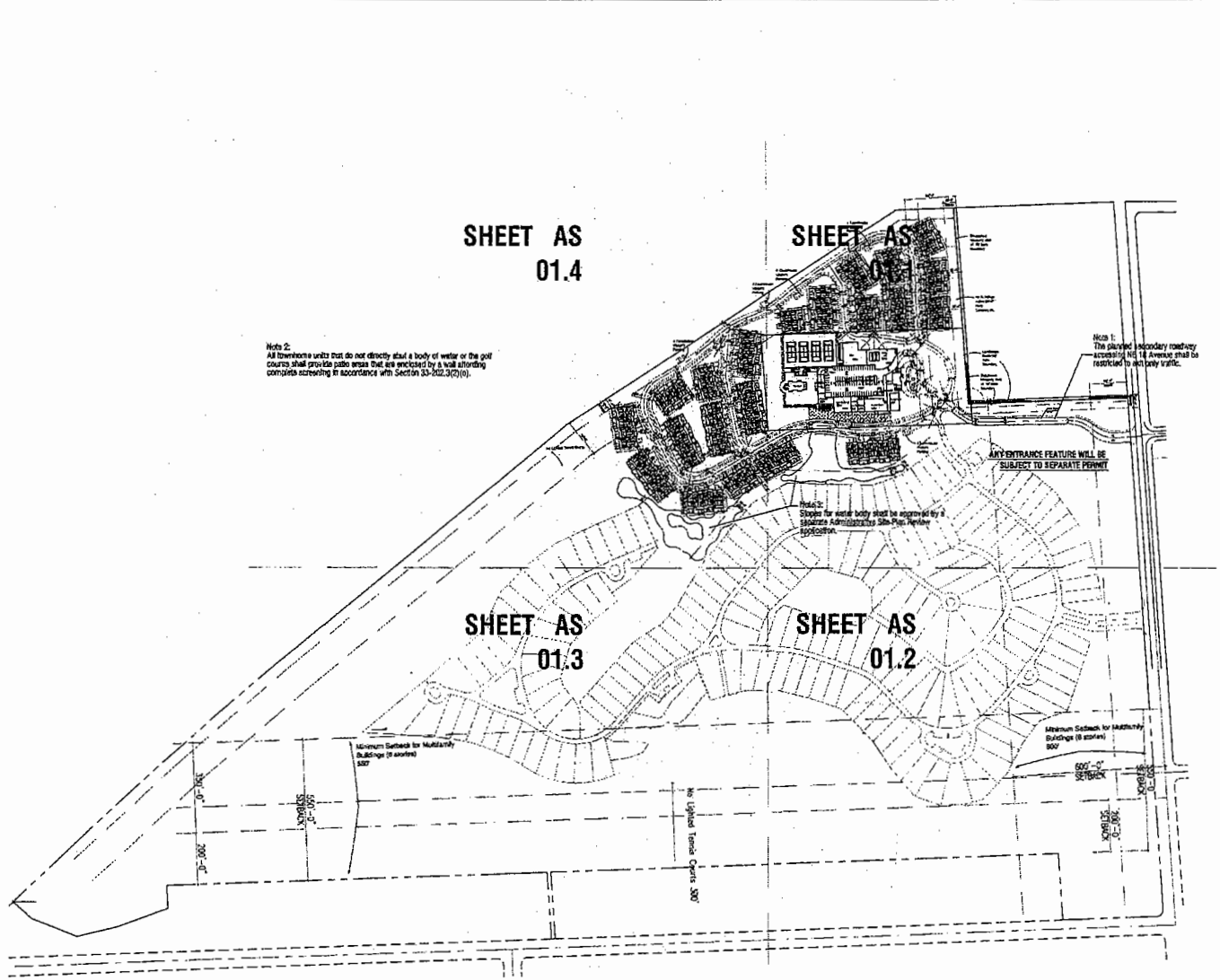

A07-010
RECEIVED
MAY 2 2 2007
BEING ADMINISTRATIVE REVIEW DATE
SCHEDULE PLANNING AND ZONING DEPT.
BY

Site Plan

Scale: 1:200

Presidential Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Cornerstone Shapiro & Associates, Inc.
3240 Corporate Way
Miramar, FL 33025
P 305 552 7010 / F 305 552 8284

comments

Final Modification Plan

Administrative Site Plan Review

Submittal 1: 03-28-2007
Submittal 2: 04-16-2007
Submittal 3: 05-17-2007

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AS 01

MAY 25, 2007

ASPR 2007-011

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

May 25, 2007

Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Re: Administrative Site Plan Review of: ASPR #2007000011

Name/Date of Plan:

Plans entitled "Banyan Oaks", Cover page prepared by Zyscovich, dated/stamped/received May 11, 2007, Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received May 8, 2007, Site Plan AS-01, AS-01.1, A-000 prepared by Zyscovich, dated/stamped/received May 23, 2007, L-1.01 dated/stamped/received May 23, 2007, D-1-1, A1-100-02, A1-200-01, D-2.1-2, A2-100-01, A-200-02 dated/stamped/received May 08, 2007, consisting of nineteen (19) sheets.

Section-Township-Range: 5-52-42

Legal Description: See Attached Exhibit A

Dear Mr. Price:

The staff of the Department of Planning and Zoning has reviewed and approved your request for Administrative Site Plan of the aforementioned development plan, of **a proposed 76 multi-family residential units**, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled "Banyan Oaks", Cover page prepared by Zyscovich, dated/stamped/received May 11, 2007, Survey plans prepared by Schwebke-Shiskin & Associates, Inc., dated/stamped/received, May 8, 2007, Site Plan AS-01, AS-01.1, A-000 prepared by Zyscovich, dated/stamped/received May 23, 2007, L-1.01 dated/stamped/received May 23, 2007, D-1-1, A1-100-02,

A1-200-01, D-2.1-2, A2-100-01, A-200-02 dated/stamped/received May 08, 2007, consisting of nineteen (19) sheets.

3. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

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

5. That in the event of multiple ownership, a homeowner's association, Special Taxing District or Community Development District be established in accordance with applicable regulations to assure that all common area and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.

6. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Department of Environmental Resources Management.

7. That the applicant comply with all applicable conditions and requirements of the Miami-Dade County Public Works Department.

8. Lake approval requires a separate application.

9. That the tennis courts not be lighted.

This letter serves as formal notification that the Miami-Dade County Department of Planning and Zoning recommends that the applicant proceed with the permitting process so long as development remains in substantial compliance with said plan. Substantial deviation from approved plans will require review by the Department.

Sincerely,

Subrata Basu
Interim Director

This item has been reviewed and approved for consistency with the standards of Ordinance #89-66, adopted on July 11, 1989, which established Miami-Dade County's Concurrency Management Program.

Action taken today does not constitute a final development order, and one or more concurrency determination will subsequently be required. Provisional determinations or listings of needed facilities made in

regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

SB:AJT:MTF:er

Attachments

c: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Damon Holness, Information Center
Abel Lera, Geomatics & Records Manager
Raul Pino, Public Works Department

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and M, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida, together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.12 of that certain Declaration of Covenants and Restrictions for Presidential Estates, filed December 31, 1997, in Official Records Book 17924, Page 2692, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 9-A, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 86 degrees 30 minutes 28 seconds East, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning; thence continue South 86 degrees 30 minutes 28 seconds East, a distance of 118.74 feet; thence South 59 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 39 degrees 10 minutes 45 seconds West, a distance of 67.05 feet to the Point of Beginning.

PARCEL II:

Tract "P" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot 9-A, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9-A; thence North 50 degrees 49 minutes 15 seconds East, along the West line of said Lot 9-A, a distance of 32.82 feet; thence South 39 degrees 10 minutes 45 seconds East, a distance of 30.26 feet; thence North 86 degrees 30 minutes 28 seconds West, along the South line of said Lot 9-A, a distance of 44.64 feet to the Point of Beginning.

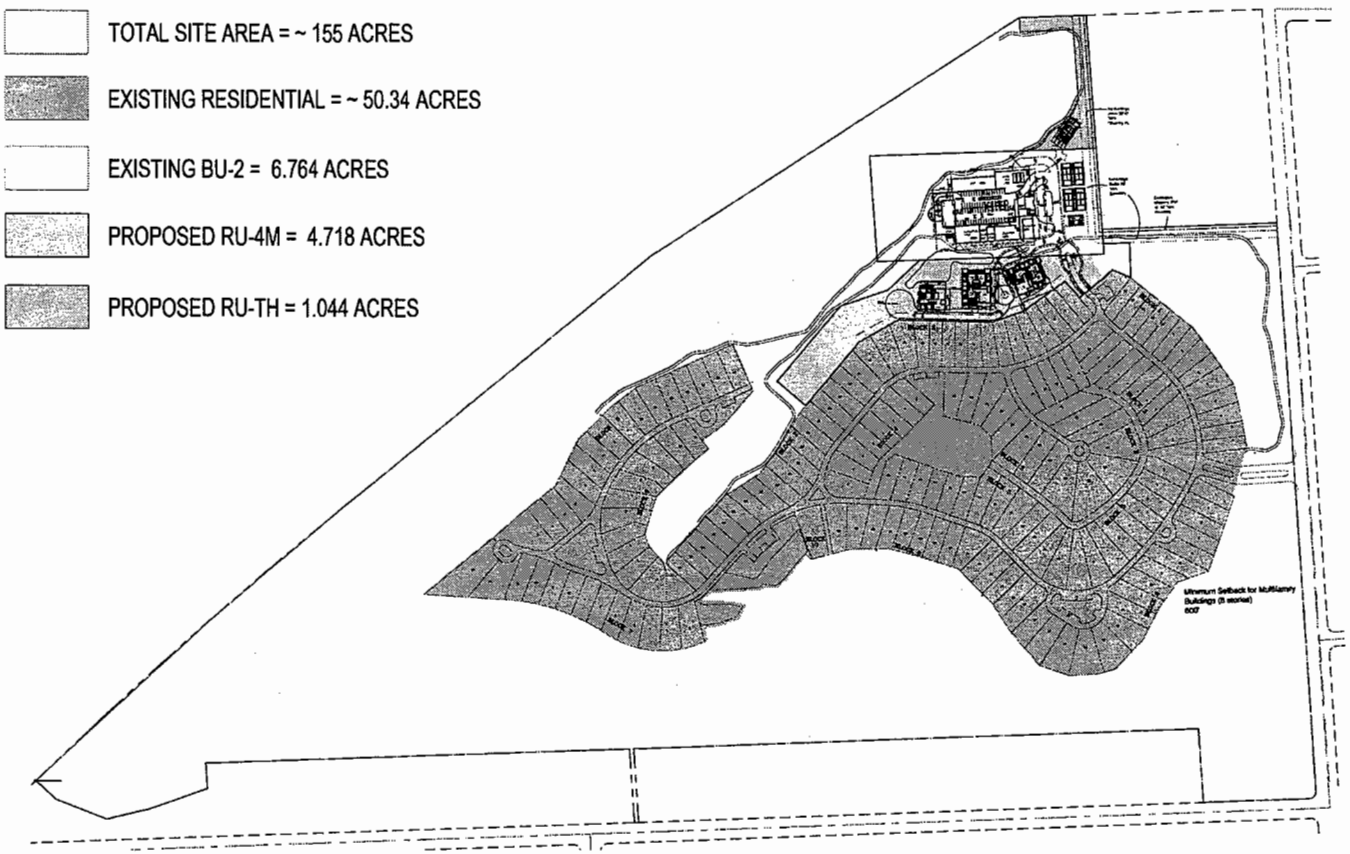
TOTAL SITE AREA = ~ 155 ACRES

EXISTING RESIDENTIAL = ~ 50.34 ACRES

EXISTING BU-2 = 6.764 ACRES

PROPOSED RU-4M = 4.718 ACRES

PROPOSED RU-TH = 1.044 ACRES



ZONING ANALYSIS BU-2 DISTRICT (CLUBHOUSE)		
	REQUIRED / ALLOWED	PROPOSED
LOT GROSS AREA	NA	294,645SF(6.764ACRES)
MAX. LOT COVERAGE	(40%) 117,858SF	15,515.3F
HEIGHT	35'-0"	35'-0"
# OF FLOORS	UNLIMITED NUMBER	2 Levels Above Grade + 2 Levels Below Grade
FAR	(0.51) 150,268	0.51:1 in Above Grade
MIN. LANDSCAPE AREA	(15%) 9 Trees Area= 45,696SF	See Sheet L-1.01

PARKING ANALYSIS BU-2 DISTRICT (CLUBHOUSE)		
PROGRAM	REQUIRED / ALLOWED	PROPOSED
GOLF	(3 Spaces/Hole = 9 Spaces) = 27	57
TENNIS	(4 Spaces/Court) = 16	16
RESTAURANT / BAR	(1/150SF) 3,300SF =22	67
SNACK BAR	(1/150SF) 5,041 = 51	51
OFFICE AREA	(1/300SF) 6,735SF = 23	23
PRO SHOP	(1/250SF) 1,345SF = 5	5
SPA	(1/250SF) 14,560SF=71	71
HANDICAP	HANDICAP	(5)
SURPLUS	-	35
TOTAL	281	328

ZONING ANALYSIS RU-4M DISTRICT (MULTIPLE FAMILY HOUSING DISTRICT)		
	REQUIRED / ALLOWED	PROPOSED
LOT GROSS AREA	10,000SF	205,553 SF(4.718 ACRES)
MAX. LOT COVERAGE	(30%) 61,665SF	30.70 %F
HEIGHT BUILDING A	9 STORIES / 100'-0"	8 STORIES /U 100'-0"
HEIGHT BUILDING B	9 STORIES / 100'-0"	8 STORIES /U 100'-0"
DENSITY	(35.9 UNDRC) 109 UNITS	75 UNITS
FAR	(1.0-8 STORIES) 132,971SF	204,130 SF
OPEN SPACE	(35%) 71,943 SF	See Sheet L-1.01
MIN. DISTANCE BETWEEN BUILDINGS	30'-0"	58'-9"

PARKING ANALYSIS RU-4M DISTRICT		
PROGRAM	REQUIRED / ALLOWED	PROPOSED
3 BEDROOM UNIT PER DWG A	(2 SPACES/UNIT) 2X62 = 124	124
3 BEDROOM UNIT BUILDING B	(2 SPACES/UNIT) 2X14 = 28	28
HANDICAP SPACES	(5)	(5)
TOTAL	157	177

ZONING ANALYSIS RU-TH TOWNHOUSE DISTRICT		
	REQUIRED / ALLOWED	PROPOSED
LOT GROSS AREA	1 ACRE	45,506 SF(1.044 ACRES)
BUILDING FOOTPRINT	N/A	2,840 SF
DENSITY	(8.5 UNDRC) =3	1
HEIGHT	35'-0"	35'-0"
CONSUM OPEN SPACE	(30%) 13,652 SF	SEE SHEET L-1.01
MIN. LOT AREA	1,250 SF	MIN SIZE =4,240 SF (40X106)
MIN. UNIT SIZE	800 SF	3,673 SF
MAX LENGTH OF GROUPS	240'-0"	40'-0"
FRONT SETBACK with garage	20'-0"	23'-0"
FRONT SETBACK without garage	15'-0"	29'-0"
REAR SETBACK	10'-0"	15'-0"
Between Groups of Buildings Setback	20'-0"	N/A

PARKING ANALYSIS RU-TH TOWNHOUSE DISTRICT		
	REQUIRED SPACES	PROPOSED SPACES
TOWNHOUSES	2 SPACES/TH = 2	2
VISITORS	1.25 SPACES / TH = 1	1

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investlimart Advisers, LLP.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305.375-0000
F. 305.375.6182

Planner:
ZYSCOVICH
100 N. Biscayne Blvd. 27th Floor, Miami, FL 33132
T. 305.372.3223 F. 305.577.4521
www.zyscovich.com

Landscape:
EDSA

Civil Engineering:
Sebastian Design & Associates, Inc.
7243 Corporate Way
Miami Lakes, FL 33016
P 305.823.7010 F 305.362.6744

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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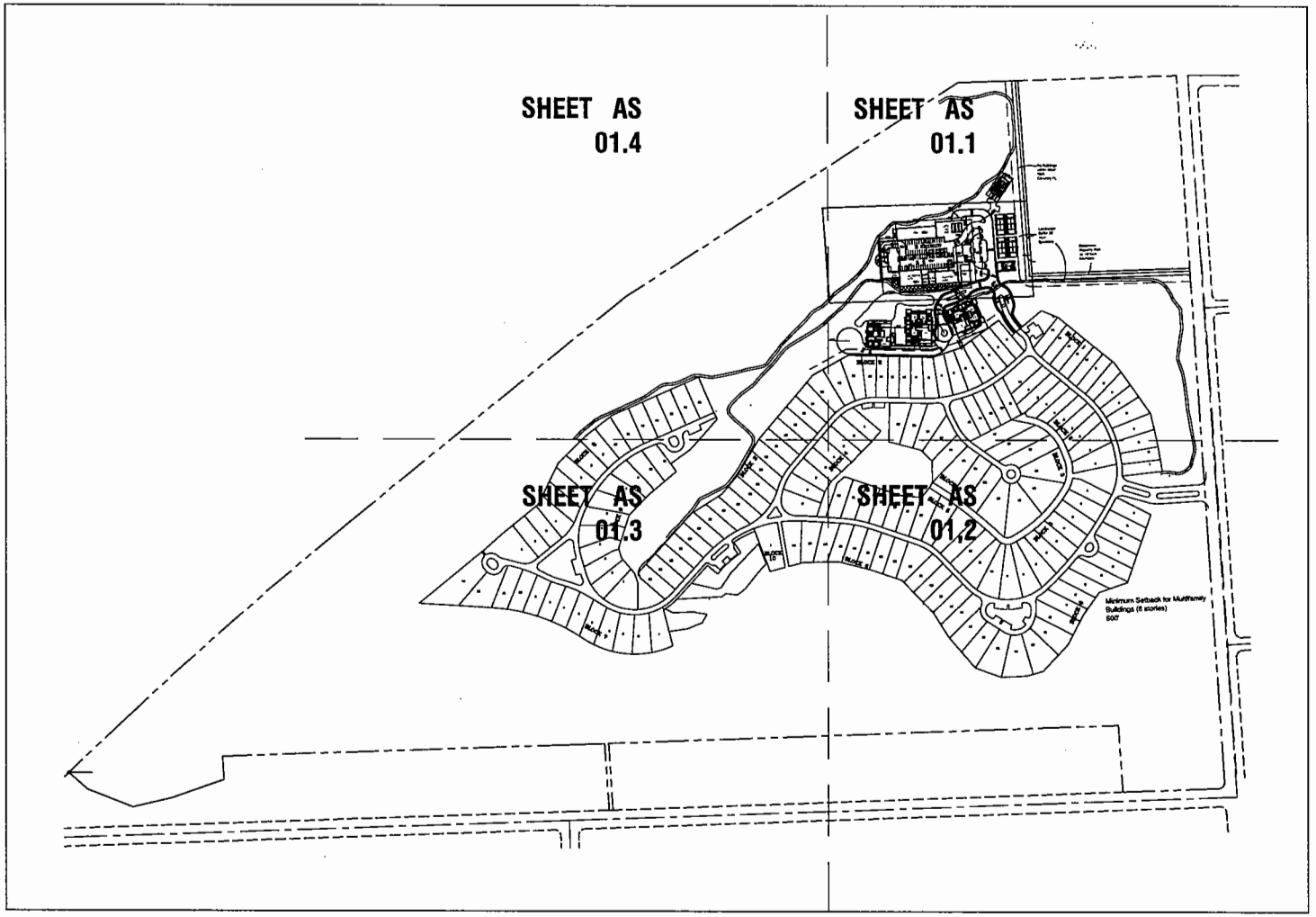

Site Plan

Scale: 1:200

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schwebke-Shiskin & Associates, Inc.
2940 Corporate Way
Miami, FL 33025
P 305 652 7010 / F 305 652 4264

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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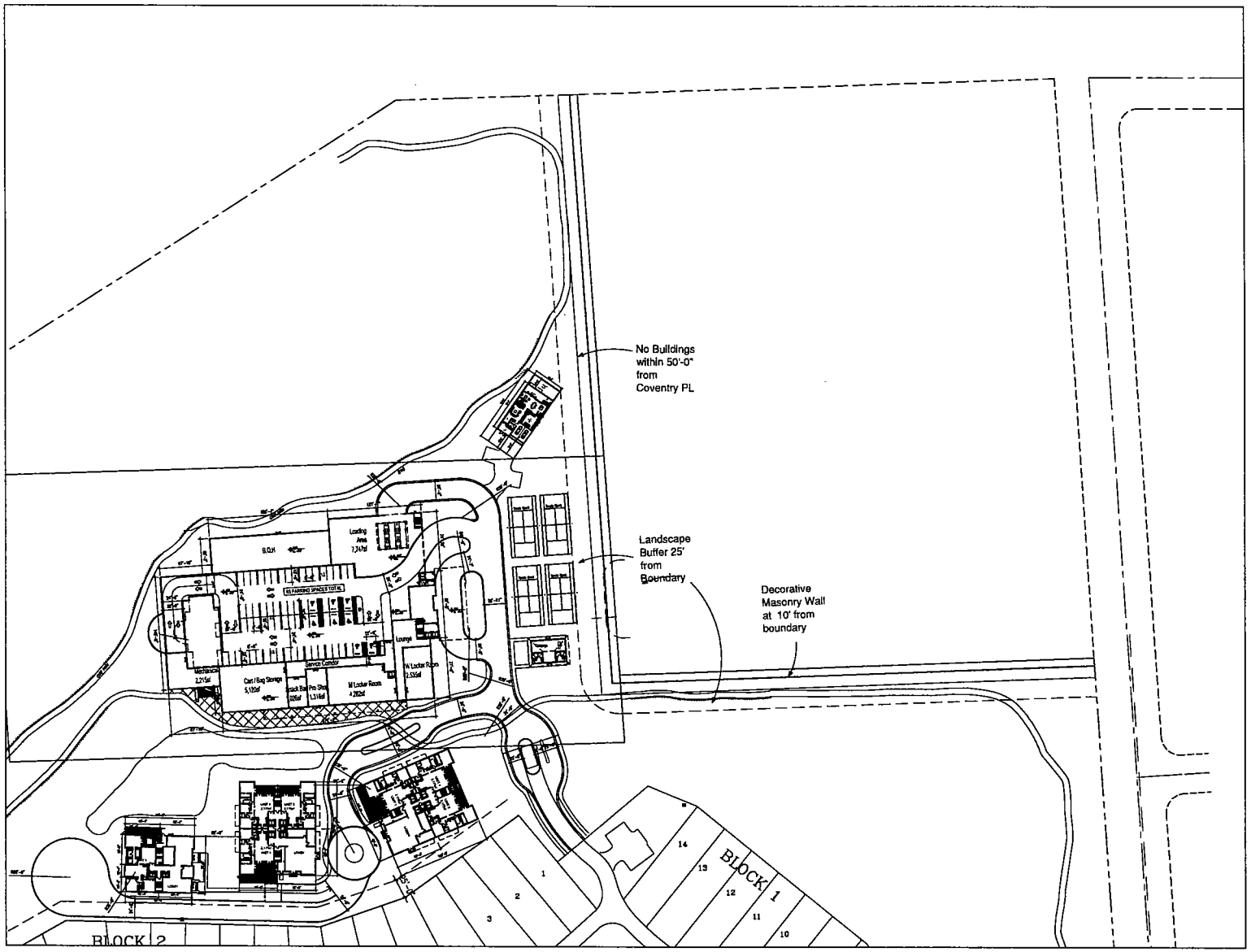
0536 PCCP

AS 01



Site Plan

Scale: 1:60

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schwebke-Shiskin & Associates, Inc.
2140 Corporate Way
Miramar, FL 33025
P 305.667.7010 F 305.652.6264

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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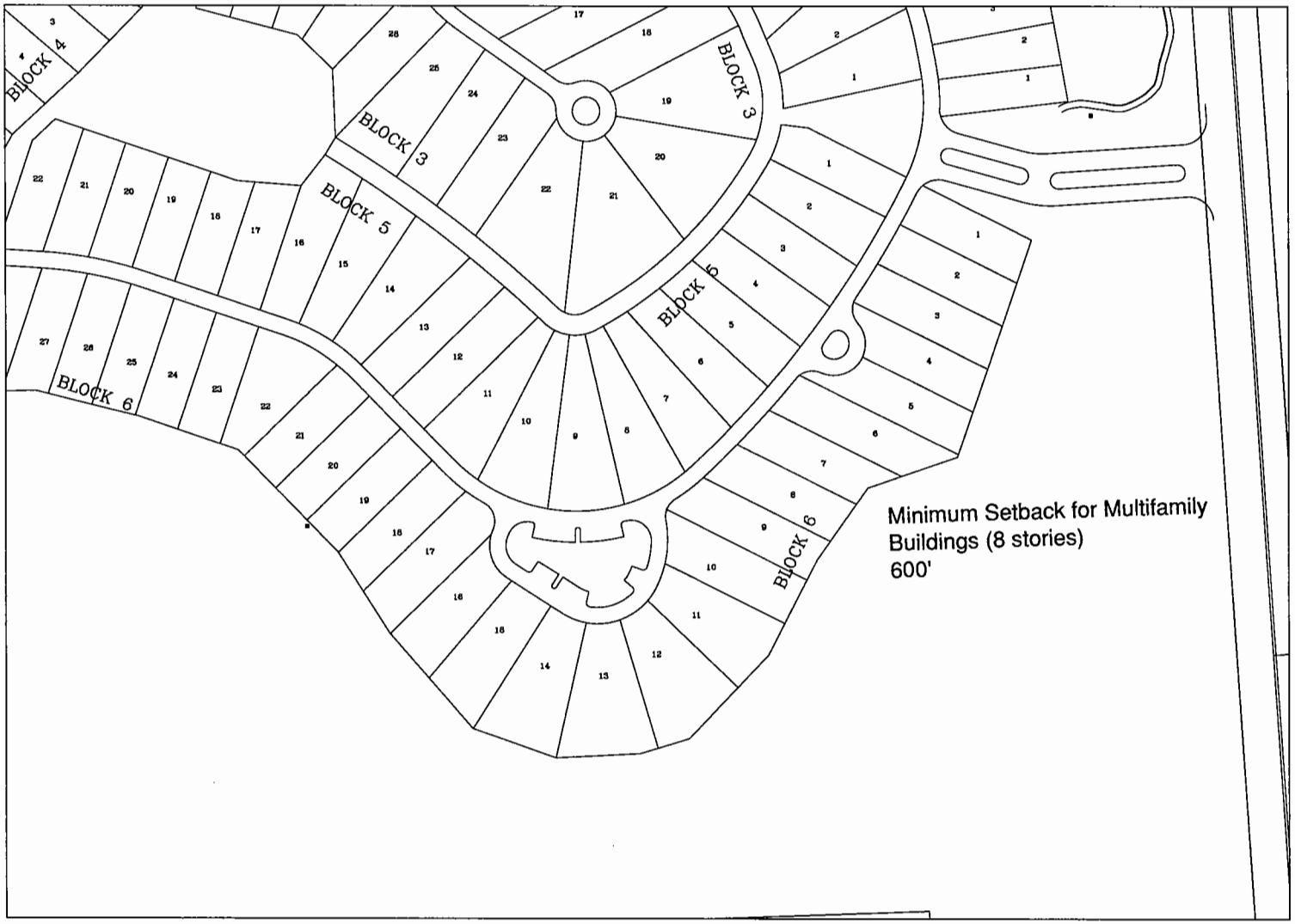
AS 01.1



Site Plan

Scale: 1:60

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
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Landscape:
E D S A

Civil Engineering:
Schwebke-Shiskin & Associates, Inc.
3240 Corporate Way
Miramar, FL 33025
P 305 657 7010 / F 305 657 4254

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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AS 01.2

Site Plan

Scale: 1:60

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305 375-0090
F. 305 375 8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schwebke-Shiskin & Associates, Inc.
2240 Cooper Ave Way
Miami, FL 33025
P 305 651 7010 F 305 651 6244

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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AS 01.3

Site Plan

Scale: 1:60

Banyan Oaks Country Club 19600 Presidential Way, Miami Dade County, Florida

Owner and Developer:
Investment Advisers, L.L.P.
1200 Brickell Avenue
Suite 1720
Miami, FL 33131
P. 305.375.4090
F. 305.375.8183

Planners:
ZYSCOVICH
100 N. Biscayne Blvd, 27th Floor, Miami, FL 33132
T. 305.372.5222 F. 305.577.4521
www.zyscovich.com

Landscape:
E D S A

Civil Engineering:
Schwebke-Shiskin & Associates, Inc.
3240 Corporate Way
Miramar, FL 33025
P 305.652.7010 / F 305.652.4344

comments

Administrative Site Plan Review

Submittal 1: 04-25-2007

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0536 PCCP

AS 01.4

GOVERNING RESOLUTIONS

AND

COVENANTS

RESOLUTION

Z-282-86

Corrected Copy

4

85-718/5-52-42

RESOLUTION NO. Z-282-86

The following resolution was offered by Commissioner Sherman S. Winn, seconded by Commissioner Barbara M. Carey, and upon poll of members present the vote was as follows:

Barbara M. Carey	aye	Barry D. Schreiber	nay
Clara Oesterle	aye	Jorge (George) Valdez	absent
Beverly B. Phillips	aye	Sherman S. Winn	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	nay		

WHEREAS, HASAM REALTY CORP., had applied for the following:

(1) A district boundary change from GU (Interim), RU-1 (Single Family Residential) and BU-2 (Special Business) to RU-4M (Modified Apartment House)

(2) USE VARIANCE requiring the dedication of all half-section line roads; to waive same for theoretical N.E. 14th Avenue.

REQUESTS #1 & #2 ON THE FOLLOWING:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of said Section 5; thence S88°2'36"W, along the north line of the NE 1/4 of said Section 5, for 666.06' to the Point of beginning of the following described parcel of land; (last mentioned course being coincident with the N/ly boundary of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18; thence continued S88°2'36"W, for 235.77'; thence S57°23'2"W for 1,549.16'; thence S50°49'15"W for 1,411.24' to a Point of curvature; thence SW/ly, along a circular curve to the left, having a radius of 16,988.8' and a central angle of 4°1'15" for an arc distance of 1,192.22' to a Point of tangency; thence S46°48'0"W, for 267.97' (last mentioned four courses are based upon existing Florida Department of Transportation Monumentation for the Right-of-Way of State Road No. 9); thence S48°20'46"E, for 96.97'; thence S68°48'39"E, for 192.01'; thence N76°48'11"E, for 158.82'; thence N70°39'34"E, for 215.95'; thence N3°51'2"W along a line parallel with the east line of the NE 1/4 of said Section 5 for 90'; thence N87°58'14"E along a line parallel with and 294.88' north of, as measured at right angles to, the south line of the NW 1/4 of said Section 5, for 1,350.95'; thence N87°54'5"E, along a line parallel with and 294.88' north of, as measured at right angles to the south line of the NE 1/4 of said Section 5, for 149.8'; thence S3°51'2"E, along a line parallel with the east line of the NE 1/4 of said Section 5, for 260'; thence N87°54'5"E, along a line parallel with and 35' north of, as measured at right angles to, the south line of the NE 1/4 of said Section 5, for 15.01' to a point (said point being 174' east of the center of said Section 5, as measured along the south line of the NE 1/4 of said Section 5 and 35.02' north of, as measured along the S/ly prolongation of the next mentioned course; thence N3°51'2"W, for 260'; thence N87°54'5"E, along a line parallel with and 294.88' north of, as measured at right angles to the south line of the NE 1/4 of said Section 5, for 2,000'; thence N3°51'2"W, along a line parallel with and 444.79' west of, as measured at right angles to, the east line of the NE 1/4 of said Section 5, for 1,415'; thence N87°54'5"E for 445'; thence N3°51'2"W along the east line of said Section 5 for 358.4'; thence S87°53'21"W along the S/ly boundary line of the said plat RESUBDIVISION OF COVENTRY for 663'; thence S4°4'43"E for 247.87'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 672.86'; thence N88°2'36"E for 800.55'; thence N4°4'43"W along the W/ly boundary line of the said plat of RESUBDIVISION OF COVENTRY for 350.24' to the Point of beginning.

OFFICIAL DADE COUNTY

AND:

PAGE 124

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

ZONING HEARING FILE.

Commence at the Northeast corner of Section 5; thence S3°51'2"E along the east line of the north 1/2 of said Section 5 for 1,109.33' to the Point of beginning of the following described parcel of land; thence S87o54'5"W for 445'; thence S3o51'2"E for

1,675'; thence N87°54'5"E along a line that is 35' north of and parallel with the south line of the north 1/2 of said Section 5 for 445'; thence N3°51'2"W along the east line of the north 1/2 of said Section 5 for 1,675' to the Point of beginning.

AND:

A portiion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of Section 5; thence S88°2'36"W, along the north line of said Section 5, for 666.06'; thence S4°4'43"E, along the W/ly boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18, for 350.24' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E, along the last described course and its S/ly prolongation, for 650.45'; thence S88°2'36"W, for 800.55'; thence N4°4'43"W, for 650.45'; thence N88°2'36"E, for 800.55' to the Point of beginning.

LESS:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Section 5, Township 52 South, Range 42 East; thence S88°2'36"W along the north line of said Section 5, Township 52 South, Range 42 East from 666.06'; thence S4°4'43"E along the west boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18 for 468.24' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E along the last described course and its S/ly prolongation for 372'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 372'; thence N88°2'36"E for 800.55' to the Point of beginning.

(3) UNUSUAL USE to permit a portion of the proposed golf course to encroach into the BU-2 zone.

(4) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a BU zoned property abuts residentially zoned property; to waive same.

(5) NON-USE VARIANCE OF ZONING AND SUBDIVISION REGULATIONS requiring lot frontage on a public street; to waive same to permit a lot with zero frontage (50' required) on a public street and to permit access to a public street by means of a private drive.

(6) SPECIAL EXCEPTION to permit a cocktail lounge in the existing clubhouse spaced less than the required 2,500' from an existing church.

REQUESTS #3, 4, 5 & 6 ON THE FOLLOWING:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Section 5, Township 52 South, Range 42 East; thence S88°2'36"W along the north line of said Section 5, Township 52 South, Range 42 East from 666.06'; thence S4°4'43"E along the west boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18 for 468.24' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E along the last described course and its S/ly prolongation for 372'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 372'; thence N88°2'36"E for 800.55'; thence N4°4'43"W for 372'; thence N88°2'36"E for 800.55' to the Point of beginning.

OFFICIAL DADE COUNTY
PAGE /25
ZONING HEARING FILE

A sketch is on file and may be examined in the Zoning Department, entitled "Hasam Realty Properties, Dade County, Florida", as prepared by Sasaki Associates, Inc. dated 4-8-86. A plan of the clubhouse site is also on file entitled "Hasam Realty Properties Parking Layout", as prepared by Sasaki Associates, Inc. dated 4-7-86. A liquor survey is also on file entitled "Specific Purpose Survey", as prepared by Schwebke-Shiskin & Associates, Inc. and dated 3-31-86.

LOCATION: The south side of theoretical N.E. 199 Street, between N.E. 19 Avenue and State Road #9, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant proffered a Covenant and offered to amend the Covenant to reduce the number of units to a total not to exceed 850 and to stipulate that the golf course will be maintained for at least 15 years, and upon due and proper consideration having been given to the matter and to the recommendtion of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-4M would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and that the use variance, unusual use, non-use variances and special exception would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved, and that the proffered Covenant and amendment to the Coventant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-4M be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that the balance of the requested application be and the same is hereby approved;

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Covenant and Amendment to the Covenant and does exercise its option to enforce the proffered Covenant wherein the same is more restrictive than applicable zoning regulations and that the use variance, unusual use, non-use variances and special exception are conditioned upon the return of the corrected proffered agreement within 10 days from the date of this Resolution.

OFFICIAL DADE COUNTY
PAGE 126
ZONING HEARING FILE

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

PASSED AND ADOPTED this 4th day of December, 1986.

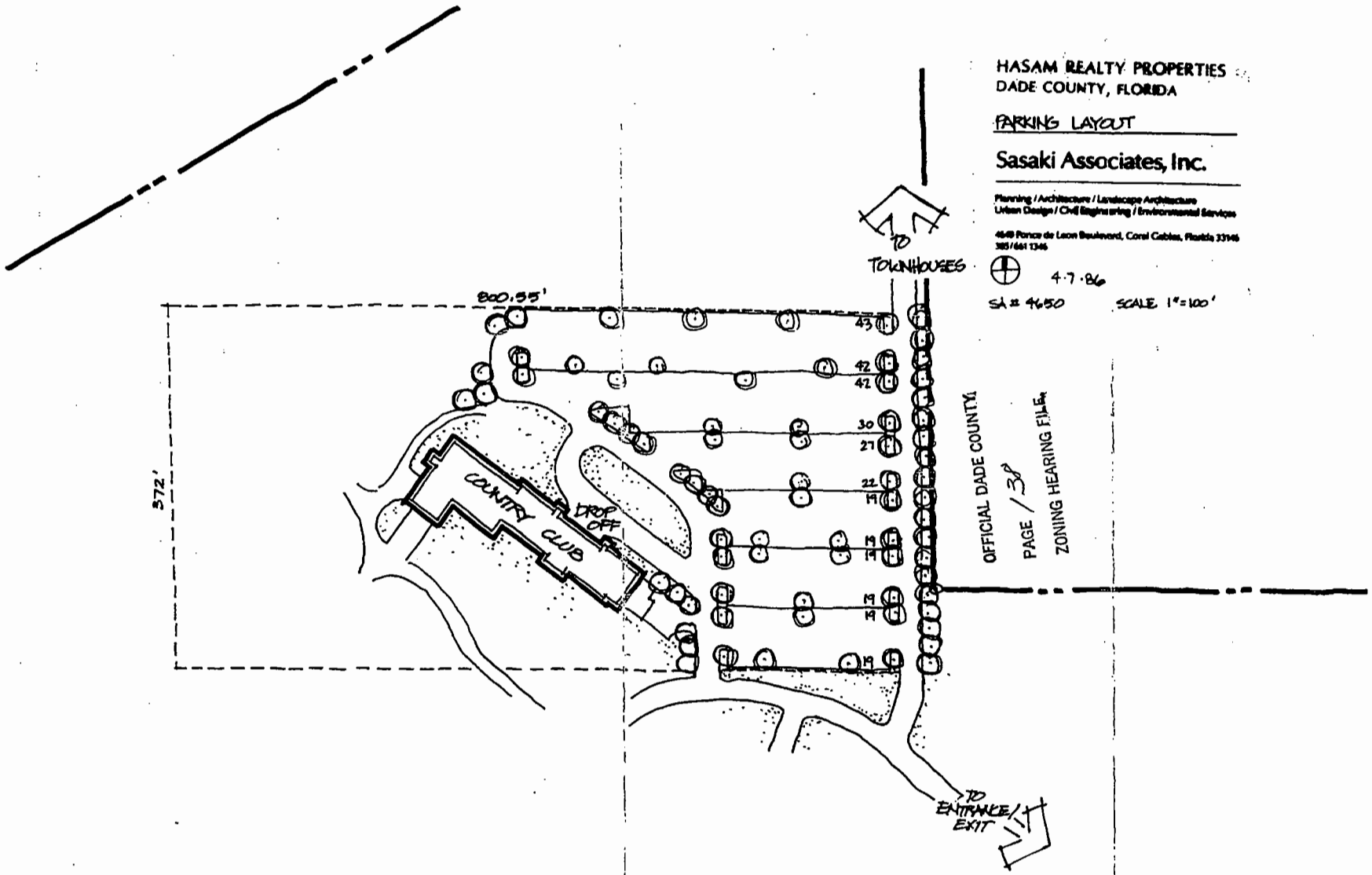
May, 1986
No. 86-5-CC-2
1/5/87
mr

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By Richard P. Brinker, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 12th day of JANUARY, 1987.

OFFICIAL DADE COUNTY
PAGE 127
ZONING HEARING FILE


HASAM REALTY PROPERTIES
DADE COUNTY, FLORIDA
PARKING LAYOUT
Sasaki Associates, Inc.
Planning / Architecture / Landscape Architecture
Urban Design / Civil Engineering / Environmental Services
4640 Ponce de Leon Boulevard, Coral Gables, Florida 33146
305/661 1346
4-7-86
SA # 4650
SCALE 1"=100'
TO TOWNHOUSES
800.55'
372'
43
42
42
30
27
22
19
19
19
19
19
COUNTRY CLUB
DROP OFF
TO ENTRANCE/EXIT
OFFICIAL DADE COUNTY
PAGE 30
ZONING HEARING FILE

BU-2 LEGEND

GROSS LAND AREA	297,804.6 SF	
NET " "	297,804.6 SF	
LOT COVERAGE		16,476. SF
PAVED AREA		102,400. SF
LANDSCP./OPEN		56,105.3 SF
GOLF COURSE & UNENCUMBERED OPEN SPACE		122,823.3 SF
TOTAL		297,804.6 SF

LANDSCAPED OPEN SPACE

- REQUIRED	41,692.6	SQ FT.	14%
- PROVIDED	56,105.3	SQ FT.	19%

USES PROVIDED	spaces/area	Parking Req.	Parking Provided	RATIO
GOLF COURSE	18 hole	54	54	3/HOLE + 3
PRO SHOP/LOCKERS	4,142 ♯	21	21	1/200 ♯
RESTAURANT	8,342 ♯	175	190	1/50 ♯ + 1/ 4 EMPLOYEES
BANQUET RM.	10,329 ♯	52	52	1/200 ♯
TOTAL	22,813 ♯	305	320	

MAXIMUM HEIGHT - 22 FT.
NUMBER STORIES - ONE

FLOOR AREA RATIO

1st FLOOR	16,476 ♯
BASEMENT	10,329 ♯
	26,805 ♯

TOTAL SQ FT. BLDG. / NET LAND AREA = 26,805 / 297,804.6 = .090 FAR

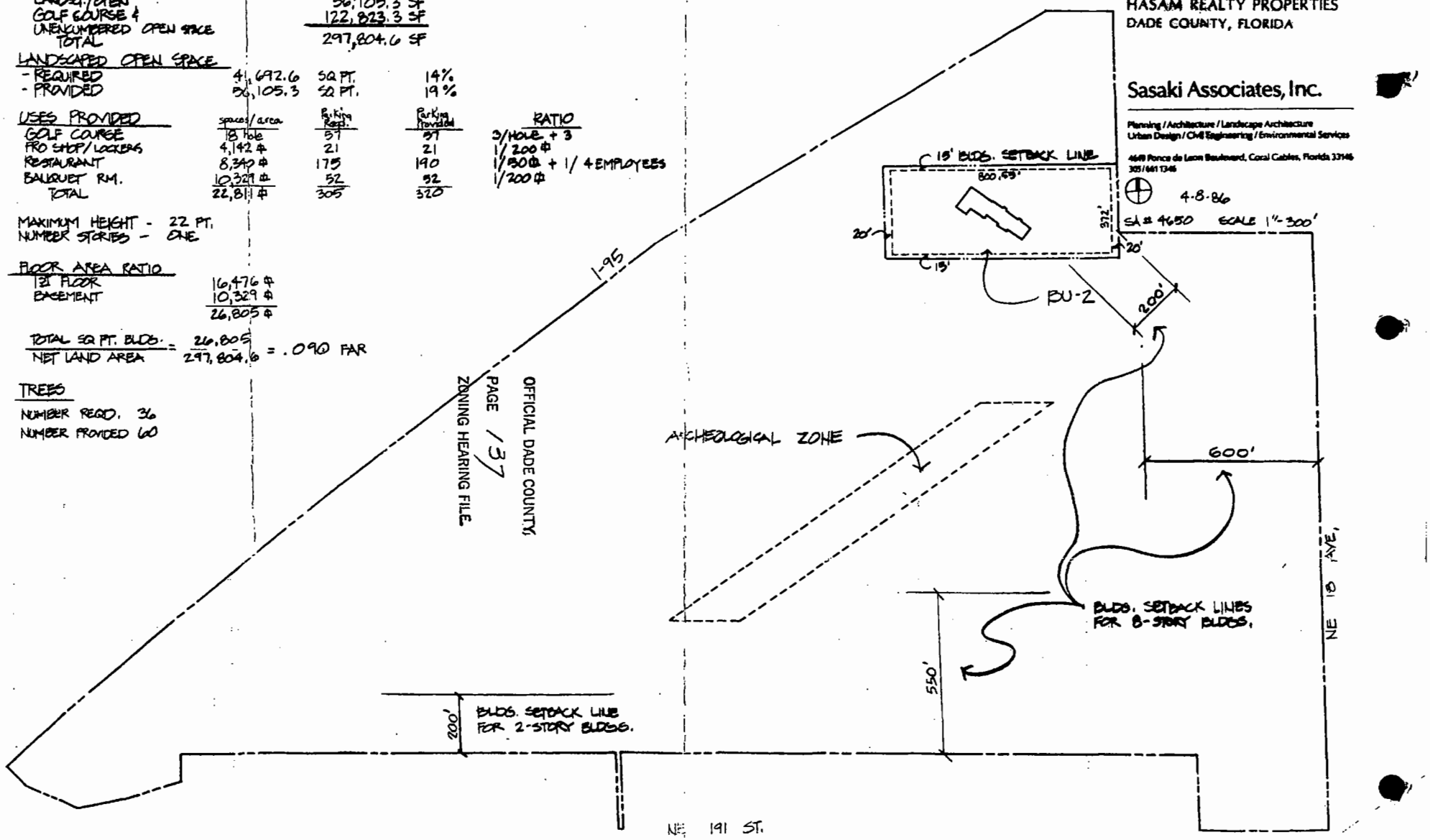
TREES

NUMBER REQD. 36
NUMBER PROVIDED 60

HASAM REALTY PROPERTIES
DADE COUNTY, FLORIDA

Sasaki Associates, Inc.
Planning / Architecture / Landscape Architecture
Urban Design / Civil Engineering / Environmental Services
4699 Ponce de Leon Boulevard, Coral Gables, Florida 33146
305/661 1345

4-8-86
SA # 4650 SCALE 1"-300'



COVENANT

SUBMITTED

PURSUANT

TO

Z-282-86

N '30 PM 2:26 86R456762

OFF REC 13130 PG 4797

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that HASAM REALTY CORPORATION, a Delaware corporation (hereinafter referred to as "Owner"), being the owner of certain property, lying, being and situated in Dade County, Florida, consisting of approximately 159 acres, more or less, more particularly described in Composite Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Property") in order to assure the Board of County Commissioners of Dade County, Florida, that representations made to it by the Owner during consideration of the Hasam Realty Corporation application No. 85-718 for certain zoning district boundary changes and an unusual use will be abided by, voluntarily makes the following Declaration of Restrictive Covenants covering and running with the Property.

A. Controlled Densities. Notwithstanding the request for the RU-4M zoning classification, the maximum number of residential units on the Property is hereby established at a total of 850. The densities may vary within the Property, but in no event may the total number of residential units exceed the aforementioned 850 dwelling units. In order to assure the proportionate spreading of density, the Owner shall specify in any instrument conveying portions of the Property the number of residential dwelling units allocated to the property being conveyed. The number of dwelling units available to the remaining portions of the Property shall be correspondingly reduced. Prior to sale or transfer of any portion of the Property, the Owner will notify in writing the Director of the Dade County Building and Zoning Department of the property to be transferred, specifying the description of the land conveyed and the number of units permitted to be constructed pursuant to such conveyance. Upon

This document prepared by:
Sheila F. Wolfson, Esq.
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen & Quentel, P.A.
1401 Brickell Avenue
Miami, Florida 33131

the sale or transfer of that portion of the Property, the Owner will send to the Director of the Dade County Building and Zoning Department a copy of the deed conveying such property.

B. Fire Service Contribution. In order to help meet future Dade County fire service needs generated by the development of the Property, the Owner shall voluntarily contribute (hereinafter referred to as "Fire Contribution") $80,000 to the Dade County Fire Department, as adjusted for cost-of-living changes, for expenditure within the "first-in" fire district serving the subject Property. The Fire Contribution will be paid in two separate installments of $40,000 each, plus adjustments for cost-of-living changes. The first installment in the amount of $40,000.00, as adjusted for cost of living changes, shall be due and payable prior to platting of the Property or any portion thereof. The second and final installment in the amount of $40,000.00, as adjusted for cost of living changes, shall be due and payable at the time of issuance of the building permit for the 500th dwelling unit on the Property.

All Fire Contribution installments shall be subject to cost-of-living adjustments over time beginning on the day following the date of the adoption of the County Commission resolution relating to Application No. 85-718 and the rezoning of the Property and extending to the date the full Fire Contribution, as adjusted for cost-of-living changes, is paid to the Dade County Fire Department.

The standard for determining cost-of-living adjustments shall be the Implicit Price Deflator for Gross Private Domestic Nonresidential Fixed Investment ("Deflator") issued quarterly by the Bureau of Economic Analysis, U.S. Department of Commerce. The Deflator for the quarter of the year in which the subject application is approved shall be taken as the Basic Standard. Cost-of-living adjustments to Fire Contribution installments which are due and payable shall be made by multiplying the applicable installment by a fraction, the numerator of which

shall be the New Deflator Figure (such figure being the Deflator figure for the quarter of the year in which the applicable installment is due and payable) and the denominator of which shall be the Basic Standard, and the result thus obtained shall be the installment to be paid by the Owner to the Dade County Fire Department.

C. Monetary School Donation Based on Value in Lieu of Land. In order to help meet future public school needs generated by this application, the Owner shall voluntarily contribute funds (hereinafter referred to as the "School Donation") to the Dade County School Board equal to the fair market value of a hypothetical site of 2.59 net acres of land situated on the Property with the same zoning and other development approvals as proposed for the Property. The fair market value shall be determined by the Dade County Property Appraiser, by applying the assumptions contained in Exhibit B attached hereto, prior to any platting of the Property or any portion thereof.

Payment of said School Donation shall be made in installments as follows: (1) 10% of the School Donation, as adjusted for cost-of-living changes, concurrent with the issuance of a building permit for the first residential unit for the Property other than model units that may be constructed for sales purposes; (2) 20% of the School Donation, as adjusted for cost-of-living changes, concurrent with the issuance of a building permit for the 201st residential unit; (3) 30% of the School Donation, as adjusted for cost-of-living changes, concurrent with issuance of a building permit for the 401st residential unit; and (4) 40% of the School Donation, as adjusted for cost-of-living changes, concurrent with the issuance of a building permit for the 501st residential unit. In any event, the entire School Donation, as adjusted for cost-of-living changes, shall be made on or before ten (10) years from the date of the initial platting of the Property or any portion thereof.

All School Donation installments shall be subject to cost-of-living adjustments over time beginning on the date of the adoption by the County Commission of the resolution approving Application 85-718 and the consequent rezoning of the Property and extending to the date the full School Donation, as adjusted for cost-of-living changes, is paid to the Dade County School Board.

The standard for determining cost-of-living adjustments shall be the Implicit Price Deflator for Gross Private Domestic Nonresidential Fixed Investment ("Deflator") issued quarterly by the Bureau of Economic Analysis, U.S. Department of Commerce. The Deflator for the quarter of the year in which the subject application is approved shall be taken as the Basic Standard. Cost-of-living adjustments to School Donation installments which are due and payable shall be made by multiplying the applicable installment by a fraction, the numerator of which shall be the New Deflator Figure (such figure being the Deflator figure for the quarter of the year in which the applicable installment is due and payable) and the denominator of which shall be the Basic Standard, and the result thus obtained shall be the installment to be paid by the Owner to the Dade County School Board.

D. Archaeological Zone. The Owner agrees to establish an archaeological zone on the ridge located on the Property which is legally described on Exhibit "C" hereto and preserve areas within this zone determined to be of archaeological importance by Dade County's archaeologist. No trees within said area may be removed without approval of the Director of the Dade County Department of Environmental Resource Management. At least two (2) weeks prior to any surface or sub-surface clearing, excavation or alteration within this archaeological zone, the Owner shall notify the County's Archaeologist and provide him the opportunity to monitor such operations for the purpose of recording any significant archaeological sites, features or artifacts that might be uncovered.

E. Site Planning Process. The Owner agrees as part of the site plan approval process, to conduct tree surveys, locate existing water bodies, establish existing elevations, proposed site elevations, and flood criteria elevations, and do other appropriate investigations and studies of the Property to assure that the development of the Property will be sensitive to existing conditions as well as create a pleasing environment for the intended development. Various departments of Metropolitan Dade County and particularly the Departments of Planning and Environmental Resource Management (DERM) will be consulted for their input, review and, where necessary, approval and sign-off as the site design progresses. Owner agrees to comply with DERM maintenance and preservation requirements for identified tree preservation areas as a prerequisite to DERM site plan approval and sign-off. Owner will prepare a tree survey of the entire Property subject to DERM approval prior to tentative platting of the Property or any portions thereof.

F. Traffic Improvements. Based upon the traffic impact study entitled "Diplomat Presidential Traffic Impact Study," prepared by David Plummer & Associates, Inc., dated November, 1985 and revised December, 1985 (hereinafter the "Traffic Study"), the Owner will, at its own expense, undertake and complete the following traffic improvements subject to the approval of the Metropolitan Dade County Public Works Department and where applicable, the State of Florida Department of Transportation:

1. All construction traffic will be directed to enter and exit the site from the south on N.E. 18th Avenue.

2. The construction driveway connecting the project to N.E. 18th Avenue will be placed as far south on the site as possible at a point that will minimize interference with golfing operations and adverse impacts on residences located on the east side of N.E. 18th Avenue and along N.E. 191st Street.

3. Within 60 days of obtaining the first building permit other than for model units that may be constructed for sales purposes, N.E. 18th Avenue will be improved to two southbound lanes, two northbound lanes, curb and gutter along the pavement edges and a raised median from N.E.

191st Street north to the construction driveway. This will include all required tapers to connect to the existing pavement north of that point. Within the 60 day period existing signalization will be modified and repaving and striping will be accomplished at N.E. 18th Avenue and N.E. 191st Street to accommodate these improvements of N.E. 18th Avenue.

4. N.E. 18th Avenue will be improved to two southbound thru lanes, two northbound thru lanes, curb and gutter along the pavement edges and a raised median from the construction driveway north to the Diplomat Presidential driveway and to one southbound thru lane, one northbound thru lane and a painted median from the Diplomat Presidential driveway north to N.E. 197th Street. Said improvements will be designed and bonded at time of initial platting of any portion of the property and will be constructed and completed prior to obtaining a building permit for the 201st unit or within one year following issuance of the first residential building permit for the Property, other than for model units that may be constructed for sales purposes, whichever occurs first. The improvements will place curb and gutter along the median but use swales along the pavement edge.

5. Provide pavement for increased radius returns plus modify striping for the intersection of N.E. 199th Street with N.E. 18th Avenue. Also, striping modification and/or pavement removal will be required on N.E. 18th Avenue south of 199th Street and will be performed according to the requirements of the Dade County Public Works Department. Access to N.E. 199th Street west of 18th Avenue will be restricted to right turns in and out. The foregoing improvements will be an extension of Item 4 above and will be completed prior to obtaining a building permit for the 201st dwelling unit or within one year following issuance of the first residential building permit for the Property, other than for model units that may be constructed for sales purposes, whichever occurs first.

6. At the option of Dade County, provide an additional lane of pavement on N.E. 199th Street between N.E. 18th Avenue and Highland Lakes Boulevard to allow for left turn bays prior to obtaining a building permit for the 201st dwelling unit or within one year following issuance of the first residential building permit for the Property, other than for model units that may be constructed for sales purposes, whichever occurs first.

7. If required by Dade County, provide signalization of the intersection of N.E. 199th Street and Highland Lakes Boulevard prior to obtaining a building permit for the 301st residential unit.

8. Provide a signal warrant study, subject to Dade County Public Works Department approval, for the signalization of the intersection at the Property's principal access driveway onto N.E. 18th Avenue prior to obtaining a building permit for

the 301st residential unit. The Owner will bear the full costs of this signalization improvement. Timing for construction of the signalization improvement will be as recommended in the approved warrant study.

All improvements shall be done in conformity with the requirements of the Dade County Public Works Manual.

G. Reservation of Right-of-Way for I-95 Widening. The Owner will reserve for future I-95 improvements the triangular area that lies along the west boundary of the site that is described in Exhibit D hereto. The Owner further agrees to dedicate this reserved area to the Florida Department of Transportation (hereinafter referred to as FDOT) or its designee, at such time as requested by the FDOT for utilization of this area for I-95 improvements. It is also further agreed that at the time of dedication, in order to maintain the continuous access control on I-95 between Miami Gardens Drive and Ives Dairy Road, the limited access control line lying along the west boundary of the reserved area will be transferred to the east boundary of that area. There will be no compensation to the Owner, including but not limited to compensation either for the dedication of the reserved areas or for the transfer of the access control. The dedication shall convey fee simple title free and clear of all liens and encumbrances. If within five years from the date of adoption of the County Commission resolution approving zoning application No. 85-718, FDOT has not committed to I-95 improvements requiring the use of this reserved area, then this reservation shall be null and void and of no further effect.

H. Connection to Interstate 95. The Neighborhood Associations surrounding the Property are interested in formally applying to the Florida Department of Transportation and the Federal Highway Administration for approval of a direct inbound and outbound connection from the Property to the northbound ramp of the Interstate 95 interchange with Ives Dairy Road (N.E. 203rd Street). The ramp connection will be placed in the northwest corner of the Property and will be limited to the use of motor

vehicle traffic generated by the Property. It is understood that this will, in all likelihood, require an extension of the Interstate ramp southerly in order to construct a safe and efficient connection. The Owner will assist the Neighborhood Associations over a five-year period beginning with the date of adoption of the County Commission resolution approving zoning application No. 85-718, by providing the private financial and engineering resources necessary to complete the traffic justification studies required by the review agencies and assist in processing the request through all of the public agencies. If the ramp connection to Interstate I-95 from the Property is approved by all public agencies, the Owner will, at its sole cost, construct the approved ramp connection as a means of ingress and egress to the Property in addition to the Property's entrance on N.E. 18th Avenue.

I. Height and Setback Restrictions. Owner agrees to limit building height of any townhouse type dwelling units to a maximum of two stories and 35 feet and to set these buildings back a minimum of 200 feet from the southern boundary of the Property. No vehicle parking will be allowed within this setback area. Owner agrees to limit any apartment buildings to a maximum height of eight stories and 100 feet with minimum setbacks of 550 feet from the southern boundary of the Property, 600 feet from the eastern boundary of the Property at N.E. 18th Avenue, and 200 feet from the southwest corner of the Coventry subdivision as described in Exhibit E hereto.

J. Apartment Size. Owner agrees that the minimum square footage of any apartment units constructed on the Property will be as follows:

1 bedroom units	800 sq. ft.
2 bedroom units	1,000 sq. ft.
3 bedroom units	1,200 sq. ft.

K. Golf Course. Owner agrees to maintain an executive or similar golf course of at least 5400 yards within the Property with fairways along the southern, eastern and western borders of

the Property for a period of 15 years and thereafter to utilize and maintain such area for a golf course or for bike or jogging paths, or as landscaped open space. Owner acknowledges that the maintenance of the golf course, bike or jogging paths or landscaped open space is an integral part of its zoning application and agrees to establish a homeowners' or property owners' association prior to the sale or subdivision of the Property or portions thereof in order to assess the individual owners of the units for the maintenance and operation of the aforesaid golf course, bike or jogging paths or landscaped open space. In no event shall the Owner ever utilize the golf course for other than a golf course, bike or jogging paths, or open space without the prior written approval of 51% of the owners of residential units within the Property boundary and within 375 feet outside of the north, south and east exterior boundaries of the Property and the approval of same by the Board of County Commissioners after a public hearing. The use of the golf course area for other than a golf course, bike or jogging paths, or open space would also be subject to all amendment and modification provisions contained in Section R of this Declaration.

L. Clubhouse. Notwithstanding the retention of BU-2 zoning classification for a portion of the Property, only the following uses of the Country Clubhouse and ancillary Clubhouse facilities currently located on the BU-2 portion of the Property shall be permitted as are reasonable and customary for facilities of this type and purpose, including but not limited to restaurant, cocktail lounge, recreation and sales of merchandise in conjunction with golf, tennis and swimming facilities. Owner further agrees that this Clubhouse shall not be used for a nightclub.

M. Commercial Uses. Owner agrees that there shall be no commercial uses on the Property other than the above-referenced Country Clubhouse uses of restaurant, cocktail lounge, recreation and sales of merchandise in conjunction with golf, tennis and swimming facilities on the BU-2 portion of the Property.

N. Tennis Courts. Owner agrees that no lighted tennis courts will be constructed within 150 feet of the exterior boundaries of the Property.

O. Ingress and Egress. Owner agrees that all ingress and egress from the Property shall be from the eastern portion of the Property fronting on N.E. 18th Avenue unless additional access is permitted by appropriate governmental agencies on the western side of the Property pursuant to the provisions in paragraph H above. Owner agrees that the service road running from the Southern boundary of the Property to N.E. 191st Street shall be used only for servicing of the golf course and not for through vehicular traffic. The service road will not be connected to any roadways within the Property. The existing fences and gate on this service road at its entrance to the Property shall be properly maintained to prevent intrusion into the neighboring area to the south. This gate will be locked between the hours of sundown and sunrise and when the golf course is not in use. The service road will not be used for any construction related traffic at any time.

P. Northeast Buffer and Southern Buffer. Owner agrees that it will provide a 25 foot landscape buffer or in the alternative, construct a five foot masonry wall along the northeastern boundary of the Property adjacent to the subdivision generally described as "Coventry" and a 25 foot landscape buffer along the southern boundary of the Property abutting Rolling Green Condominiums.

Q. Application of Covenant. This instrument shall constitute a covenant running with the land and the title to the Property, binding upon Owner, its successors and assigns. These restrictions shall be for the benefit of and limitation upon all present and future owners of the Property and for the public welfare.

R. Amendment and Modification. This instrument may be modified, amended, or released as to any portion of the Property

by a written instrument executed by the then Owner of the fee simple title to the Property which is the subject matter of such modification, amendment or release, providing that same has also been approved after public hearing by Resolution of the Board of County Commissioners (hereinafter referred to as "the Board") and the Director of the Building and Zoning Department finds that 51% of the owners of residential units within the Property boundaries and within 375 feet outside of the north, south and east exterior boundaries of the Property, have been duly noticed by the Owner, (with County approval of the notification process) consent to the proposed amendment or modification as determined by the Building and Zoning Department. Should this instrument be so modified, amended or released, the Director of Metropolitan Dade County Building and Zoning Department, or its successor agency, shall execute a written instrument in recordable form effectuating and acknowledging such modifications, amendment or release. (This paragraph does not apply to any modification, amendment or release of this Declaration as it pertains to the golf course area specified in Paragraph K.)

S. Term of Covenant. This voluntary covenant on the part of the Owner shall remain in full force and effect and shall be binding upon the Owner, its successors and assigns for an initial period of thirty (30) years from the date this instrument is recorded in the Public Records of Dade County, Florida and shall be automatically extended for successive periods of ten (10) years thereafter unless modified, amended or released prior to the expiration thereof as set forth in Paragraph R above.

T. Compliance with Conditions. In the event payments required hereunder are not made as promised, or improvements agreed to hereunder are not made as promised, then in addition to any other remedies available, the Dade County Building and Zoning Department is hereby authorized to withhold any further permits, and refuse any inspections or grant any approval on any projects

within subject property until such time as this declaration is complied with.

U. 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, the same shall create a presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration and said Declaration shall not be construed as a cloud on title to any of said properties upon which said development has occurred.

V. Inspection and Enforcement. It is understood and agreed that any official inspector of the Dade County Building and Zoning Department, DERM, or their duly authorized agent has the privilege, at any time during normal working hours, of entering and investigating the use of the premises to determine whether or not the requirements of Building and Zoning and DERM regulations and the conditions of this Declaration are being complied with. Enforcement shall be by action at law or in equity against any parties or persons violating this Declaration with the prevailing party entitled to recover costs and reasonable attorneys fees.

W. 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.

X. Severability. Invalidation of any one of these covenants by judgment or Court in no way shall affect any of the other provisions of this Declaration, which shall remain in full force and effect.

Y. Recording. This Declaration shall be filed of record among the Public Records of Dade County, Florida at the cost of the Owner.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 3 day of December, 1986.

WITNESSES:

HASAM REALTY CORPORATION, a Florida corporation

By: Irving Cowan
Vice President

By: Marjorie F. Cowan (SEAL)
, Secretary

STATE OF FLORIDA)
Broward) SS:
COUNTY OF ~~DADE~~)

We, Irving Cowan and Marjorie F. Cowan, being first duly sworn, depose and say that we are the President and Secretary of HASAM REALTY CORPORATION, and as such, have been authorized by the corporation to file this Declaration of Restrictive Covenants.

Irving Cowan
Vice President

Marjorie F. Cowan
Secretary

[CORPORATE SEAL]

SWORN TO AND SUBSCRIBED before me this 3 day of Dec., 1986.

Eleanor M. Kotte
Notary Public
State of Florida at Large

My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES JULY 31, 1988. BONDED THRU GENERAL INS. UNDERWRITERS

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

WE, IRVING COWAN and MARJORIE F. COWAN, being first duly sworn, depose and say that we are the President and Secretary of HASAM REALTY CORPORATION, and as such, have been authorized by the corporation to file this Declaration of Restrictive Covenants.

This is a re-execution of the aforementioned Declaration of Restrictive Covenants to ratify and confirm those covenants previously induced as an exhibit in connection with zoning Application No. 85-718.

IRVING COWAN, President

MARJORIE F. COWAN, Secretary

(Corporate Seal)

SWORN TO and SUBSCRIBED before me this 4th day of December, 1986.

My Comission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 31, 1989.
BONDED THRU GENERAL INS. UNDERWRITERS

NOTARY PUBLIC, STATE OF FLORIDA
AT LARGE

OFF. REC. 13130PG 4811

EXHIBIT A

LEGAL DESCRIPTION:

A portion of the North 1/2 of Section 5, Township 52 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 5; thence South 88 degrees 02 minutes 36 seconds West, along the North line of the Northeast 1/4 of said Section 5, for 666.06 feet to the Point of Beginning of the following described parcel (last mentioned course being coincident with the Northerly boundary of "RESUBDIVISION OF COVENTRY", according to the plat thereof, as recorded in Plat Book 115 at Page 18 of the Public Records of Dade County, Florida); thence continue South 88 degrees 02 minutes 36 seconds West, along the last described course, for 235.77 feet; thence South 57 degrees 23 minutes 02 seconds West, for 1549.16 feet; thence South 50 degrees 49 minutes 15 seconds West, for 1411.25 feet to a Point of Curvature; thence Southwesterly, along a circular curve to the left, having a radius of 16988.80 feet and a central angle of 4 degrees 01 minutes 15 seconds for an arc distance of 1192.22 feet to a Point of Tangency; thence South 46 degrees 48 minutes 00 seconds West, for 267.97 feet (last mentioned four courses are based upon existing Florida Department of Transportation Monumentation of the Right-of-Way of State Road No. 9); thence South 48 degrees 20 minutes 46 seconds East, for 96.97 feet; thence South 68 degrees 48 minutes 39 seconds East, for 192.01 feet; thence North 76 degrees 48 minutes 11 seconds East, for 158.82 feet; thence North 70 degrees 39 minutes 34 seconds East, for 215.95 feet; thence North 3 degrees 51 minutes 02 seconds West along a line parallel with the East line of the Northeast 1/4 of said Section 5 for 90.00 feet; thence North 87 degrees 58 minutes 14 seconds East, along a line parallel with and 294.88 feet North of, as measured at right angles to, the South line of the Northwest 1/4 of said Section 5, for 1350.95 feet; thence North 87 degrees 54 minutes 05 seconds East along a line parallel with and 294.88 feet North of, as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 149.80 feet; thence South 3 degrees 51 minutes 02 seconds East along a line 2460 feet West of and parallel with the East line of the Northeast 1/4 of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East along a line parallel with and 35.00 feet North of, as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 15.00 feet to a Point (said Point being 174.00 feet East of the center of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5 and 35.02 feet North of, as measured along the Southerly prolongation of the next mentioned course, thence North 3 degrees 51 minutes 02 seconds West along a line 2445 feet West of and parallel to the East line of the Northeast 1/4 of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East, along a line parallel with and 294.88 feet North of, as measured at right angles to the South line of the Northeast 1/4 of said Section 5, for 2000.00 feet; thence South 3 degrees 51 minutes 02 seconds East, along a line parallel with and 444.79 feet West of, as measured at right angles to, the East line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East, along a line parallel with and 35.00 feet North of as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 445.00 feet; thence North 3 degrees 51 minutes 02 seconds West, along the East line of the Northeast 1/4 of said Section 5, for 2033.40 feet; thence South 87 degrees 53 minutes 21 seconds West, for 663.00 feet; thence North 4 degrees 04 minutes 43 seconds West for 752.82 feet to the Point of Beginning (last mentioned two courses being coincident with the boundary of the aforementioned plat of "RESUBDIVISION OF COVENTRY"), All of the above containing 158.176 Acres more or less.

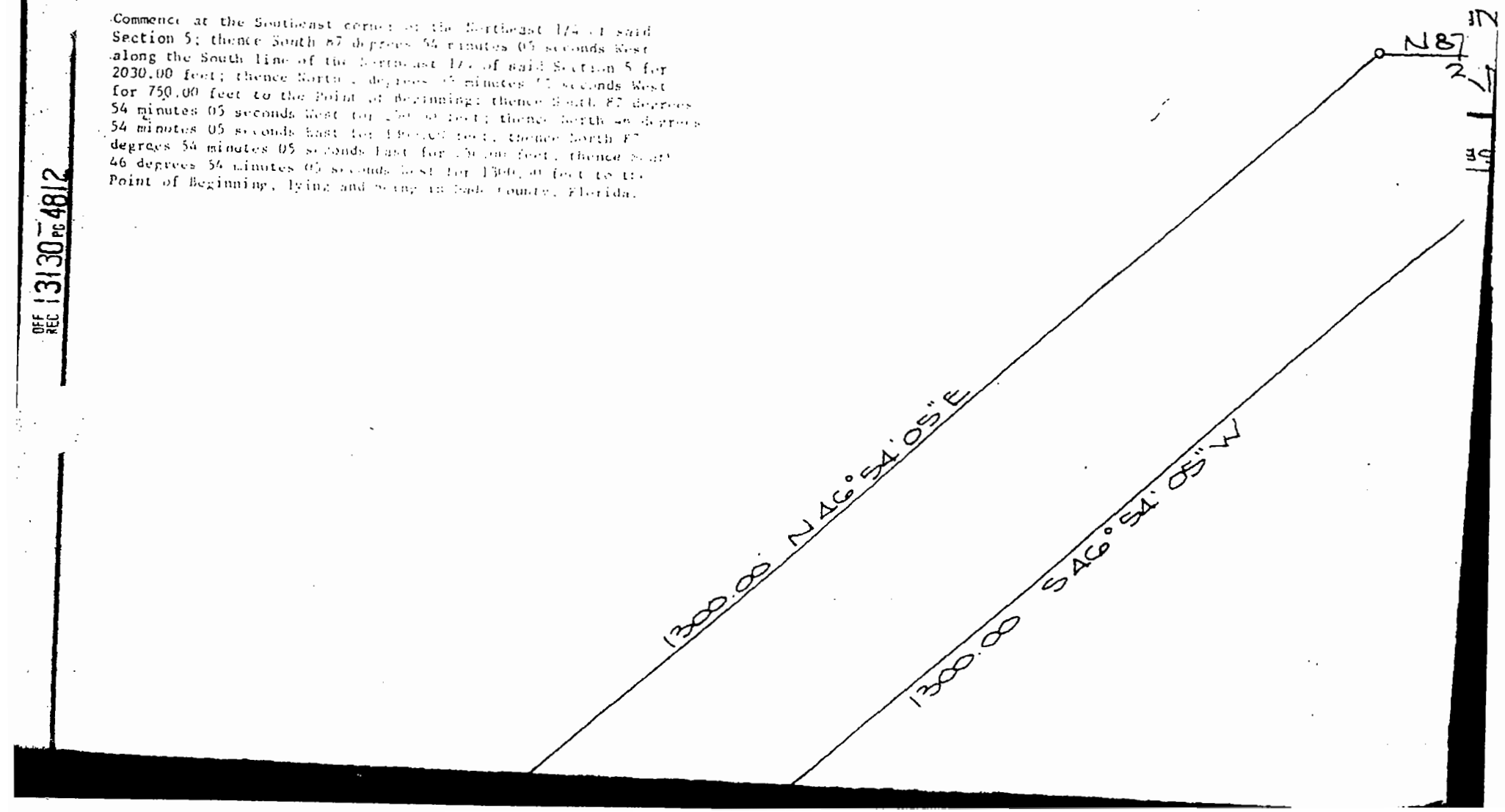
RECORDERS NOTE:
The legibility of writing, typing or printing unsatisfactory in this document when received.

OFF REC 13130 Pg 4812

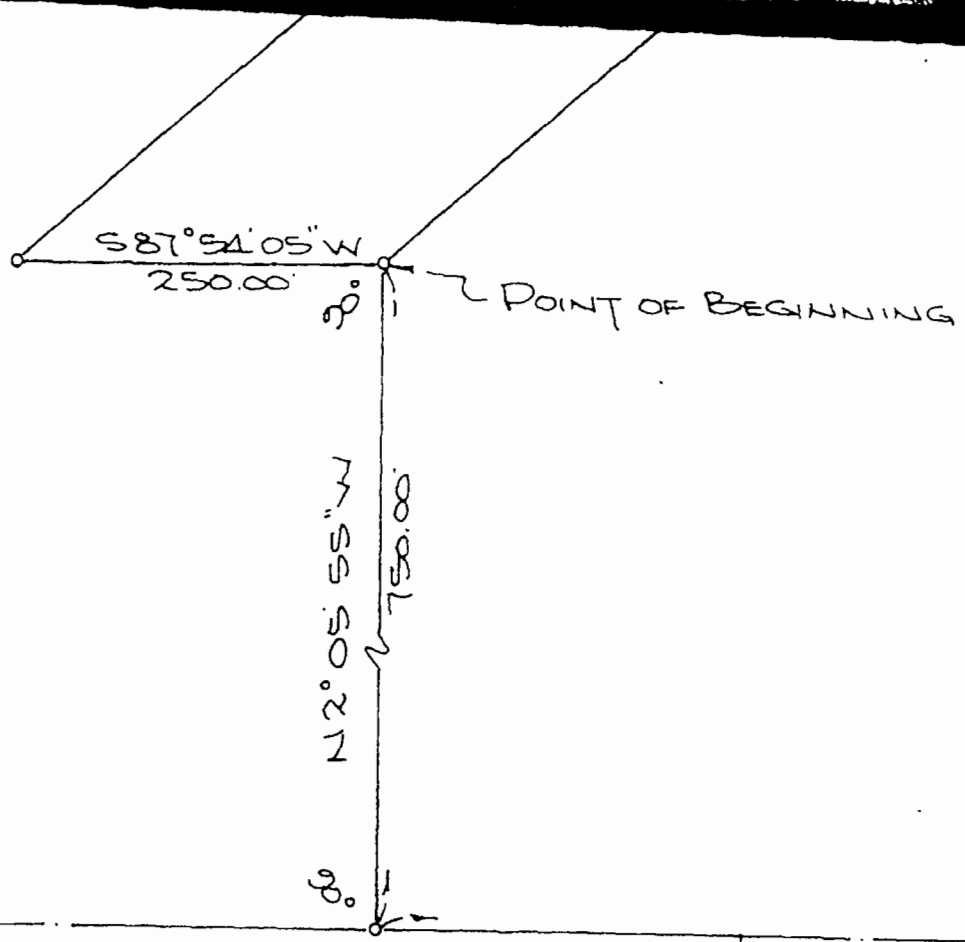
LEGAL DESCRIPTION:

A portion of the Northeast 1/4 of Section 5, Township 52 South, Range 42 East, Dade County, Florida being more particularly described:

Commence at the Southeast corner of the Northeast 1/4 of said Section 5; thence South 87 degrees 54 minutes 05 seconds West along the South line of the Northeast 1/4 of said Section 5 for 2030.00 feet; thence North 2 degrees 05 minutes 55 seconds West for 750.00 feet to the Point of Beginning; thence South 87 degrees 54 minutes 05 seconds West for 250.00 feet; thence North 46 degrees 54 minutes 05 seconds East for 1300.00 feet, thence North 87 degrees 54 minutes 05 seconds East for 250.00 feet, thence South 46 degrees 54 minutes 05 seconds West for 1300.00 feet to the Point of Beginning, lying and being in Dade County, Florida.



OSF REC 13130 PG 4813

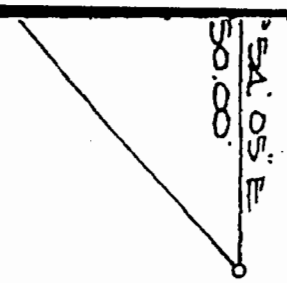


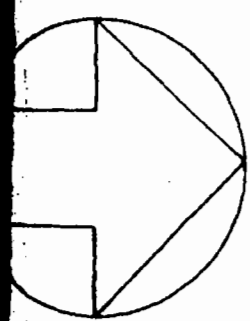
REVISIONS		
Date	Remarks	By

SKETCH TO ACCOMPAN

BEING A PORTION OF THE
DADE COUNTY

NOTE:
BEARINGS BASED ON AN ASSUMED MERIDIAN.





E. LINE NE 1/4 SEC. 5-52-42

18th AVENUE

OFF REC. 13130 PG 4814

SCALE: 1" = 100'

THIS IS NOT A LAND SURVEY.

N 30°51'02" W

N.E.

S.E. CORNER NE¼,
SEC. 5-52-42

2030.00

S 87°54'05" W

SEC. 5-52-42 — 191st STREET

OFF. REC. 13 — 4815

NY LEGAL DESCRIPTION

NE¼ OF SECTION 5-52-42
FLORIDA

SCHWEBKE-SHISKIN & ASSOCIATES, INC.

LAND PLANNERS ENGINEERS ARCHITECTS LAND SURVEYORS
MIAMI 18800 N.W. 2 AVE. FLORIDA

Sec/Treas
JAMES P. SHISKIN
Registered Land Surveyor No. 1115 State of Florida
Registered Engineer No. 5615 State of Florida

Drawn By: JPS Date: 5-24-83	Checked By: Date:
Order No. 144051 FB:	Scale: 1" = 100'
File No. AH-36900	Sheet No. 1 of 1 Sheets

EXHIBIT C

CERTIFIED PHOTOGRAPH IS A TRUE COPY OF THE ORIGINAL REC'D.

EXHIBIT B

LAND VALUATION ASSUMPTIONS

Definition of Value: The most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to fair value, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress. Fundamental assumptions and conditions presumed in this definition are:

1. Buyer and seller are motivated by self-interest.
2. Buyer and seller are well-informed and are acting prudently.
3. The property is exposed for a reasonable time on the open market.
4. Payment is made in cash, its equivalent, or in specified financing terms.
5. Specified financing, if any, may be the financing actually in place or on terms generally available for the property type in its locale on the effective appraisal date.

Assumptions: For the purposes of the subject appraisal, the following are assumed facts:

1. The property is ready to be developed with building improvements and no funds would be required to be expended for site development work or materials.
2. All utilities are in place and are at the perimeter of the site and would include roads, walks, curbs, water lines, sewer lines, electric service lines, and telephone service lines.
3. All utilities are of sufficient quality and quantity to adequately service the site with no less than 6 dwelling units per gross acre.
4. The site is 2.59 net acres in size with an adequate shape to be developed with no less than 6 dwelling units per gross acre.
5. The property is filled and compacted to comply with all appropriate building and zoning codes and flood insurance laws and regulations. The fill and compaction are of sufficient quality to accept the building improvements contemplated.
6. The site has zoning that allows no less than 6 dwelling units per gross acre.
7. The environs of the property are fully platted, zoned, and developed with roads, walks, utility lines, and are ready to be improved with homes at a density of approximately 6 dwelling units per gross acre of land.

Items Considered: In the appraisal process, items to be considered included sales of finished lots (ready to build); the projected sellout of land and building improvements; sales of completed homes and lots; sales of raw land; and cost of land development work.

Diplomat Country Club

OFF REC 13130 PG 4817

LEGAL DESCRIPTION

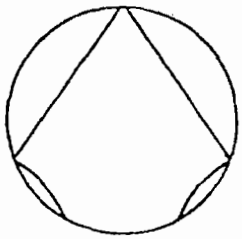
A portion of the North 1/2 of Section 5, Township 52 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 5; thence South 88 degrees 02 minutes 36 seconds West, along the North line of the Northeast 1/4 of said Section 5, for 901.83 feet, (a portion of the last mentioned course being coincident with the Northerly boundary of "RESUBDIVISION OF COVENTRY", according to the plat thereof, as recorded in Plat Book 115 at Page 18 of the Public Records of Dade County, Florida); thence South 57 degrees 23 minutes 02 seconds West, for 949.16 feet to the Point of Beginning of the following described parcel of land; thence continue South 57 degrees 23 minutes 02 seconds West for 600.00 feet; thence South 50 degrees 49 minutes 15 seconds West, for 600.00 feet; (last mentioned three courses are based upon existing Florida Department of Transportation Monumentation of the Right-of-Way of State Road No. 9); thence North 54 degrees 06 minutes 09 seconds East for 1198.91 feet to the Point of Beginning. All of the above containing 0.472 Acres more or less.

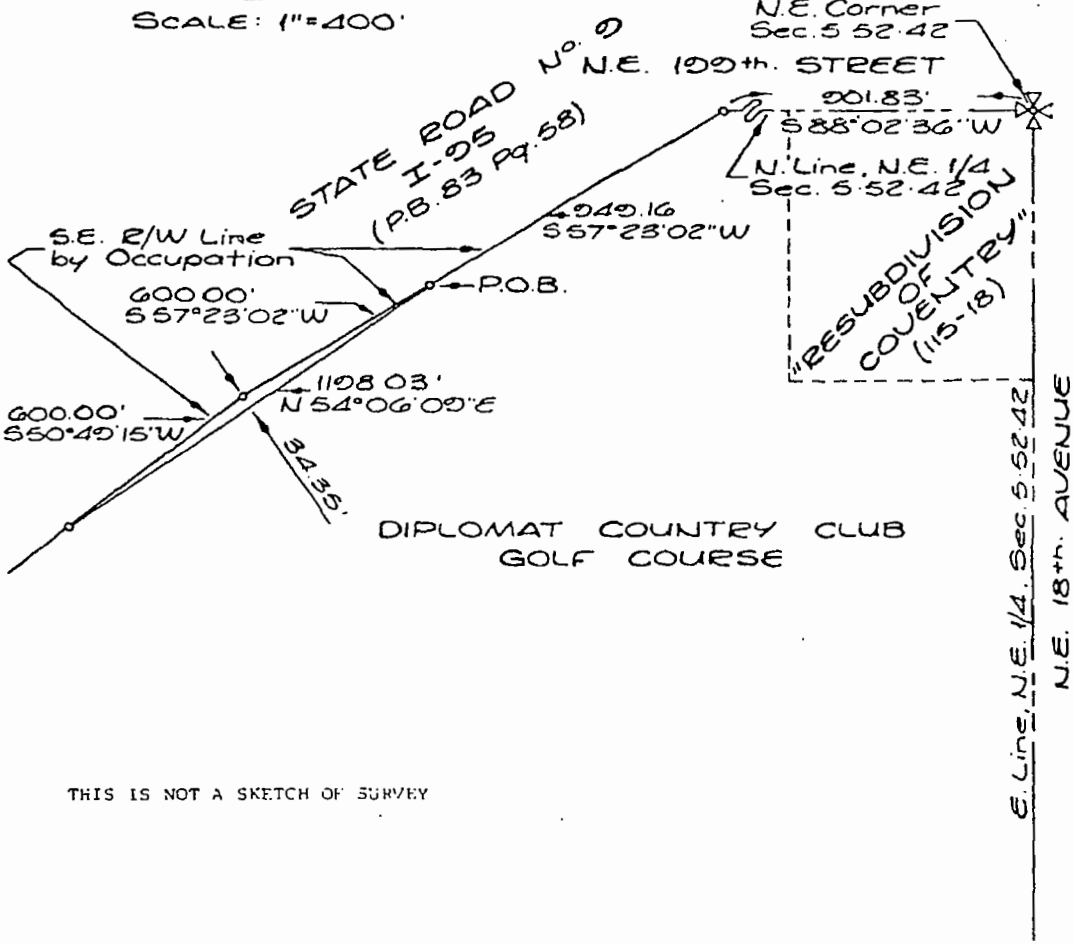
THIS IS NOT A SKETCH OF SURVEY

EXHIBIT D

OFF REC 13130 PG 4818



SCALE: 1"=400'



THIS IS NOT A SKETCH OF SURVEY

Page 2 of 2 Pages

SCHWEBKE - SHISKIN & ASSOCIATES, INC.

LAND SURVEYORS • ENGINEERS • ARCHITECTS • 18800 NW 2nd AVE • MIAMI, FL 33169

ORDER No 146119

DATE December 5, 1984

THIS IS NOT A LAND SURVEY

PREPARED UNDER MY SUPERVISION

James F. Shiskin

FLA. PROF. LAND SURVEYOR No. 1115

LEGAL DESCRIPTION

AREA IN WHICH 8 STORY APARTMENT UNITS CAN BE CONSTRUCTED:

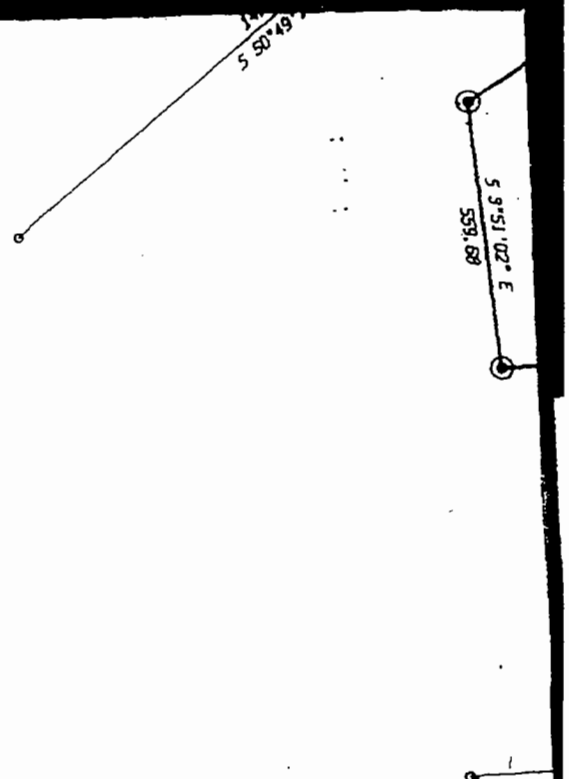
A portion of the North 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast Corner of said Section 5; thence South 3 degrees 51 minutes 02 seconds East along the East Line of said Section 5 for 840.12 feet; thence South 88 degrees 02 minutes 36 seconds West parallel with the North Line of said Section 5 for 861.73 feet to the Point of Beginning of the following described parcel of land; thence continue South 88 degrees 02 minutes 36 seconds West for 601.54 feet; thence South 57 degrees 23 minutes 02 seconds West for 1137.52 feet; thence South 3 degrees 51 minutes 02 seconds East parallel with the East Line of said Section 5 for 559.68 feet; thence North 87 degrees 54 minutes 05 seconds East parallel with and 844.88 feet North of the South Line of the Northeast 1/4 of said Section 5 for 1860.48 feet; thence North 3 degrees 51 minutes 02 seconds West parallel with and 600.00 feet West of the East Line of said Section 5 for 866.46 feet; thence North 47 degrees 06 minutes 39 seconds West for 381.22 feet to the Point of Beginning, lying and being in Dade County, Florida and containing 41.1218 Acres more or less.

(Bearings are assumed meridian)

13130 PG 4819

REC 13130 PG 4820

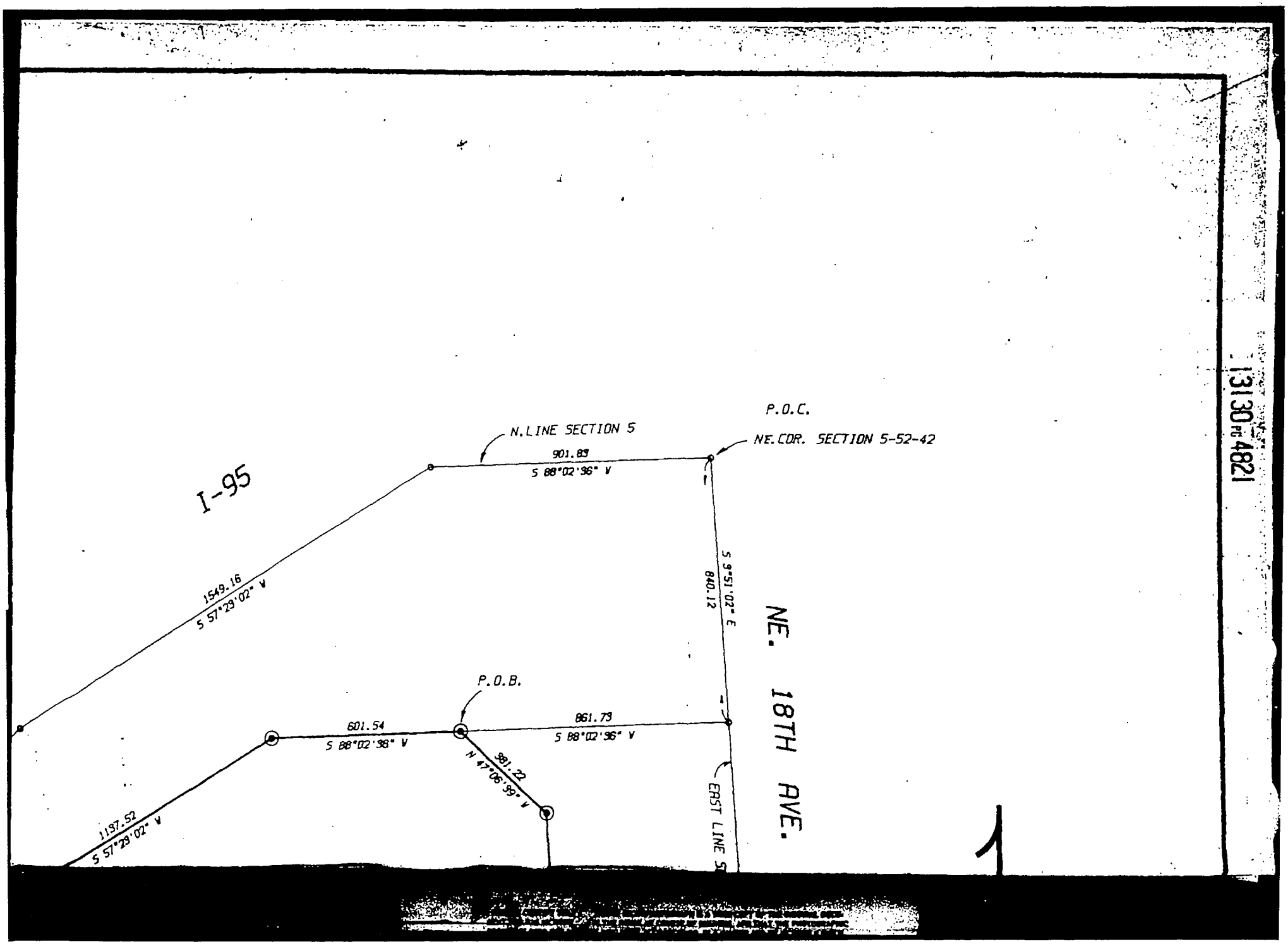


REVISIONS		
Date	Remarks	By

SKETCH AND L

AREA IN WHICH 8 STORY APAR

NORTH 1/2 SECTION 5 TWP.5



13130 PG 4821

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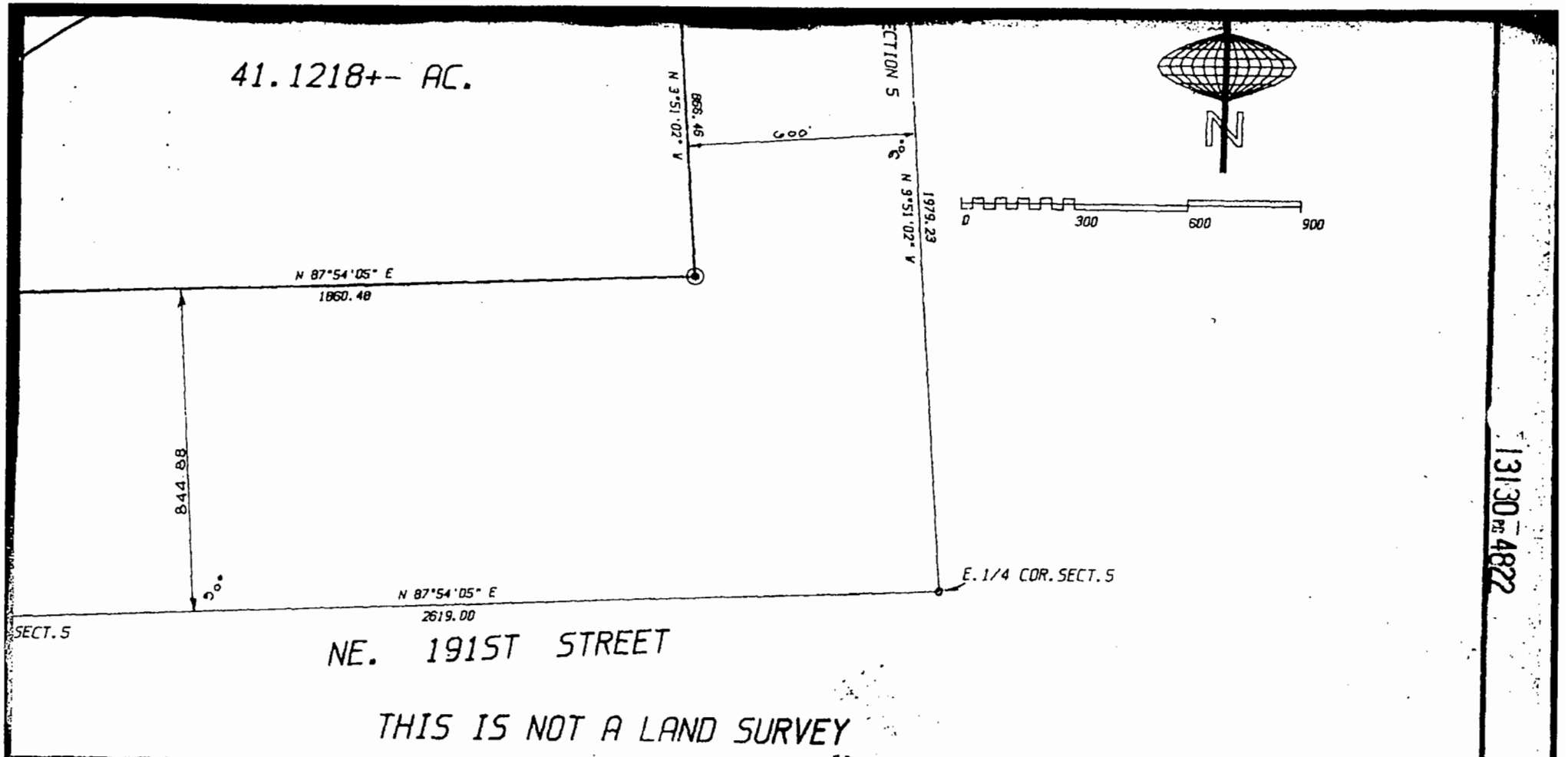


THIS IS NOT A LAND SURVEY

EGAL DESCRIPTION

TMENT UNITS CAN BE CONSTRUCTED

2S RGE. 42E DADE COUNTY FLORIDA

SCHWEBKE-SHISKIN & ASSOCIATES, INC.

LAND PLANNERS ENGINEERS ARCHITECTS LAND SURVEYORS
MIAMI FLORIDA

By: O. DARYL FRIDDLE
Registered Land Surveyor No. 2543 State of Florida
Registered Engineer No. State of Florida

Drawn By: O.D.F Date: 4-17-84	Checked By: Date:
Order No. 150 295 FB:	Scale: 1" = 300'
File No. AH 3988	Sheet No. 1 of 1 Sheets

131130 PG 4822

I HEREBY CERTIFY THAT THE ABOVE MICROPHOTOGRAPH IS A TRUE COPY OF THE ORIGINAL DOCUMENT RECORDED AS MICROFILM ON THE REGULAR COURSE OF BUSINESS, AND THAT THE PHOTOGRAPHIC PROCESSES USED FOR MICROFILMING WERE ACCOMPLISHED IN A MANNER AND ON MICROFILM WHICH

JOINDER OF MORTGAGEE

OFF REC [illegible] PG 4823

The undersigned, CITY NATIONAL BANK OF MIAMI, a National Banking Association, Mortgagee, under that certain mortgage from *See attached sheet

dated the day 20th of MARCH, 19 62, and recorded in Official Records Book 3074, Page 237, of the Public Records of Dade County, Florida, in the original amount of $ SIX HUNDRED THREE THOUSAND-------00/xx covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 17th day of June A.D., 19 86.

City National Bank OF MIAMI
Name of Corporation

By: [signature]
JOHN G. AMMONS, SENIOR VICE PRESIDENT

Attest: [signature]
HILDA HERNANDEZ, ASST. CASHIER

STATE OF FLORIDA

COUNTY OF DADE

BEFORE ME, the undersigned authority, this day appeared JOHN G. AMMONS and HILDA HERNANDEZ, both being to me well known and known by me to be the SR.VICE PRESIDENT and ASSISTANT CASHIER of City National Bank of Miami under the laws of the United States, and which said Corporation is known by me to be the persons described in and which executed the foregoing instrument, the said officers of the said Corporation being likewise known by me to be the officers thereof who, in their official capacities as such officers of said Corporation exectued, signed and delivered the said instrument as the act and deed of said Corporation, and the said officers of said Corporation then and there severally acknowledged to and before me that they executed the said instrument, acting in their said official capacities, for and as to the act and deed of said Corporation and in its name, and impressed thereon its Corporate Seal for the uses and purposes therein mentioned, and after being duly authorized and directed.

WITNESS my hand and official Seal at Miami in the County and State aforesaid, on this, the 17th day of June A.D. 19 86.

[signature]
Notary Public in and for the State of Florida at Large

My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 24, 1987

JOINDER OF MORTGAGEE

30 PG 4825

The undersigned, CITY NATIONAL BANK OF MIAMI, a National Banking Association, Mortgagee, under that certain mortgage from *See attached sheet

dated the day 20th of March, 1962, and recorded in Official Records Book 3074, Page 237, of the Public Records of Dade County, Florida, in the original amount of $ SIX HUNDRED THREE THOUSAND AND 00/100/ ($603,000.00) covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 15th day of December A.D., 1986.

City National Bank of Miami
Name of Corporation

By: JOHN G. AMMONS
SENIOR VICE PRESIDENT

Attest: HILDA HERNANDEZ
ASSISTANT CASHIER

STATE OF FLORIDA

COUNTY OF DADE

BEFORE ME, the undersigned authority, this day appeared JOHN G. AMMONS and HILDA HERNANDEZ, both being to me well known and known by me to be the SR.VICE PRESIDENT and ASSISTANT CASHIER of City National Bank of Miami under the laws of the United States, and which said Corporation is known by me to be the persons described in and which executed the foregoing instrument, the said officers of the said Corporation being likewise known by me to be the officers thereof who, in their official capacities as such officers of said Corporation exectued, signed and delivered the said instrument as the act and deed of said Corporation, and the said officers of said Corporation then and there severally acknowledged to and before me that they executed the said instrument, acting in their said official capacities, for and as to the act and deed of said Corporation and in its name, and impressed thereon its Corporate Seal for the uses and purposes therein mentioned, and after being duly authorized and directed.

WITNESS my hand and official Seal at Miami in the County and State aforesaid, on this, the 15th day of December A.D. 1986.

My Commission expires:

Bridget P. Johnston
Notary Public in and for the State of Florida at Large

* Bess T. Cason, a widow to State Nine Development Corp., a Florida corporation and assigned to City National Bank of Miami by Assignement dated and recorded April 1, 1964 in Official Records Book 4082, at Page 573, which Mortgage was modified by Agreement dated February 6, 1967 and recorded February 16, 1967 in Official Records Book 5381, at Page 675 and further modified by Agreement dated March 20, 1978 and recorded March 23, 1978 in Official Records Book 9982, at Page 1390.

* Be[illegible] T. Cason, a widow to State Nine Development Corp., a Florida corporation and assigned to City National Bank of Miami by Assignement dated and recorded April 1, 1964 in Official Records Book 4082, at Page 573, which Mortgage was modified by Agreement dated February 6, 1967 and recorded February 16, 1967 in Official Records Book 5381, at Page 675 and further modified by Agreement dated March 20, 1978 and recorded March 23, 1978 in Official Records Book 9982, at Page 1390.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

RESOLUTION

Z-237-87

RESOLUTION NO. Z-237-87

The following resolution was offered by Commissioner Sherman S. Winn, seconded by Commissioner Barry D. Schreiber, and upon poll of members present, the vote was as follows:

Barbara M. Carey	absent
Barry D. Schreiber	aye
Clara Oesterle	absent
Jorge (George) Valdez	aye
Beverly B. Phillips	absent
Sherman S. Winn	aye
James F. Redford, Jr.	aye
Stephen P. Clark	aye
Harvey Ruvin	absent

WHEREAS, HASAM REALTY CORP. had requested and received approval for requests to rezone a portion of the property from its previous zoning classifications to modified apartment district, including requests to waive the dedication of theoretical N. E. 14th Avenue, an unusual use to permit a portion of the proposed golf course to encroach into a business district, a special exception to permit a cocktail lounge in the existing clubhouse spaced less than required from an existing church, and including accompanying non-use variances on the hereinafter-described property; and

WHEREAS, the Board of County Commissioners' ("the County") Resolution No. Z-282-86, adopted on December 4, 1986, was thereafter appealed to the Appellate Division in the Circuit Court of the Eleventh Judicial Circuit in and for Dade County ("Circuit Court"), Case No. 87-033; and

WHEREAS, pursuant to that Appeal, the Circuit Court has remanded the matter to the Board of County Commissioners for its consideration of a proposed Supplemental Declaration of Restrictive Covenants involving the following-described property:

SUBJECT PROPERTY: A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of said Section 5; thence S88°2'36"W, along the north line of the NE 1/4 of said Section 5, for 66.06' to the Point of beginning of the following described parcel of land; (last mentioned course being coincident with the N/ly boundary of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18; thence continued S88°2'36"W, for 235.77'; thence S57°23'2"W for 1,549.16'; thence S50°49'15"W for 1,411.24' to a Point of curvature; thence SW/ly, along a circular curve to the left, having a radius of 16,988.8' and a central angle of 4°1'15" for an arc distance of 1,192.22' to a Point of tangency; thence S46°48'0"W, for 267.97' (last mentioned four courses are based upon existing Florida Department of Transportation Monumentation for the Right-of-Way of State Road No. 9); thence S48°20'46"E, for 96.97'; thence S68°48'39"E, for 192.01'; thence N76°48'11"E, for 158.82'; thence N70°39'34"E, for 215.95'; thence N3°51'2"W along a line parallel with the east line of the NE 1/4 of said Section 5 for 90'; thence N87°58'14"E along a line parallel with and 294.88' north of, as measured at right angles to, the south line of the NW 1/4 of said Section 5, for 1,350.95'; thence N87°54'5"E, along a line parallel with and 294.88' north of, as measured at right angles to the south line of the NE 1/4 of said Section 5, for 149.8'; thence S3°51'2"E, along a line parallel with the east line of the NE 1/4 of said Section 5, for 260'; thence N87°54'5"E, along a line parallel with and 35' north of, as measured at right angles to, the south line of the NE 1/4 of said Section 5, for 15.01' to a point (said point being 174' east of the center of said Section 5, as measured along the south line of the NE 1/4 of said Section 5 and 35.02' north of, as measured along the S/ly prolongation of the next mentioned course; thence N3°51'2"W, for 260'; thence N87°54'5"E, along a line parallel with and 294.88' north of, as measured at right angles to the south line of the NE 1/4 of said Section 5, for 2,00'; thence N3°51'2"W, along a line parallel with and 444.79' west of, as measured at right angles to, the east line of the NE 1/4 of said Section 5, for 1,415'; thence N87°54'5"E for 445'; thence N3°51'2"W along the east line of said Section 5 for 358.4'; thence S87°53'21"W along the S/ly boundary line of the said plat RESUBDIVISION OF COVENTRY for 663'; thence S4°4'43"E for 247.87'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 672.86'; thence N88°2'36"E for 800.55'; thence N4°4'43"W along the W/ly boundary line of the said plat of RESUBDIVISION OF COVENTRY for 350.24' to the Point of beginning.

AND:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of Section 5; thence S3°51'2"E along the east line of the north 1/2 of said Section 5 for 1,109.33' to the Point of beginning of the following described parcel of land; thence S87°54'5"W for 445'; thence S3°51'2"E for 1,675';

thence N87°54'5"E along a line that is 35' north of and parallel with the south line of the north 1/2 of said Section 5 for 445'; thence N3°51'2"W along the east line of the north 1/2 of said Section 5 for 1,675' to the Point of beginning, AND:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of Section 5; thence S88°2'36"W, along the north line of said Section 5, for 66.06'; thence S4°4'43"E, along the W/ly boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18, for 350.24' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E, along the last described course and its S/ly prolongation, for 650.45'; thence S88°2'36"W, for 800.55'; thence N4°4'43"W, for 650.45'; thence N88°2'36"E, for 800.55' to the Point of beginning.

LESS:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Section 5, Township 52 South, Range 42 East; thence S88°2'36"W along the north line of said Section 5, Township 52 South, Range 42 East from 666.06'; thence S4°4'42"E along the west boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18 for 468.24' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E along the last described course and its S/ly prolongation for 372'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 372'; thence N88°2'36"E for 800.55 to the Point of beginning, AND:

A portion of the north 1/2 of Section 5, Township 52 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Section 5, Township 52 South, Range 42 East; thence S88°2'36"W along the north line of said Section 5, Township 42 South, Range 42 East from 666.06'; thence S4°4'43"E along the west boundary line of the plat of RESUBDIVISION OF COVENTRY, Plat book 115, Page 18 for 468.24'' to the Point of beginning of the following described parcel of land; thence continue S4°4'43"E along the last described course and its S/ly prolongation for 372'; thence S88°2'36"W for 800.55'; thence N4°4'43"W for 372' thence N88°2'36"W for 800.55'; thence N4°4'43"W for 372'; thence N88°2'36"E for 800.55' to the Point of beginning;

all of which involves property on the South side of theoretical N.E. 199th Street, between N.E. 19th Avenue and State Road #9, Dade County, Florida; and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the Supplemental Declaration of

Restrictive Covenants which was the subject matter of the remand by the Court, a copy of which is attached hereto and made a part hereof, was considered by the Board, and it is the opinion of the Board that pursuant to Section 33.6 of the Code of Metropolitan Dade County that the proffered Covenant should be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that pursuant to Section 33.6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Covenant subject to the following conditions:

1. That Dade County shall not be responsible for enforcement of escrow agreements stipulated in Paragraph #8 (a) of the Supplemental Covenant;

2. That in the case of any agreement conflictions with the provisions of the Dade County Code, said Code shall govern.

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

PASSED AND ADOPTED this 1st day of October, 1987.

DADE COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: RAYMOND REED
Richard P. Brinker, Clerk
Deputy Clerk

This Resolution transmitted to the Clerk of the Board of County Commissioners on the 30th day of October, 1987.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, RICHARD P. BRINKER, 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. Z-237-87, adopted by the said Board of County Commissioners at its meeting held on October 1, 19 87.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 30th day of October, A. D. 19 87.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By Pamela P. Thornton
Deputy Clerk

SEAL

Board of County Commissioners
Dade County, Florida

7/27/87
FINAL

1987 NOV 13 AM 10:56 87R431498

OFF REC 13476 PG 2759

SUPPLEMENTAL DECLARATION OF
RESTRICTIVE COVENANTS

KNOW ALL PERSONS BY THESE PRESENTS that HASAM REALTY CORPORATION, a Delaware corporation (hereinafter referred to as "Owner"), being the Owner of certain property lying, being and situated in Dade County, Florida, consisting of approximately 159 acres, as described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "the Property"), for and in consideration of the settlement of that litigation styled Fried v. Dade County, et al., Case No. 87-033 AP, Dade County Circuit Court, makes the following Supplemental Declaration of Restrictive Covenants ("Supplemental Covenants") covering and running with the above-described real property, as a supplement to and modification of the Covenants recorded in Official Records Book 13130 at page 4797 of the Public Records of Dade County, Florida ("the Original Covenants"), which supplemental Covenants are in favor of and may be enforced by any owner of property within 500 feet of the exterior boundaries of the Property.

1. Setback Restrictions. Other than sprinklers, pumps, golf course shelters, and other structures existing within the following setback areas on the golf course as of the date hereof, Owner agrees that no roadway, structures, or parking area will be permitted (the word "structures" not including fences (perimeter only); walls (perimeter only); underground utilities (except lift stations or other devices emitting noxious odors or emitting sound):

A. Within 200 feet of the Southern boundary of the Property (abutting Rolling Green Condominium); and within 200 feet of the Eastern boundary of Rolling Green condominium.

B. Within 50 feet of the Western and Southern boundaries of the Coventry Re-Subdivision ("Coventry") as per the Plat thereof recorded in Plat Book 115 at Page 18 of the Public Records of Dade County, Florida; and

This Instrument Prepared By:
John G. Fletcher, Esq.
7600 Red Road, Suite 155
South Miami, Florida 33143

C. Within 150' of the western boundary of the right of way of N.E. 18th Avenue, except for swimming pools which may be located within the Westerly 50' of the aforesaid 150'.

As per the provisions of Paragraph I of the original Covenants, all buildings constructed on the Property exceeding 35 feet in height will be set back a minimum of 550 feet from the southern boundary of the Property (abutting Rolling Green Condominium); a minimum of 600 feet from the eastern Property boundary at N.E. 18th Avenue; and a minimum of 200 feet from Coventry as projected on a line drawn on a 45° angle 200 feet from the S.W. corner of Coventry. No roadway or other structures or parking area may be constructed within the setback area west and/or south of Coventry, structure being defined as in paragraph 1.

2. Walls and Buffering. Owner agrees to construct decorative masonry walls matching the existing wall bounding the east side of Coventry at the maximum height presently permitted by code within the Property in the following locations:

A. Ten feet west of the common property line between the Coventry western property line and the Property;

B. Ten feet south of the common property line between the Coventry southern boundary line and the Property so as to intersect at a 90° angle with wall A; and

C. Along Coventry's northern boundary line commencing at the center line of N.E. 17th Avenue and extending westward to the northwesterly boundary of the Property where it currently intersects with the Florida D.O.T. chain link fence.

Prior to the issuance of any building permits for any dwelling units other than six (6) model homes to be constructed westerly of Coventry, the Owner shall plant 15' high trees no further than 20' apart on the Westerly side of the wall described in 2A above and on the Southerly

side of the wall described in 2B above.

The wall described in 2C above shall be constructed not later than 90 days from the effective date of this Supplemental Covenant. For the purposes hereof, "effective date" shall mean when the Metropolitan Dade County Commission Zoning Resolution accepting and approving this Supplemental Covenant becomes final and unappealable. The walls in 2A and 2B shall be constructed prior to the widening of N. E. 18th Avenue between 193rd Street and 196th Terrace or prior to the issuance of any permit for any construction on the Property, other than for six (6) model homes which can be constructed simultaneously with the walls but not before, whichever first occurs.

3. Height Restriction. As per the provisions of Paragraph I of the original Covenants, Owner agrees to limit the height of any and all multifamily structures to be constructed on the Property to a maximum of eight stories and 100 feet, and to limit the height of all other structures to be located on the Property to a maximum of two stories and 35 feet. All heights referred to herein shall be measured from grade.

4. Density Limitation. Owner agrees that the maximum number of dwelling units which may be constructed on the Property is 800.

5. Lighted Tennis Courts Limitation. Owner agrees that no lighted tennis courts will be constructed within 300 feet of the southern boundary of the Property (contiguous to Rolling Green Condominium) or within 150 feet of any other exterior boundary of the Property.

6. Apartment Size. Owner agrees that the minimum square footage of apartment units which may be constructed on the Property will be as follows:

UNIT DESCRIPTION	MINIMUM UNIT SIZE
1-bedroom units	980 square feet*
2-bedroom basic units	1250 square feet*
2-bedroom deluxe units or units with more than two bedrooms	1735 square feet*

* of air conditioned space.

No more than 40% of the total units which may be built hereunder may have less than 1,250 square feet.

7. Golf Course. The Owner intends to modify the shape, length and configuration of the golf course currently on the property, and during such modification period the golf course may be unplayable. After restoration of the golf course, however, the Owner shall maintain the modified golf course in a good, playable condition until the following association has been created and assumes this responsibility.

A. An association or associations (which may be townhouse, condominium, homeowners or other similar property owners' association(s), or joint associations) ("the "Association(s)") shall be created; and

B. The documentation establishing the Association(s):

1. shall compel the Association(s) to assess the total costs of golf course maintenance upon the respective property owners within the Property described herein as their interests may appear;

2. shall provide for lien rights against the owners by the respective property interests within the Property, which shall be enforceable in the event of the owners' failure to pay the assessment(s) for golf course maintenance within the time provided for such payment, except as provided for below;

3. shall provide for attorney's fees and court costs incurred in the enforcement of lien rights to be assessed against the defaulting owner(s).

The provision of the documentation relating to liens may be enforced by any owner of property within 500 feet of the exterior boundaries of the Property and/or by Dade County.

By whomever maintained the golf course shall remain in a good, playable condition for a minimum of 15 years after its final modification.

Subordination of the Lien. The lien of the assess-

ment provided for in paragraph 7.B.2. and 7.B.3. above shall be subordinate to real property tax liens and to the lien of any mortgage recorded prior to recordation of a claim of lien pursuant to the above, which mortgage encumbers any lot, homesite or parcel within the Property and is in favor of any bona fide institutional-type lender and which is now or hereafter placed upon all or any portion of the Property subject to the assessment; provided, however, that any such mortgagee when in possession or any receiver, and in the event of a foreclosure, any purchaser at a foreclosure sale, and any such mortgagee acquiring a deed in lieu of foreclosure or in satisfaction of debt, and all persons claiming by, through or under any such purchaser or such mortgagee, shall hold title subject to the liability and lien of any assessment coming due after such foreclosure (or conveyance in lieu of foreclosure).

8. Miscellaneous Additional Affirmative Covenants.

A. The Owner shall pay to John G. Fletcher, P.A., trust account the sum of $135,000.00 on the effective date of these supplementary covenants. By countersigning below, John G. Fletcher, as the Escrow Agent of such funds agrees to disburse a portion thereof for the payment in full for reconstruction of the wall along the Eastern side of N.E. 18th Avenue opposite the Property. It is the intention of the Declarant/Owner that the wall will be constructed by others within six (6) months of the effective date of this agreement (and payment into Escrow of the aforesaid $135,000.00) with no further obligation on the part of the Owner. If not so reconstructed, within one year of the effective date and deposit of the said $135,000.00 then in that event $40,000.00 of the escrowed funds less disbursements made toward the said wall, if any, will be returned by Escrow Agent to Owner.

B. Main Entrance. The main entrance to the property will be a "T" intersection located not less than 1000 ft. North of the intersection of N.E. 191st Street

at N.E. 18th Avenue and not less than 200 feet South of N.E. 196th Terrace. Said relocation shall be accomplished prior to the opening to the public of the first model home.

C. No Chain-Link Fence. The Owner agrees not to install a chain-link fence along or parallel to the Eastern boundary of the Property (at N.E. 18th Avenue).

D. Support of Coventry. The Owner agrees not to oppose the owners within Coventry in their efforts to close the entrance into Coventry from N.E. 18th Avenue at N.E. 197th Terrace and 199th Street.

E. Widening of N.E. 18th Avenue. The Owner agrees that if N.E. 18th Avenue is to be widened, the widening (and additional right-of-way if any) will be on the western, not eastern side, of the existing center line of N.E. 18th Avenue. The drainage system for N.E. 18th Avenue will be designed in accordance with the requirements of Metropolitan Dade County. The capacity of this system will accommodate the surface water run-off from within the public right-of-way.

9. Reaffirmation of Original Covenants. Owner reaffirms the covenants which are contained in the original Covenants previously executed by the Owner and which are not in conflict with this document.

10. Enforcement. Enforcement of the original covenants and of these supplemental covenants may be by action at law or in equity against any parties or persons violating, or attempting to violate, any of said covenants, either to restrain the alleged violation or recover damages. Any property owner within Coventry, as well as any property owner within 500 feet of the other exterior boundaries of the Property shall have standing to seek enforcement of said covenants, which, it is agreed, are specifically enforceable. If suit is filed by any person with standing to enforce these Supplemental Covenants or the original Covenants, the court costs and reasonable attorney fees incurred by the prevailing party in such action shall be

assessed against the party against whom judgment has been rendered in such action. If the Plaintiff prevails therein, any amount thus awarded shall constitute a lien against the Property until paid against the specific portion of the Property owned by the entity committing or permitting the violation, in addition to any other remedy.

11. Amendment of Prior and Supplemental Covenant. Both the original Covenants and these Supplemental Covenants may be modified, amended, or released as to any portion of the Property by written instrument executed by the then Owner of the fee simple title to the Property to be affected by such modification, amendment or release, but only if such modification, amendment or release has been approved after public hearing by the Board of County Commissioners of Metropolitan Dade County (the "Board") after 75% of the owners of real property outside the Property and within 500 feet of the exterior boundaries of the Property have consented in writing to the proposed amendment, modification, or release.

12. Supplemental Nature. These covenants are supplemental restrictions affecting the use of subject Property and are not meant to limit any other restrictions voluntarily imposed upon the Property by the Owner by the original Covenants or otherwise imposed by Dade County as a result of the public hearing on the Zoning Application.

13. Severability. Invalidation of any one of these covenants by judgment of a Court shall in no way affect any of the other provisions of this Covenant, which shall remain in full force and effect.

14. Binding Effect. This Covenant is binding on the successors and assigns of the Owner.

15. This document shall be the subject of a joint petition for remand of Fried v. Dade County, supra, from the Circuit Court to the County Commission limited solely to the purpose of acceptance hereof by the County Commission.

16. The Owner shall provide the usual and normal title assurance to Dade County for the acceptance of these Supplemental Covenants.

IN WITNESS WHEREOF, the undersigned have set their hand and seals this 29 day of Oct., 1987.

Owner:

Witnesses:

Eleanor M. Lobb

Albert Reibel

HASAM REALTY CORPORATION

By: Irving Cowen, V.P., President

By: Marjorie Friedland Cowen, Secretary V.P.

STATE OF FLORIDA)
) SS:
COUNTY OF ~~DADE~~ Broward)

BEFORE ME, the undersigned authority, personally appeared Irving Cowen and Marjorie Friedland Cowen the V.President and Secretary of HASAM REALTY CORPORATION, who after being duly sworn, depose and say that they have read and agree to the foregoing and are authorized to execute same of behalf of the HASAM REALTY CORPORATION.

WITNESS my hand and seal this 29 day of October, 1987.

Eleanor M. Lobb

Notary Public
State of Florida at Large

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 21, 1988.
BONDED THRU GENERAL INS. UNDERWRITERS

My Commission Expires:

RMF

RECORDERS NOTE:
The legibility of writing, typing or printing unsatisfactory in this document when received.

EXHIBIT A

LEGAL DESCRIPTION:

A portion of the North 1/2 of Section 5, Township 52 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 5; thence South 88 degrees 02 minutes 36 seconds West, along the North line of the Northeast 1/4 of said Section 5, for 666.06 feet to the Point of Beginning of the following described parcel (last mentioned course being coincident with the Northerly boundary of "RESUBDIVISION OF COVENTRY", according to the plat thereof, as recorded in Plat Book 115 at Page 18 of the Public Records of Dade County, Florida); thence continue South 88 degrees 02 minutes 36 seconds West, along the last described course, for 235.77 feet; thence South 57 degrees 23 minutes 02 seconds West, for 1549.16 feet; thence South 50 degrees 49 minutes 15 seconds West, for 1411.25 feet to a Point of Curvature; thence Southwesterly, along a circular curve to the left, having a radius of 16988.80 feet and a central angle of 4 degrees 01 minutes 15 seconds for an arc distance of 1192.22 feet to a Point of Tangency; thence South 46 degrees 48 minutes 00 seconds West, for 267.97 feet (last mentioned four courses are based upon existing Florida Department of Transportation Monumentation of the Right-of-Way of State Road No. 9); thence South 48 degrees 20 minutes 46 seconds East, for 96.97 feet; thence South 68 degrees 48 minutes 39 seconds East, for 192.01 feet; thence North 76 degrees 48 minutes 11 seconds East, for 158.82 feet; thence North 70 degrees 39 minutes 34 seconds East, for 215.95 feet; thence North 3 degrees 51 minutes 02 seconds West along a line parallel with the East line of the Northeast 1/4 of said Section 5 for 90.00 feet; thence North 87 degrees 58 minutes 14 seconds East, along a line parallel with and 294.88 feet North of, as measured at right angles to, the South line of the Northwest 1/4 of said Section 5, for 1350.95 feet; thence North 87 degrees 54 minutes 05 seconds East along a line parallel with and 294.88 feet North of, as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 149.80 feet; thence South 3 degrees 51 minutes 02 seconds East along a line 2460 feet West of and parallel with the East line of the Northeast 1/4 of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East along a line parallel with and 35.00 feet North of, as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 15.00 feet to a Point (said Point being 174.00 feet East of the center of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5 and 35.02 feet North of, as measured along the Southerly prolongation of the next mentioned course, thence North 3 degrees 51 minutes 02 seconds West along a line 2445 feet West of and parallel to the East line of the Northeast 1/4 of said Section 5, as measured along the South line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East, along a line parallel with and 294.88 feet North of, as measured at right angles to the South line of the Northeast 1/4 of said Section 5, for 2000.00 feet; thence South 3 degrees 51 minutes 02 seconds East, along a line parallel with and 444.79 feet West of, as measured at right angles to, the East line of the Northeast 1/4 of said Section 5, for 260.00 feet; thence North 87 degrees 54 minutes 05 seconds East, along a line parallel with and 35.00 feet North of as measured at right angles to, the South line of the Northeast 1/4 of said Section 5, for 445.00 feet; thence North 3 degrees 51 minutes 02 seconds West, along the East line of the Northeast 1/4 of said Section 5, for 2033.40 feet; thence South 87 degrees 53 minutes 21 seconds West, for 663.00 feet; thence North 4 degrees 04 minutes 43 seconds West for 752.82 feet to the Point of Beginning (last mentioned two courses being coincident with the boundary of the aforementioned plat of "RESUBDIVISION OF COVENTRY"), All of the above containing 158.176 Acres more or less.

RECORDED IN OFFICIAL RECORDS OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

ALLEGATION OF TAKING AND VESTED RIGHTS

ORDER NO. VR-01-09

WHEREAS, pursuant to Section 2-114.1 of the Code of Miami-Dade County, Presidential Club, LLP, filed a notice (DIC application #01-09) alleging that the approval of any of the three (3) zoning hearing applications (#Z06-203, Z07-213, and Z07-212) seeking to revoke its Administrative Site Plan Review approvals (A06-04, A07-10, and A07-11) would result in an abrogation of vested rights and a taking of property rights. The subject property is located at 19650 NE 18th Avenue, Miami-Dade County, Florida, and adjoining real property, all being particularly described in attached Exhibit A.

WHEREAS, a hearing of the Developmental Impact Committee Executive Council was held on March 4, 2009, and upon due and proper consideration having been given to the matter, there was a finding by the Executive Council that the property owner had not satisfied the requirements for establishing vested rights and had not demonstrated:

A. reliance in good faith;

B. upon an act or omission of government; and

C. a substantial change in position or such extensive obligations were incurred that it would be highly inequitable to deny relief; and

had also not satisfied the requirements for establishing a regulatory taking, and had not demonstrated that governmental regulations have deprived it of all economically productive and beneficial use of the subject property or its reasonable investment backed expectations.

WHEREAS, a motion to deny the claim of an abrogation of vested rights and a taking of property rights should the approval of ASPR applications A06-04, A07-10, and A07-11 be revoked and zoning hearing applications #Z06-203, Z07-213, and Z07-212 be approved was made, seconded and adopted by a vote of 4 – 0.

NOW THEREFORE BE IT ORDERED by the Developmental Impact Committee Executive Council that a recommendation by this Council is made to the Board of County Commissioners that all alleged claims filed by Presidential Club, LLP, in conjunction with DIC application #09-01 be hereby denied.

The County is hereby authorized to make all necessary changes and notations on the records and to issue all permits in accordance with the terms and condition of this Order.

THIS ORDER IS HEREBY ADOPTED ON THE 4th DAY OF MARCH, 2009.

MF/cr

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Maria Teresa Fojo, as Deputy Clerk of the Department of Planning and Zoning in and for Miami-Dade County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Order No. VR-01-09, adopted by the Developmental Impact Committee Executive Council at its meeting held on the 4th day of March, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this 10th day of March, 2009.

Maria Teresa Fojo, Deputy Clerk and Acting Assistant Director for Zoning
Miami-Dade County
Department of Planning and Zoning

EXHIBIT A

ALTA /ACSM LAND TITLE SURVEY

PORTIONS OF "PRESIDENTIAL ESTATES SUBDIVISION" PLAT BOOK 151 AT PAGE 67, A PORTION OF "PRESIDENTIAL ESTATES REPLAT NO.3", PLAT BOOK 155 AT PAGE 75, AND A PORTION OF PRESIDENTIAL ESTATES REPLAT NO. 4, PLAT BOOK 155 AT PAGE 76 ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY. SECTION 5, TOWNSHIP 52S, RANGE 42E, MIAMI-DADE COUNTY, FLORIDA.

LEGAL DESCRIPTION:

PARCEL I:

Tracts A, B, and H, PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151, Page 67, of the Public Records of Miami-Dade County, Florida. Together with easements for golf cart crossing and irrigation, arising pursuant to Sections 7.8 and 7.10 of that certain Declaration of Covenants and Restrictions for Presidential Estates, (Dad December 31, 1997, in Official Records Book 17824, Page 2398, and amendment thereof, in the Public Records of Miami-Dade County, Florida.

Less:

A portion of Tract "A", PRESIDENTIAL ESTATES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 151 at Page 67, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot B-4, Block 7, "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof as recorded in Plat Book 155, Page 75 of the Public Records of Miami-Dade County, Florida; thence South 89 degrees 30 minutes 55 seconds East, along the South line of said Lot B-4, a distance of 41.86 feet to the Point of Beginning thence continue South 89 degrees 30 minutes 55 seconds East, a distance of 118.71 feet; thence South 00 degrees 33 minutes 47 seconds West, a distance of 88.33 feet; thence North 38 degrees 10 minutes 46 seconds West, a distance of 97.85 feet to the Point of Beginning.

PARCEL II:

Tract "F" of PRESIDENTIAL ESTATES REPLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 155, Page 76, of the Public Records of Miami-Dade County, Florida.

PARCEL III:

A portion of Lot B-4, Block 7, of "PRESIDENTIAL ESTATES REPLAT NO. 3", according to the Plat thereof, as recorded in Plat Book 155, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Lot B-4; thence North 89 degrees 48 minutes 15 seconds East, along the East line of said Lot B-4, a distance of 32.82 feet; thence South 39 degrees 10 minutes 46 seconds East, a distance of 282.26 feet; thence North 89 degrees 30 minutes 55 seconds West, along the South line of said Lot B-4, a distance of 41.86 feet to the Point of Beginning.

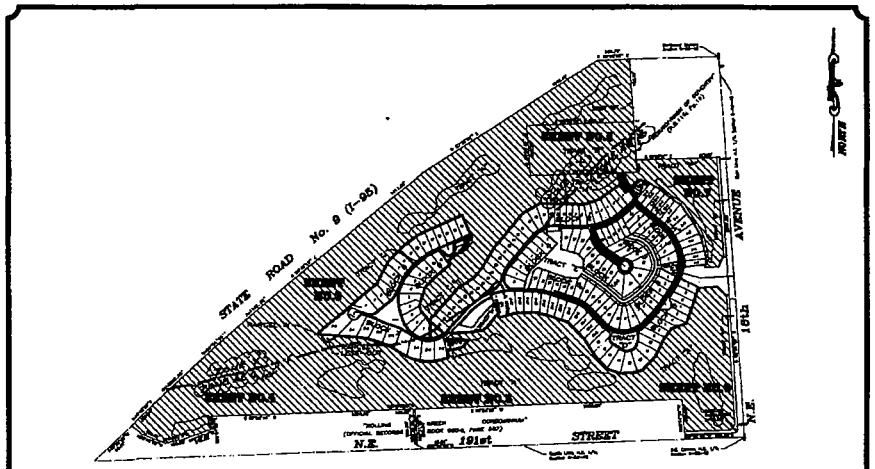
We hereby certify to The Union Labor Life Insurance Company and (Title Company), their successors, assignees and assigns: (a) that the survey represented hereon is an accurate survey of all of the real property legally described hereto; (b) that the within survey property and accurately delineates and locates all visible improvements on the real property as of the date of the survey; (c) that the within survey was prepared under the direct supervision and control of the undersigned from an actual survey made of the real property legally described hereto; (d) that there are no visible encroachments across property lines as of the date of the survey other than shown; (e) that the within survey property designation and location of visible or recorded easements as of the date of the survey; (f) the utility services for the operation of this property either enter the property through the adjoining streets or, if they pass through or are located on private land, do so in accordance with easements serving to the owner of the private/public property; (g) ingress and egress to the subject property is provided by N. E. 19th Avenue, upon which the property abuts, the same being paved and dedicated right-of-way maintained by Miami-Dade County and the private road connecting thereto; (h) the property is located in an area designated as a special flood hazard/zone area by the Federal Emergency Management Agency, and lies in a zone "AE-6"; (i) the subject property does border the adjoining property for drainage; (j) that the land, as described on the survey does not constitute an illegal subdivision of land under county ordinances; and (k) that the within survey was prepared (A) in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by American Land Title Association ("ALTA") and American Congress on Surveying & Mapping ("ACSM") and National Society of Professional Surveyors ("NSPS") in 1999 and complies with the Minimum Technical Standards of the State of Florida and (B) pursuant to the Accuracy Standards (as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification) the undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle Distance and Closure Requirements for survey measurements which control land boundaries for ALTA/ACSM Land Title Surveys" and undersigned further certifies that the Positional Uncertainties resulting from the Survey do not exceed the allowable Positional Tolerances.

This Survey complies with the "Minimum Technical Standards" adopted by the Florida State Board of Surveyors and Mappers pursuant to Chapter 61G17-6, Florida Administrative Code.

SCHWEBKE-SHISKIN & ASSOCIATES, INC.

By: Ronald A. Fritz

Ronald A. Fritz, Assistant Vice President
Professional Land Surveyor #2967
State of Florida



LOCATION MAP

PORTION OF THE N. 1/2 OF SECTION 5-52-42

SCALE 1" = 400'

NOTES:

1) Bearings shown are based on an assumed bearing of North 03 degrees 51 minutes 02 seconds West along the East line of the Northeast 1/4 of Section 5, Township 52 South, Range 42 East, Miami-Dade County, Florida, as shown on the plat of "Presidential Estates Subdivision", as recorded in Plat Book 151 at Page 67 of the Public Records of Miami-Dade County, Florida.

2) Unless otherwise noted this firm has not attempted to locate footings and/or foundations.

3) Visible indications of utilities are shown, however, no attempt was made to locate underground items.

4) Information shown as the boundary of the subject property is record and measured, unless otherwise noted.

5) The subject property lies within Federal Flood Zone X and Federal Flood Hazard Zone AE(EL 6) per Federal Insurance Rate Map Community Panel Numbers 120635 0281 F and 120635 0063 F, both dated March 2, 1994.

6) Bench Mark: Nail and Brass Washer set in concrete sidewalk, 20 feet East of the centerline of N. E. 18th Avenue, 165 feet south of the centerline of N. E. 195th Terrace, and 5 feet East of a Florida Power & Light Company Transformer Pole. Elevation = 6.54 (N.G.V.D.)

7) Elevations shown hereon refer to National Geodetic Vertical Datum (N.G.V.D.) Of 1929 and are expressed in feet. Florida.

8) Ordered by BCOM, INC.

10) This Plat Plan was prepared for the exclusive use of the entity (entities) named hereon. The attached certification does not extend to any unnamed party.

11) Shown hereon are platable easements and rights of way reflected in Title Commitment No. 3004113237 issued by Chicago Title Insurance Company with an effective date of JULY 13, 2005 at 11:00 A.M.

12) Golf Course amenities are not shown.

13) AREA OF SUBJECT PROPERTY:

PARCEL I	=	98.306 ACRES
PARCEL II	=	5.937 ACRES
PARCEL III	=	0.01 ACRES
TOTAL	=	104.253 ACRES

LEGEND:

- DENOTES ANCHOR
- DENOTES WOOD POLE
- DENOTES DOUBLE RIBBON CHECK VALVE
- DENOTES LIGHT POLE
- DENOTES CONCRETE POWER POLE
- DENOTES SILVER VALVE
- DENOTES WATER METER
- DENOTES FIRE HYDRANT
- DENOTES CATCH BASIN
- DENOTES STORM SEWERAGE MANHOLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES SANITARY SEWER CLEANOUT
- DENOTES SEWER SERVICE
- DENOTES GUARD POST
- DENOTES GOLF CATCH BASIN
- DENOTES METAL FENCE
- DENOTES CHAIN LINK FENCE
- DENOTES OVERHEAD WIRE
- DENOTES CENTER LINE
- (M) DENOTES MEASURED
- (R) DENOTES RECORD
- # DENOTES RADIUS
- Δ DENOTES ARC LENGTH
- ℄ DENOTES DELTA OF CURVE
- FND DENOTES FOUND NAIL & DISC(LABEL)
- FIP DENOTES FOUND I/P IRON PIPE(LABEL)
- IP DENOTES SET I/P IRON PIPE(LABEL)
- FD DENOTES FOUND
- PRM DENOTES PERMANENT REFERENCE MONUMENT
- SND DENOTES SET NAIL & DISC(LABEL)
- DENOTES EXISTING CONCRETE
- DENOTES EXISTING ASPHALT

RECEIVED
NOV 11 2005
[illegible]
POA

9-7-06 Platted line between Zones "X" and "AE-6"

AUGUST 23, 2005
FILE NO: AI-3535A
Sheet No. 5.01 of 7 Sheets

prepared by

SCHWEBKE-SHISKIN & ASSOCIATES, INC.

3240 CORPORATE WAY, MIRAMAR, FL. 33025

LAND PLANNERS - ENGINEERS - LAND SURVEYORS

K:\055242\BCOM-PRESIDENTIAL\AS-BUILT-ALTSUR02-ED\dwg\ALTSUR02-ED.dwg

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2009

To: Developmental Impact Committee Executive Council

From: María Teresa Fojo, Acting Assistant Director for Zoning

Subject: Allegation of Taking and Vested Rights Application
Presidential Club, LLP (P.H. Z06-203, Z07-213, and Z07-212)
DIC Hearing 01-09

REQUEST:

The applicant, Presidential Club, LLP, has timely filed a Notice of Invoking Administrative Remedies pursuant to Section 2-114.1 of the Code of Miami Dade County, alleging that an approval of zoning hearing applications Z06-203, Z07-213, and Z07-212 would result in an abrogation of vested rights and a taking of its property rights.

BACKGROUND:

The subject property consists of approximately 158 acres zoned RU-4M, Modified Apartment House District (35.9 units per net acre), and BU-2, Special Business District, and is located at 19650 N.E. 18th Avenue. The property is currently the subject of three (3) separate public hearing applications: Z06-203, Z07-213, and Z07-212. Each of the zoning hearing applications is appealing separate Director's decisions to approve three (3) Administrative Site Plan Review (ASPR) applications: A06-04, A07-10, and A07-11.

The zoning history of the property dates back to 1962 when the Zoning Appeals Board (ZAB) approved a 7,000 yard golf course and a rezoning to BU-2, Special Business District, to allow the construction of a private club pursuant to Resolution 2-ZAB-261-62. The ZAB's decision was appealed by an aggrieved party, and the Board of County Commissioners (BCC) affirmed the ZAB and approved the application pursuant to Resolution Z-166-62.

In 1983, Hasam Realty Corporation filed an application to rezone the property to RU-4A, Apartment-Hotel District (50 units per net acre), and an unusual use and a special exception to realign the golf course in order to develop the property with 1,202 residential units and 52 hotel rooms. The design consisted of three (3) buildings with 25-30 stories and 317 ft. in height. The request was denied by the BCC pursuant to Resolution Z-1-83. The applicant filed a subsequent application in 1984 eliminating the hotel rooms and the reconfiguration of the golf course, and seeking only to permit 1,202 residential units. This amended application was also denied by the BCC pursuant to Resolution Z-275-84.

In 1986, Hasam Realty Corporation filed a subsequent application to allow a rezoning from RU-1, Single-Family Residential District, to RU-4M, Modified Apartment House District (35.9 units per net acre), in order to develop a 960-unit residential development and a 5,400 yard golf course. Noting neighborhood opposition, the applicant reduced the number of residential units proposed from 960 to

850 and proffered a Declaration of Restrictions (Original Declaration) which, among other things, restricted the height of the buildings; established setbacks from the north, east and south property lines; specified certain landscaping provisions; limited the lighting for the tennis courts; restricted the size of the apartment units; required the maintenance of an executive or similar golf course of at least 5,400 yards; specified the donations to be made to the Fire-Rescue Department and the School Board; required specific roadway improvements and their timing; required the preservation of an archeological zone; and included specific language as to the procedure to be followed in order to amend the Original Declaration. The application, subject to the acceptance of the Original Declaration, was approved by the BCC pursuant to Resolution Z-282-86.

The BCC's decision was appealed to the Appellate Division of the Circuit Court which remanded the matter back to the BCC for its consideration of a Supplemental Declaration of Restrictions (Supplemental Declaration) that reduced the number of units from 850 to 800, included additional setback restrictions, and amended the modification paragraph to require, prior to public hearing, the "written" consent of 75% of the property owners of the subject property and of 75% of the property owners within 500 ft. of the boundaries of the property. The Original Declaration did not require written consent but only notification, subject to the County's approval, and applied only to 51% of the owners of the subject property and those located within 375 ft. of the boundaries of the property to the north, east and south. The BCC approved the remanded application, subject to the Supplemental Declaration and the Original Declaration, pursuant to Resolution Z-237-87.

In 1996, Coscan Florida Inc. filed an ASPR application with the Department (A96-35) to allow a 177-unit zero lot line development on a portion of the site. A subsequent zoning hearing application was filed to allow four (4) zero family residential units to be developed as "floater" lots and not require, as per the Zero Lot Line District regulations, a zero foot setback from one of the property lines. This configuration was approved pursuant to Resolution CZAB2-9-98 which subsequently approved the development from the original 177 to 173 units. The current development on this site consists of these 173 units and is referred by the applicant as Phase I.

In 2006, Presidential Club filed an ASPR application with the Department (A06-04) in order to allow the development of 25 townhouse units and 267 condominiums (292 units total) on a portion of the subject site. Two subsequent less intensive ASPR applications were filed to allow the development of 78 townhouses (A07-10) and a 76-unit multi-family development (A07-11) on a portion of the site. All ASPRs preserved the required 5,400 yard golf course as per the Original Declaration, and were thoroughly reviewed by staff to ensure that all the provisions of the Original and Supplemental Declarations were adhered to.

Following the approval of each of the three (3) ASPRs, separate appeals were filed on each of the approvals. The Presidential Estates Homeowners Association and Irvin Joseph filed zoning hearing application #Z06-203 appealing the Director's decision to approve A06-04. Subsequently, the Presidential Estates Homeowners Association and Samuel Feld filed zoning hearing application #Z07-213 appealing the Director's decision to approve A07-10, and these same two parties also filed application #Z07-212 appealing the Director's decision on the approval of A07-212. Staff notes that all three approved ASPRs are in compliance with the 1987 Resolution, the Original Declaration and Supplemental Declaration, and all applicable zoning code requirements.

The Executive Council of the Developmental Impact Committee (DIC) is charged with making a recommendation to the Board of County Commissioners as to whether an approval of the three (3)

appeals and a denial of the ASPRs would result in an abrogation of vested rights or a taking of private property rights.

III. STANDARDS

Vested Rights and Takings:

In order to establish vested rights, an applicant must demonstrate (1) good faith reliance on (2) an act or omission of government (3) to their detriment, and that the applicant has made such a substantial change in position and/or has incurred such extensive expenses and obligations that it would be (4) highly inequitable to deny them the necessary approvals to complete development.

The Owner has diligently pursued the development of the Property in accordance with the approvals granted to date and has developed the property in accordance with ASPR 96-35.

In furtherance of the development of the subject site, the applicant submitted three (3) ASPR applications all of which have been approved. All three (3) separate ASPR approvals have been appealed. The applicant claims that an approval of any of the appeals by the BCC denying it the right to develop in accordance with any of the three (3) ASPRs would result in an abrogation of vested rights. However, the applicant has failed to prove that it has incurred such extensive expenses and obligations in reliance of any of the ASPR approvals that it would be detrimental and highly inequitable to deny it the necessary approvals to complete development.

In order to establish a regulatory taking of a particular parcel of Property the owner must demonstrate that governmental regulations have deprived it of all economically productive and beneficial use of the parcel or its reasonable investment backed expectations. Relevant to that inquiry are the circumstances surrounding the acquisition of the parcel identified by the owner as the subject of a taking and the regulations and laws in effect at the time the parcel was acquired. The applicant indicates that in February 2005, the original Declarant, Coscan Presidential Inc. assigned to BCOM, Inc., all of the Declarant's Development Rights under the governing documents. BCOM then assigned to Presidential Club all of the Declarant's Development Rights. These rights are carefully outlined in the zoning Resolution, and the Original Declaration and Supplemental Declaration. The Resolution and Declarations allowed the development of a maximum of 800 units (627 more units after the 173 already developed under Phase I), but were very restrictive on the building heights and their location, the preservation of setbacks from perimeter property lines, and the preservation of a 5,400 yard golf course for a period of 15 years. These documents also required that, following the 15-year time period, the owner of the property was to retain either the golf course, bike and jogging paths, or alternatively, landscaped open space, all of which were considered an integral part of the zoning application, and could not be amended unless consent was obtained from 75% of the residents of the subject property and those residents located within 500 ft. of the boundaries of the property.

IV APPLICANT'S CLAIM

The applicant states that the Property is currently developed in accordance with Phase I and consists of 173 single-family residences that were built in accordance with the ASPR approved in 1996 and further amended by the CZAB-2 in 1998. This Phase of development was completed in 2002. The applicant claims that, during the construction of this Phase, infrastructure improvements to support 800 units

were constructed. According to the applicant, these include: roadway improvements to N.E. 18th Avenue and Highland Lakes Boulevard; offsite stormwater drainage removal on N.E. 18th Avenue; and storage of excess capacity stormwater on-site.

In addition, the applicant claims that, in reliance of the vested rights granted by the County, he has expended substantial sums of money totaling $15,814,233.68. These fees include legal fees, land acquisition, financing and interest, appraisals and market studies, engineering and architectural plans, title recording, permitting, administrative and construction management, golf course, development fees, advertising and marketing, real estate taxes, and insurance. However, there is no breakdown of the fees expended based on the reliance of the ASPR approvals or any other action of Miami-Dade County; no documentation to back-up the expenditures, no permit numbers, and no dates as to when these expenses occurred. The applicant indicates that appropriate documentation would be provided with respect to the expenses incurred; however, the applicant further notes that "the majority of these documents contain proprietary confidential financial information", and that assurances would need to be given by the County to the applicant prior to their release to ensure that the information "will not be made available to the public."

Finally, the applicant claims that the denial of the three (3) ASPRs by the BCC would constitute a taking since a governmental action would deprive him of all economically productive and beneficial use of the parcel.

V. ADDITIONAL FACTS AND STAFF ANALYSIS

The Executive Council is charged with making a recommendation to the BCC as to whether an approval of any of the three (3) appeals by the BCC would constitute in an abrogation of vested rights or a taking of private property. In order to make these determinations, the Executive Council must consider, among other things, the circumstances in effect when the owner acquired the Property, the zoning actions and restrictive covenants running with the land, the different processes to be followed and the permits necessary to proceed with development of the land, the expenses incurred by the applicant in reliance on County approvals and actions. In making their recommendation the Executive Council must consider the following:

(1) In 1987, the Board of County Commissioners (BCC), pursuant to Resolution #Z-237-87, granted a zone change to RU-4M, Modified Apartment House (35.9 units per net acre) in order to develop an 800-unit residential development and a 5,400 yard golf course. The height of the multi-family structures can be up to 100 ft.

(2) The 1987 rezoning Resolution and accompanying Declarations did not restrict the development of the property to a site plan.

(3) RU-4M zoning allows the development of single-family residences, duplexes, townhouses, 4-unit apartments, and multi-family housing developments. Since the zoning was not tied to a site plan, the applicant can develop the site with a multitude of design solutions and configurations, as well as a myriad of residential housing types or combinations thereof. This is evident by the fact that the applicant submitted three different ASPRs, each with a different number of units and housing types.

(4) The three ASPRs are not the only possible solutions for development, and the approval of the appeals and the denial of the ASPRs by the BCC does not prevent or deprive the applicant of the reasonable use of his land.

(5) The fact that the applicant filed one (1) taking application covering all three ASPRs further demonstrates that no matter what the BCC's decision on any of these issues is, the applicant considers that a taking of his property rights has occurred.

(6) The applicant's claim that the infrastructure improvements for the 800 units has already been constructed is incorrect. The improvements done to date were part of the requirements of the covenant for the development of the land whether 173 or 800 units were built. Internal roadway improvements have not been designed or constructed for the 800 units since the 3 ASPRs show the new proposed roadways. Infrastructure to accommodate water and sewer to serve 800 units is also not in place.

(7) Since there was never a site plan approved for the entire site indicating the development of 800 units, the owner could not have prepared the site or laid out the infrastructure for the 800 units due to the fact that ASPR approval and a replat would have been required prior to proceeding with any development.

(8) Notwithstanding the claim that certain roadway improvements were completed by the applicant, the Original and Supplemental Declarations specifically state that roadway improvements were to be completed "within 60 days of obtaining the first building permit" or "within one year following issuance of the first residential building permit." Under the terms of the Covenant, the applicant was under the obligation to complete the roadway improvements, whether 10 units or 800 units were to be built, and any deviation from that Covenant language would have required the written consent of 75% of the residents of the subject property and those residents located within 500 ft. of the boundaries of the property.

(9) The claim that infrastructure improvements have been constructed to handle stormwater and drainage to support 800 units is also incorrect. The Department of Environmental Resources Management issued a Class II Permit in 1999 for plans that match the existing 173-unit development on the site (Phase 1). In addition, in 1999 the South Florida Water Management District also issued their approval for the same 173-unit plan pursuant to application #990421-2.

(10) The applicant claims that, in reliance of the vested rights granted by the County, he has expended substantial sums of money totaling $15,814,233.68. However, the costs associated with the current applications have been $10,819 for A06-04; $7,366.92 for A07-10; and $5,348.40 for A07-11, for a total of $23,534.44; undisclosed costs for architectural plans, and undisclosed legal fees. Because no new development has occurred following the completion of Phase 1, there has been no replatting, no detailed construction documents prepared, no permitting activity and, therefore, no construction management expenses, and no advertising and marketing costs. The golf course has remained in operation with no interference from the County, and the taxes currently being paid by the applicant are for the private club and golf course uses. The sum of money quoted herein by the applicant could well be associated with the acquisition and maintenance of the development rights already obtained and granted by the County to the applicant, and not to the newly proposed development.

(11) It was the applicant's decision to file three (3) different ASPR applications and incur the cost associated with their preparation and submittal. The County had approved the first ASPR so it was not necessary for the applicant to proceed with two (2) additional submittals. The expense incurred by the applicant was not as a result of an act or omission of the County since the necessary approvals for development were not denied.

(12) The claim by the applicant that appropriate documentation would be provided with respect to the confidential financial expenses incurred, subject to assurances by the County that the information "will not be made available to the public" is not a sufficient reason to withhold the necessary proof. The applicant has provided no documentation of its expense claims indicating that such were incurred in reliance on the approval of the ASPRs. Chapter 119, The Public Records Act of the Florida Statutes, states that: "It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency." The applicant cannot lawfully expect that the County can comply with such a condition, and has chosen not to provide documentation to substantiate its claim.

CONCLUSION:

In order to establish a regulatory taking and an abrogation of vested rights the owner must demonstrate that governmental regulations have deprived him of all economically productive and beneficial use of the parcel or of its reasonable investment backed expectations.

Sec. 2-114.1. Administrative review of takings and vested rights claims.

(2) Claims of a taking or abrogation of vested rights are limited solely to extreme circumstances rising to the level of a potential denial of rights under the Constitutions of the United States and the State of Florida. The procedures provided herein for demonstrating such a taking or abrogation of vested rights are not intended to be utilized routinely or frivolously, but only in the extreme circumstances described above. The claimant or the attorney for the claimant shall exercise due diligence in the filing and argument of any sworn statement, notice of invoking administrative remedy or other claim for a taking or abrogation of vested rights. The signature of the claimant or the attorney for the claimant upon any document in connection with a claim of taking or abrogation of vested rights shall constitute a certificate that the person signing has read the document and that to the best of his knowledge it is supported by good grounds and that it has not been presented solely for delay. The claimant and the attorney for the claimant shall have a continuing obligation throughout the proceedings to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances. If a claim of taking or abrogation of vested rights is: (1) based upon facts that the claimant or the attorney for the claimant knew or should have known were not true; or (2) frivolous or filed solely for the purposes of delay, the appropriate County board or agency shall make such a finding and may pursue any remedy or impose any penalty provided by law or ordinance.

The Council should focus on the nature and extent of the interference with the property rights of the parcel in its entirety.

The Applicant contends that pursuant to previous zoning actions up to 800 units can be built on this Property; therefore, approval of any of the three (3) appeals of the ASPRs would constitute a taking of its property rights and an abrogation of vested rights. The facts outlined herein evidence that reasonable investment backed expectations for the overall property are not restricted to the development of any of the three (3) ASPRs or to any particular development plan. The zoning code requires that any multi-family residential development be reviewed and approved through the ASPR process prior to platting and permitting. The ASPRs under appeal are not the only development design solutions for this site. The zoning in fact allows a multitude of design solutions and a large variety of housing types. The standards for a takings claim are that the owner must demonstrate that governmental regulations have deprived him of all economically productive and beneficial use of the land or of reasonable investment backed expectations. Relevant circumstances include the regulations and laws in effect at the time the parcel was acquired (i.e., was the owner on notice of the limitations on the use of the land when it acquired it?), and how those regulations and laws are applicable to the property that is the subject of the taking (i.e., are the approved ASPR plans the only development options available to the applicant.

In addition, in order to establish vested rights, an applicant must demonstrate (1) good faith reliance on (2) an act or omission of government (3) to their detriment, and that the applicant has made such a substantial change in position and/or has incurred such extensive expenses and obligations that it would be (4) highly inequitable to deny them the necessary approvals to complete development. As stated above, the applicant's expenses could well be limited to the costs associated with the ASPR applications, and perhaps certain of the undisclosed costs for architectural plans and legal fees in conjunction with the ASPRs.

Pursuant to Section 2-114.1 of the Code of Miami-Dade County, the Developmental Impact Committee Executive Council is charged with making a recommendation to the Board of County Commissioners on this matter, not a final decision. Based on the facts and analysis above, staff recommends that the DIC Executive Council recommend to the Board of County Commissioners that an approval of any (or all) of the three (3) appeals (zoning hearing applications Z06-203, Z07-212 and Z07-213) would not result in a taking or abrogation of vested rights.

MT
Attachment