MIAMI-DADE COUNTY

5-12-09 Version #2

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, MAY 21, 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. THE DEPARTMENT OF PLANNING & ZONING	08-186	N 1

Request: - Opa-locka Airport rezoning to GP.
- Covenant deletion

Location: Lying east and west of NW 37 Avenue and NW 57 Avenue (Red Road), lying north and south of NW 135 Street (Opa-locka Boulevard) and lying south of NW 156 Street, City of Opa-locka and Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

APPEALS

1. THE PINELANDS, LLC (F/K/A) F.V. CONSTRUCTION CORP.	03-162	N 9

Request: Appeal of CZAB-15 denial of zone change from AU to RU1-Ma

Location: The southwest corner of SW 280 Street, and SW 132 Avenue, Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

2. RONALD, RAMIRO & MAGALI CHAVEZ	07-344	N 8

Request: Appeal of CZAB-12 denial of zone change from EU-1 to EU-M.

Location: 8300 SW 94 Street, Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

3. BELEN JESUIT PREPARATORY SCHOOL, INC.	08-166	N 12

Request: Appeal by neighbor of CZAB-10 Approval of special exception To expand school use onto additional property, and multiple Variances.

Location: 500 SW 127 Avenue and 12800 SW 6 Street, Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

CURRENT	HEARING #	DISTRICT
4. MADISON HOLMES	05-334	N 09

Request: - Multiple variances for duplex in the Perrine Community Urban Center (PCUC).
- Per CUC requirements item was recommended for approval by CZAB-14, BCC gives final determination.

Location: 10272 – 10274 SW 178 Street, Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

5. COUNTRY VIEW, LLC & RAM LAND INVESTMENTS LLC.	09-12	N 08

Request: Deletion of a covenant for property located in the Naranja Community Urban Center (NCUC).

Location: The southeast corner of SW 260 Street and SW 147 Avenue, Miami-Dade County, Florida, within the Urban Development Boundary (UDB).

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MAY 21, 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. THE DEPARTMENT OF PLANNING & ZONING **16-21/52-41**
(09-3-CC-1/08-186) **BCC/District 1**

(1) ZONE CHANGE TO GP

(2) DELETION a Declaration of Restrictions, recorded in Official Record Book 26612, Pages 690-696.

The purpose of request #2 is to delete a covenant which restricts the Opa-locka Executive Airport to public airport and ancillary public airport-related uses only and to proffer a revised covenant allowing uses approved pursuant to Article XXXVIII - Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County.

REQUEST #2 ON PARCEL "B"

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing)

LOCATION: Lying east and west of NW 37 Avenue and NW 57 Avenue (Red Road), lying north and south of NW 135 Street (Opa-locka Boulevard) and lying south of NW 156 Street, City of Opa-locka and Miami-Dade County, Florida.

SIZE OF PROPERTY: 1,660 +/- Acres

Developmental Impact Committee Recommendation: Approval of request #1, subject to the Board's acceptance of the proffered covenant and final approval of Zoning Ordinance, Section 33-363.1 and approval of request #2, as set forth in the Department of Planning and Zoning's recommendation. Approval of same shall also be deemed to constitute authorization for execution and recording of the covenant substantially in the form attached.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3-5-09

1. **THE PINELANDS, LLC (F/K/A) F.V. CONSTRUCTION CORP.** **02-57-39**
(03-12-CZ15-1/03-162) **BCC/District 9**

The applicant is appealing the decision of Community Zoning Appeals Board #15 which denied without prejudice the following:

AU to RU-1M(a)

LOCATION: The southwest corner of S.W. 280 Street & S.W. 132 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10 Acres

Department of Planning and Zoning Recommendation: Approval of the appeal subject to the Board's acceptance of the proffered covenant.

Protests: 0 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

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2. **RONALD, RAMIRO & MAGALI CHAVEZ (08-12CZ12-1/07-344)** **03-55-40**
BCC/District 8

The Applicants are appealing the decision of Community Zoning Appeals Board #12, which denied without prejudice the following:

EU-1 to EU-M

LOCATION: 8300 S.W. 94 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.16 Acres

Department of Planning and Zoning Recommendation: Approval of the appeal and the district boundary change to EU-M.

Protests: 1 Waivers: 44

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

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3. **BELEN JESUIT PREPARATORY SCHOOL, INC. (08-11CZ10-2/08-166)** **02-54-39**
BCC/District 12

HEATHER PERNAS is appealing the decision of COMMUNITY ZONING APPEALS BOARD #10 on BELEN JESUIT PREPARATORY SCHOOL, which approved with conditions Requests #2 - #6, #8, #10 and #11 and approved request #7 on a modified basis:

(1) EU-1 to RU-3

(2) UNUSUAL USE to permit an annual carnival with amusement rides.

(3) Applicant is requesting to permit a building height of 50'8" (35' maximum permitted).

(4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

(5) Applicant is requesting to permit a shed setback 19.34' and bleachers setback 25' (30' required) from the side street (west) property line.

REQUESTS #1 - #5 ON PARCEL "A"

(6) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional properties to the west.

(7) MODIFICATION of Conditions #4, #5, #6, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners, reading as follows:

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

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

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

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

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

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

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

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

FROM: "9. That the number of classrooms will be as follows:

7-8	7 classes
9-10	10 classes
11-12	4 classes plus labs and special classrooms."

TO: "9. To permit 73 classrooms."

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

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

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

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

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

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

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

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

(10) Applicant is requesting to permit a tiki hut setback 27'8" (30' required) from the side street (east) property line.

REQUESTS #9 AND #10 ON PARCEL "C"

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

Upon a demonstration that the applicable standards have been satisfied, approval of requests #7 and #8 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of conditions or Covenants After Public Hearing and approval of requests #3-#5 and #9-#11 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 500 SW 127 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 32.54 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice of the appeal as it pertains to all the requests on Parcel A and C and approval of the appeal as it pertains to all the requests on Parcel B.

Protests: 132 Waivers: 1,200

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

4. MADISON HOLMES (09-5-CC-4/05-334) **32-55-40**
BCC/District 9

(1) Applicant is requesting to permit a duplex setback 27.4' (10' or 15' required) from the front (north) property line and setback 6.2' (20' required) from the rear (south) property line.

(2) Applicant is requesting to permit a shed spaced 7.5' (10' required) from the residence.

(3) Applicant is requesting to waive the Edge Subdistrict Regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces.

(4) Applicant is requesting to waive the Standard Urban Centers regulations requiring the front setback to be landscaped.

(5) Applicant is requesting to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof.

(6) Applicant is requesting to permit the chain link fence with a minimum height of 4' (5' high minimum required) behind the build-to line.

(7) Applicant is requesting to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street.

(8) Applicant is requesting to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front 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 "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08. Plans may be modified at public hearing.

LOCATION: 10272 – 10274 S.W. 178 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' x 100.01'

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

5. COUNTRY VIEW, LLC & RAM LAND INVESTMENTS, LLC. (09-5-CC-5/09-12) **27-56-39 BCC/District 8**

DELETION of a Covenant recorded in Official Record Book 9555, Pages 1856-1862.

The purpose of the request is to allow the applicants to delete a covenant tying this site to a specific site plan and creating a buffer zone between the IU and AU Zones on the subject property in order to develop the property in accordance with the Naranja Community Urban Center (NCUC) zoning regulations.

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

LOCATION: The southeast corner of S.W. 260 Street and S.W. 147 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 49.04± Acres

Department of Planning and Zoning Recommendation: Approval under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

Protests: 2 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. THE DEPARTMENT OF PLANNING & ZONING **09-3-CC-1 (08-186)**
(Applicant) **BCC/District 1**
Hearing Date: 5/21/09

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
1995	Director, Dade County Aviation Dept.	- Zone change from GU to AU. - Non-Use variance for lot frontage.	BCC	Approved
2001	Director, Department of Planning & Zoning	Zone change from AU and GU to GP.	BCC	Approved

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

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

ITEM: 1.

APPLICANT: THE DEPARTMENT OF PLANNING & ZONING (09-3-CC-1/08-186)

ACTION: Deferred the application to May 21, 2009

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson				X
Gimenez		X		
Heyman		X		
Jordan	M	X		
Martinez				X
Rolle		X		
Seijas				X
Sorenson		X		
Sosa				X
Souto				X
Vice Chairman Diaz	S	X		
Chairman Moss		X		
TOTAL		8	0	5

Memorandum

MIAMI-DADE COUNTY

Date: May 21, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Director of the Planning and Zoning Department (Z08-186)

SUMMARY OF REQUESTS:

The applicant is seeking to rezone the entire Opa-locka Executive Airport property to GP, Governmental Property District. In addition, the applicant is requesting to delete a covenant which restricts that portion of the Opa-locka Airport property located within unincorporated Miami-Dade County to public airport and ancillary public airport-related uses, more specifically defined as Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and to proffer a revised covenant on the entire airport property limiting the uses to those uses approved pursuant to Article XXXVIII-Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

LOCATION: Lying east and west of NW 37 Avenue and NW 57 Avenue (Red Road), lying north and south NW 135 Street (Opa-locka Boulevard) and lying south of NW 156 Street, City of Opa-locka and Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because of the size of the application and the amount of square footage that could be developed. 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.

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

DIC RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and final approval of Zoning Ordinance, Section 33-363.1, and approval of request #2, as set forth in the Department of Planning and Zoning's recommendation. Approval of same shall also be deemed to constitute authorization for execution and recording of the covenant substantially in the form attached.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application, with the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z08-186
THE DEPARTMENT OF PLANNING & ZONING

Respectfully Submited,

DIC Executive Council
May 06, 2009

Susanne M. Torriente Assistant County Manager	AYE
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Jose Luis Mesa, Director Metropolitan Planning Organization Secretariat	Absent
Maria Teresa Fojo, Acting Assistant Director of Zoning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	AYE
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENTAL IMPACT COMMITTEE

APPLICANT: The Department of Planning and Zoning **PH:** Z08-186

SECTIONS: 16,17,18,19, 20 and 21-52-41 **DIC DATE:** May 6, 2009

COMMISSION DISTRICT: 1

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A. INTRODUCTION

- **REQUESTS:**

(1) ZONE CHANGE TO GP

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26612, Pages 690 through 696.

The purpose of request #2 is to delete a covenant which restricts the Opa-locka Executive Airport to public airport and ancillary public airport-related uses only and to proffer a revised covenant allowing uses approved pursuant to Article XXXVIII-Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County.

REQUEST #2 ON PARCEL "B"

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing.

- **SUMMARY OF REQUESTS:**

The applicant is seeking to rezone the entire Opa-locka Executive Airport property to GP, Governmental Property District. In addition, the applicant is requesting to delete a covenant which restricts that portion of the Opa-locka Airport property located within unincorporated Miami-Dade County to public airport and ancillary public airport-related uses, more specifically defined as Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and to proffer a revised covenant on the entire airport property limiting the uses to those uses approved pursuant to Article XXXVIII-Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

- **LOCATION**: Lying east and west of NW 37 Avenue and NW 57 Avenue (Red Road), lying north and south NW 135 Street (Opa-locka Boulevard) and lying south of NW 156 Street, City of Opa-locka and Miami-Dade County, Florida.

- **SIZE:** 1,660± Acres

B. ZONING HEARINGS HISTORY:

In 1996, pursuant to Resolution No. Z-40-96, the Board of County Commissioners (BCC) granted the Miami-Dade County Aviation Department a district boundary change from GU, Interim District, to AU, Agricultural District, on a portion of the subject property. Also included was a non-use variance to permit a parcel of land with 0' of frontage (200' required) on a public street. In 2001, pursuant to Resolution No. Z-2-01, a district boundary change was requested by the Director of the Department of Planning and Zoning and granted by the BCC which rezoned the unincorporated portion of the property (Parcel B) from AU and GU to GP, Governmental Property District. A Declaration of Restrictions was proffered on the GP portion of the subject property in conjunction with Resolution No. Z-2-01, which provided that the use of the unincorporated property be limited to public airport use, Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and as further limited by all other applicable federal, state and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Transportation and Terminal** use. The LUP map includes a summarized portrayal of the major components of Miami-Dade County's existing and future transportation network. Included are roadways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport. This information is included on the LUP map to provide orientation and locational references, and to relate future development patterns to the future transportation network. The Transportation and Capital Improvements Elements of the CDMP provide additional details about these facilities, including their intended sizes, functions, uses, and designs and, with the exception of local streets, schedules and improvements. As provided in the policies of the Transportation Element, transportation facilities such as terminals and transit stations shall contain the transportation uses and may contain other uses as provided in the applicable Transportation Subelement.

2. The adopted 2015 and 2025 Land Use Plan designates a portion of the eastern and southern boundaries of the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, including switching and transmissions facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding

retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections.

3. **Goal.** Ensure the provision of an economic, integrated environment and community-sensitive, and balanced system of air transportation facilities and services to move passengers and cargo effectively and efficiently; accommodate and encourage all types of general aviation activity, including business, commercial, instructional, and personal activity; and enhance the economy and quality of life in the County and region.

4. **Future Aviation Facilities.** All proposed use on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport that are designated as Terminal on the LUP map, may be developed for the uses described in this subsection. All proposed uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

   The airside portion of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport, which shall be deemed to consist of all portions of the airports where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, runway protection zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

   The landside portion of these airports, which shall be deemed to consist of all portions of the airport where general public access is not restricted and the terminal concourses only at Miami International Airport, may include both aviation and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least one-third of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

   Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:
   - passenger terminal area, which my include non-aviation related uses designed to service the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments.
   - parking garages and lots serving the airport,
   - access roadways serving the airport,
   - offices of aviation industry companies and the Miami-Dade County Aviation Department,
   - facilities of fixed base operators,
   - hangar rentals and tie downs,

- ground transportation services
- aircraft and automobile rental establishments
- aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobics training and other educational facilities providing aviation courses,
- aviation-related governmental agency facilities,
- flying club facilities
- aviation-related entertainment uses such as skydiving establishments, museums and sightseeing services, and
- aviation-related retail uses such as aircraft sales, electronic instrument sales and pilot stores.

Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport accessible to the general public:

- lodgings such as hotels and motels (except for Homestead General),
- office buildings (except for Homestead General)
- lodgings and office buildings at Miami International Airport (except in terminal concourses)
- industrial uses such as distribution, storage, manufacturing research and development and machine shops (except for Homestead General),
- agricultural uses, and
- retail, restaurants, and personal service establishments (except for Homestead General).

Such privately owned non-aviation related uses at the Opa-locka Airport, Miami International, Kendall-Tamiami Executive and Homestead General Aviation airports shall be limited as follows:

(1) Those portions of the landside area at Opa-locka Executive, Miami International, and Kendall-Tamiami Executive airports that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, CDMP intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) at Opa-locka Executive and Miami International airports or for the Urbanizing Area (FAR of 1.25 not counting parking structures) at Kendall-Tamiami Executive Airport impact on roadways, access and compatibility with neighboring development. Freestanding retail and personal services uses and shopping centers shall front service uses and shopping centers shall front on major access roads preferably near major intersections, where practicable, and have limited access to major roadways.

(2) Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.

4. **Policy TE-1B.** Miami-Dade County shall continue to maintain programs for optimal development and expansion of the Port of Miami and the Miami-Dade County aviation system, and shall continue to support viable operation and enhancement of the Port of Miami. These activities will be conducted in accordance with the respective subelements of this element and other applicable elements of the CDMP including the Land Use and Capital Improvement Elements.

5. **Objective. AV-1.** Provide facilities necessary to accommodate forecast aviation demand and optimize level of service.

6. **Objective. AV-2**. Maintain and enhance the role of each airport in the aviation system.

7. **Policy AV-4A.** Make aviation capacity improvements at existing airports so long as they are cost effective and consistent with other CDMP objectives and policies.

8. **Policy AV-1A.** The Miami-Dade County Aviation Department with the assistance of the Florida Department of Transportation and the Federal Aviation Administration (FAA) shall, through facilities and operational improvements, provide system capacity to meet the following forecast levels of activity and minimize delays.

Total	Forecast Attainment Dates		
Passenger Level	High	Preferred	Low
33 million	2006	2008	2010
36 million	2008	2010	2015
39 million	2010	2015	2020
50 million	2015	2020	2035

9. **Policy AV-1B.** The Miami-Dade County Aviation Department with the assistance of the Florida Department of Transportation and the Federal Aviation Administration shall, through facilities and operational improvements, provide system capacity to meet the following forecast levels of general aviation activity and minimize delays.

Planned		
Activity Level	Forecast Attainment Date	
Operations	Most Optimistic	Most Likely
750,000	2007	2010
875,000	2011	2028
1,000,000	2024	2030

10. **Policy AV-7B.** Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around Miami International, Homestead Air Reserve Base, Opa-Locka, Kendall-Tamiami Executive, Opa-Locka West, and Homestead General Aviation Airports. These ordinance updates shall be based on the guidelines recommended in the following Federal and State documents. Due to operational differences, all listed documents may not pertain to all airports.

(Federal)- Department of Transportation – Federal Aviation Regulation Part 150 Guidelines (Land Use Compatibility)

(Federal) –Department of Transportation – Federal Aviation Regulation Part 77 (Objects affecting Navigable Airspace)

(Federal) – Department of Defense Air Installation Compatible Use Zone Report (AICUZ) for HAFB (August 1988)

(State) – Chapter 333, Florida Statutes, (Airport Zoning)

(State) – Florida Department of Transportation – Airport Compatible Land Use Guidance Manual

11. **Policy AV-7C.** Miami-Dade County shall proactively maintain a "good neighbor" program at its airports to ensure that community concerns are addressed on a timely basis, aircraft operations are aware of noise abatement procedures, and mitigation programs are implemented and monitored.

12. **Policy AV-8A.** The Miami-Dade County Aviation Department, through the continued increase in the capacity of the County's airports to meet the forecast aviation demands, and the State and local governmental economic development entities through their commerce and industry promotion programs should expand the importance of the aviation industry to Miami-Dade County and the regional economy.

13. **Policy AV-8B.** When consistent with aviation facility locational objectives for airspace safety and environmental and community compatibility, the Aviation Department shall provide additional facility and operational capacity in the aviation systems in locations that offer greatest potential for expansion of aviation-related economic development and redevelopment in the vicinity and opportunities for aviation-related employment for Miami-Dade County residents.

14. **Policy AV-9A.** Select system capacity improvements that can also be expected to meet needs beyond the 2020 planning horizon.

15. **Policy AV-9C.** Utilize advantageous financial phasing.

16. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map'. The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

17. **Uses and Zoning Not Specifically Depicted on the LUP Map.** Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations

referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GP, (Miami-Dade County) Opa-locka Airport Zoning Regulations	Transportation and Terminal
Surrounding Properties:	
NORTH: AU, RU-1, RU-2 (City of Miami Gardens), IU-C, RU-4M, RU-3; vacant, lake, college, duplexes and single-family residences	Industrial and Office, Low Density Residential 2.5 to 6 dua, Institutions, Utilities and Communications
SOUTH: GU, (Miami-Dade County), A, I-1, IU-C B-3(City of Opa-locka); Amelia Earhart Park, warehouses	Industrial and Office, Business and Office
EAST: R-1, R-2, R-3, I-3, (City of Opa-locka) IU-1 (Miami-Dade County);warehouses single-family residences, apartments	Low Density Residential 2.5 to 6 dua, Medium Density Residential 6 to 13 dua, Business and Office, Industrial and Office
WEST: IU-C, GU, AU (Miami-Lakes), M-1 (City of Hialeah); warehouses and school	Industrial and Office

The 1,660± acre subject property lies between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street and located within the jurisdiction of both the City of Opa-locka and Miami-Dade County. The airport is primarily used for private pleasure and business flights, and light cargo traffic to the Caribbean. The area immediately surrounding the airport is primarily industrial and supportive of airport related activities with a college, apartments and single-family residences located to the north and east of the subject property.

E. SITE AND BUILDINGS:

Site Plan Review: (No plans submitted)

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(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.

II. **Modification or Elimination of Conditions and Restrictive Covenants That are Satisfied or Moot.** The Community Zoning Appeals Board shall approve an application to modify or

eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated by one of the following that the condition, restrictive covenant or part thereof either is satisfied or is moot:

(B) Moot conditions, covenants, or restrictions. The condition, restrictive covenant or part thereof is moot in that it can no longer serve the purpose for which it was imposed. A condition, restrictive covenant or part thereof in effect for a period of more than five (5) years shall be determined to be moot upon demonstration of one of the four (4) following circumstances:

1. The purpose of the condition, restrictive covenant or part thereof is apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and the impacts that were projected to be generated by the zoning action at the time the condition or covenant was imposed; and either

   (a) the property subject to the condition or covenant has been developed in a manner or to an extent which does not, and under existing zoning approvals cannot, generated the adverse impacts intended to be prevented or mitigated by the condition or covenant; or

   (b) since the imposition of the condition or covenant, all abutting parcels and the immediate vicinity have been zoned or developed in a manner or to an extent that the impacts previous anticipated or projected to be prevented or mitigated by the condition or restrictive covenant are not, and cannot be, adverse to the abutting parcels or the immediate vicinity.

2. the purpose of the condition, restrictive covenant or part thereof is not apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and

   (a) the condition, restrictive covenant or part thereof if imposed under current circumstances, would not and could not mitigate or prevent any describable harm or create any describable benefit to the public or to owners or residents or property in the immediate vicinity to a degree that is greater than de minimus; and

   (b) The condition or restrictive covenant does not include a date of expiration, or

3. the condition or restrictive covenant for which modification or elimination is sought involves the timing or phasing of development, and :

   (a) the development which is the subject of the condition or restrictive covenant is completed; and

   (b) No enforcement action regarding the condition or restrictive covenant has been initiated.

4. the condition or restrictive covenant for which modification or elimination is sought involved only the timeliness of filing or recording or a document, and:

(a) the failure to file or record the document was due to circumstances beyond the control of the applicant, or to excusable neglect; and

(b) no one is prejudiced by the modification or elimination of the condition or restrictive covenant regarding the timing or the filing or recording; and

(c) the document has been recorded or filed subsequent to the deadline set by the original application, and accepted by the County.

G. NEIGHBORHOOD SERVICES

DERM	**No objection**
Public Works	**No objection**
Parks	**No comment**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No comment**
Solid Waste	**No objection**
Schools	**No comment**
Water and Sewer	**No objection**
Aviation	**No objection**
FDOT	**No comment**

H. ANALYSIS

The subject property is the Opa-locka Executive Airport which lies between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street and lies within the City of Opa-locka and unincorporated Miami-Dade County. The subject property is located in an area characterized by industrial and airport-related uses with a college, single-family residences and apartments to the north and east of the airport site. In 2001, the Board of County Commissioners (BCC) rezoned the portion of the airport that lies within unincorporated Miami-Dade County from AU, Agricultural District, and GU, Interim District, to GP, Governmental Property District, pursuant to Resolution #Z-2-01. At this time, the County is seeking to rezone the entire airport property to GP. The southeastern portion of the airport lies within the City of Opa-locka and is currently governed by Article XXXVIII - Opa-locka Airport Zoning Regulations attached as Exhibit I. Additionally, a deletion of a previous Declaration of Restrictions that was proffered on the GP portion of the subject property in conjunction with Resolution No. Z-2-01 is being sought. A new declaration of restrictions is being proffered that will restrict the uses on the entire airport property to those uses approved pursuant to Article XXXVIII – Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record. Under Florida law, Miami-Dade County has exclusive jurisdiction including zoning over County airport lands.

The Department of Environmental Resources Management **(DERM) does not object** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department does not object** to this application.

However, their memorandum indicates that because the subject property lies within the Urban Infill Area they have made no traffic concurrency determination for this application and that no vehicle trips have been reserved. Furthermore, Public Works indicates that they have not made a traffic impact determination but indicates that the Traffic Count Stations located in the vicinity of the site are within the determined Level of Service (LOS) established by Miami-Dade County. The **Miami-Dade Aviation Department has no objection** and has determined that the proposed district boundary change, subject to the Board's acceptance of the proffered covenant would be compatible with existing and proposed operations at Opa-locka Executive Airport. They further indicate that the zone change to GP is necessary as it will allow third-party leaseholders to proceed with crucial revenue generating development on airport property. Additionally, the Department of Solid Waste Management **(SWM)**, the Miami-Dade Water and Sewer Department **(WASD)** and Miami-Dade Transit **(MDT) do not object** to this application. The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Transportation and Terminal use.** Included within this designation are roadways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport. Approval of this application will unify the zoning classifications of the Opa-locka Executive Airport into one uniform zoning classification (GP) and permit those uses approved pursuant to Article XXXVIII – Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record. The **Future Aviation Facilities** section of the Aviation Subelement of the CDMP states that all proposed uses on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport and Miami International Airport that are designated as Terminal on the LUP map, may be developed for the uses described in this subelement. All proposed uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

The CDMP goes on to say that the airside portion of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport, which shall be deemed to consist of all portions of the airports where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, runway protection zones, landing areas, and support and maintenance facilities such as control towers, flight service station, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

During the April 2007-2008 Master Plan Amendment Cycle, a CDMP text amendment was granted, pursuant to Ordinance #08-47, by the Board of County Commissioners which amended text and policies in the Aviation Subelement regarding the County's aviation facilities and updated the CDMP Physical Airport Maps and adopted and created Aviation Facilities and schematic maps. Other changes included creating Aviation Facilities' maps that reflect the approved uses on airside and landside portions of the airports and amending the Zoning Code to reflect the changes to the CDMP text. The GP zoning allows uses that are inconsistent with the

Transportation and Terminal designation and the Aviation Facilities Map for Opa-locka Executive Airport of the CDMP. It allows public parks, fire stations, police stations, public hospitals, public buildings and centers, solid waste collection and disposal facilities, public bus stations, public water and sewer treatment and distribution centers, detention facilities and public libraries which extend beyond the scope of the CDMP uses allowed on airport property and, therefore, the County Manager will be proffering a new covenant limiting the uses to those uses approved pursuant to Article XXXVIII – Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record. The airport is currently used for private pleasure and business flights and light cargo to the Caribbean and the surrounding area is primarily industrial and uses that are supportive of airport related activities. The rezoning would provide a logical continuum for future development on the site. As such, staff has concluded that the proposed rezoning, subject to the proffered covenant, would be **consistent** with the Transportation and Terminal designation of the LUP map of the CDMP and opines that it would be **compatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking in consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets and highways. This application is seeking approval for a district boundary change to GP, Governmental Property. In 2001, the County rezoned the portion of the airport located within unincorporated Miami-Dade County from GU and AU to GP. The southeastern portion of the subject property, which lies within the boundaries of the City of Opa-locka, is governed by Opa-locka Airport Zoning Regulations. As previously mentioned, the GP zoning allows more uses that are consistent with the Transportation and Terminal designation and the Aviation Facilities Map for Opa-locka Executive Airport of the CDMP. The proposed rezoning does not, as evidenced by the memoranda from DERM and the Public Works Department, generate detrimental effects on the County's environment or road services in the area and staff notes that the rezoning to GP would unify the zoning and, as previously noted, would provide a logical continuum for future development for the site. The airport is currently used for private, pleasure and business flights and light cargo to the Caribbean and the surrounding area is primarily industrial and supportive of airport related activities. Staff notes that there is no negative impact anticipated on the economy of the County. In fact, the rezoning will enable the County to increase revenues by leasing portions of the airport for non-aviation related uses, thereby having a favorable impact on the economy. Staff opines that the proposed rezoning, subject to the Board's acceptance of the proffered covenant, will be **consistent** with the CDMP, and would be **compatible** with the surrounding area. As such, staff recommends approval of request #1 subject to the Board's approval of the proffered covenant.

Request #2 is to delete a Declaration of Restrictions which was proffered in conjunction with Resolution No. Z-2-01 when the Miami-Dade County portion of the subject property (Parcel B)

was rezoned in 2001 from GU and AU to GP. The Declaration of Restrictions was proffered in order to limit the uses permitted on said portion of the airport located within Miami-Dade County to ensure consistency with the CDMP text at that time. When analyzed under Section 33-311(A)(7), the Generalized Modification Standards, staff is of the opinion that the deletion of the Declaration of Restrictions, which was proffered in order to restrict the uses on the airport property to public airport use, Aeronautical Activity and Aviation Use of Real Property, industrial and office use, would not generate excessive noise or traffic, would not provoke overcrowding of people and would not be incompatible with the area. The subject property is currently being utilized as an airport and the deletion of the Declaration of Restrictions will not increase noise in the area. Though staff acknowledges that future development may increase traffic, the memorandum from the Public Works Department indicates that because this application is located in the Urban Infill Area they have not made a traffic concurrency determination. When considering the necessity for and reasonableness of the proposed deletion of the Declaration of Restrictions in relation to the present and future development of the area, staff maintains that the deletion will not have an unfavorable effect on the area, will not be contrary to the public interest and is compatible with the surrounding area because it is an expansion to the currently permitted uses on airport property. A covenant was proffered in conjunction with Resolution No. Z-2-01 because the zone change to GP would have allowed more uses than would have been consistent with the CDMP text such as hospitals, public libraries and other non-aviation uses on the airport site. Additionally, the CDMP has been amended to allow more uses, such as commercial and retail uses, and therefore, the restrictive covenant will be replaced by a newly proffered covenant that will restrict the uses to those uses approved pursuant to Article XXXVIII – Opa-locka Airport Zoning of the Zoning Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record. Based on the aforementioned, staff recommends approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards).

Section 33-311(A)(17), Modification or Elimination of Conditions or Covenants After Public Hearing, provides for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of any restrictive covenants or parts thereof accepted at public hearing complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. Part II of Section 33-311(A)(17) provides that the Board shall approve an application to eliminate a restrictive covenant where it is demonstrated that the restrictive covenant is satisfied or moot. While staff is of the opinion that the declaration of restrictions is no longer necessary due to the Master Plan amendment which has rendered the prior declaration of restrictions moot. Furthermore, a replacement covenant is being proffered to satisfy other CDMP provisions, other than airport-related uses from being established on the site. However, staff notes that request #2 does not meet any of the four enumerated criteria for approval under Section 33-311(A)(17) (II). Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions After Public Hearing).

Accordingly, staff recommends approval of request #1 subject to the Board's acceptance of the proffered covenant; and the approval of same shall also be deemed to constitute approval of a covenant substantially in the form attached and to authorize its execution and recording; and approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards); and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

I. RECOMMENDATION:

Approval of request #1 subject to the Board's acceptance of the proffered covenant; and the approval of same shall also be deemed to constitute approval of a covenant substantially in the form attached and to authorize its execution and recording; approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

J. CONDITIONS: None

DATE TYPED: 09/22/08
DATE REVISED: 09/23/08, 09/25/08, 09/26/08, 09/29/08, 09/30/08, 10/03/08, 10/06/08
10/08/08, 10/09/08, 10/14/08,10/15/08, 10/17/08, 1/23/09, 1/29/09, 2/9/09
2/10/09, 4/17/09,4/23/09, 5/1/09
DATE FINALIZED: 5/1/09
MCL:MTF:NN:CI

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

EXHIBIT 1 **Article XXXVIII. Opa Locka Airport Zoning**

Approved _____ Mayor Agenda Item No. 7(D)

Veto _____ 5-5-09

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-363.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; CREATING SECTION 33-363.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING FOR DEVELOPMENT CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.

The following public airport uses shall be permitted on those lands at Opa-locka Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

(1) The [[~~airside~~]] portion of the airport >>designated in the Comprehensive Development Master Plan for aviation uses<<, [[~~which~~]] shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses), >>and<< shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, clear zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, >>storage and aircraft maintenance and repair facilities and hangars, aircraft and aircraft parts manufacturing and storage, fixed base operators, air cargo operations, specialized aircraft service operations,<< and fuel farms. Where not

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the [[~~airside portion~~]] >>portions of these airports designated for aviation use<<, subject to such conditions and requirements as may be imposed to ensure public health and safety.

(2) The [[~~landside~~]] portion of the airport >>designated in the Comprehensive Development Master Plan for aviation-related and non-aviation uses<<, [[~~which~~]] shall be deemed to consist of all portions of the airport where general public access is not restricted [[~~and also terminal concourses~~]], >>and may be developed with aviation uses, aviation-related uses and non-aviation uses<< [[~~may include both aviation uses and non-aviation uses~~]] that are compatible with airport operations and consistent with applicable law. [[~~At least 30% of the land area in the landside portion]] must be developed with aviation-related uses or uses that directly support airport operations~~]].

(a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

* * *

12. Aviation-related entertainment uses such as museums and sightseeing services, ~~and~~

13. Aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores[[~~.~~]]>>,<<

>>14. Storage and aircraft maintenance and repair facilities and hangars,

15. Aircraft and aircraft parts manufacturing and storage,

16. Air cargo operations, and

17. Specialized aircraft service operations.

(b) Aviation-related uses, which shall include, but not be limited to, manufacturing, storage, office, service or similar uses ancillary to or supportive of aviation uses may be approved in the aviation-related and non-aviation areas of the airport.<<

[[~~(b)~~]]>>(c)<< Subject to the restrictions contained herein, the following [[~~privately owned~~]] non-aviation[[~~-related~~]] uses may be approved in the [[~~landside area~~]] >>aviation-related and non-aviation areas<< of the Opa-locka Airport [[~~accessible to the general public~~]]:

1. lodgings such as hotels and motels [[~~(except in terminal concourses)~~]],

* * *

5. retail, restaurants, and personal service establishments.

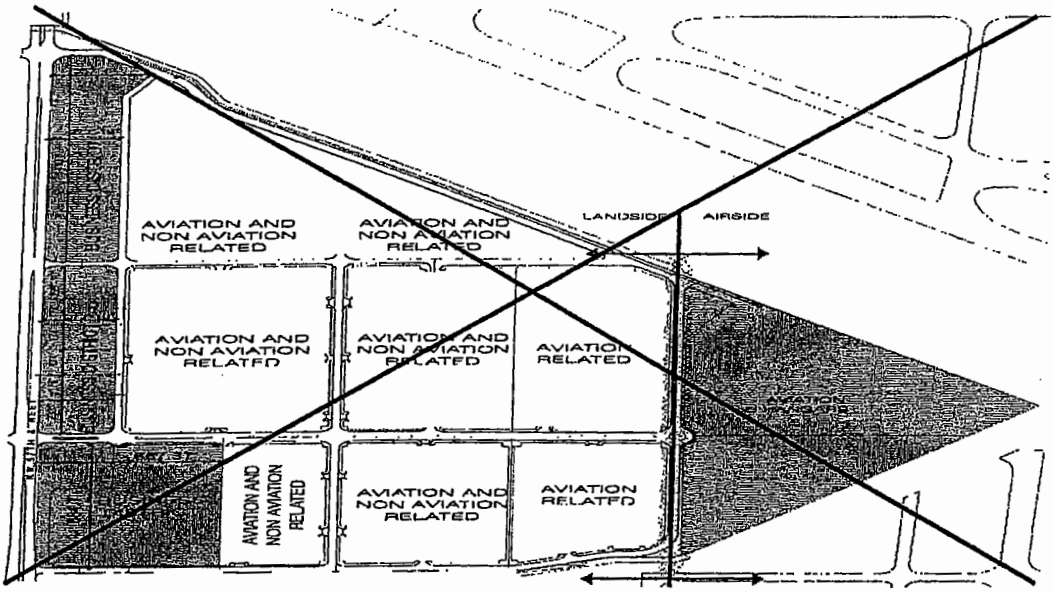
Such [[~~privately owned~~]] non-aviation [[~~related~~]] uses shall be limited as follows:

[[~~Those portions of the that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses.~~]] The distribution, range, intensity and types of such non-aviation [[~~related~~]] uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) [[~~or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved~~]], impact on roadways, access and compatibility with neighboring development. Freestanding retail uses and shopping centers shall front on major access roads preferably near major intersections, where [[~~practicable~~]] >>practical<<, and have limited access to major roadways.

Each non-aviation use shall comply with applicable law, including but not limited to FAA regulations and [[any]] >>the current<< airport layout plan >>on file with the Miami-Dade County Aviation Department<< governing permissible uses on the entire airport property. Warehouses, storage showrooms, printing shops and any other industrial use [[~~permitted in those portions of the airport designated for non-aviation related uses~~]] shall be subject to the site development standards of the IU-1 zoning district. Office buildings, retail sales, >>hotels and motels,<< restaurants, personal service establishments, and any other [[~~business use permitted in those portions of the airport designated for non-aviation related~~]] >>similar<< uses, shall be subject to the [[~~site development requirements of the BU-1A~~]] >>standards of the BU-2<< district. >>Agricultural uses shall be subject to the site development standards of the AU district.<< All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping). All non-aviation uses shall be subject to the site plan review standards of Section 33-363.2 of this code.

[[~~The landside non-aviation uses provided for in subsections 1 through 5 above shall be allowed in the "Aviation and Non-Aviation Related" areas depicted in the map entitled Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map ("the Opa-Locka Use Map"), as set forth below. Additionally, subsection 2 and 5 uses above (office~~

~~buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in the Opa-Locka Use Map, subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off Street Parking), of this code.~~]]



[[~~Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map~~]]

>>(3) The airport shall consist of three development zones as depicted on the Opa-locka Executive Airport Development Zone Map where non-aviation uses may be developed. The minimum and maximum land area devoted to non-aviation uses within each development zone shall be limited as follows. The location and intensity of non-aviation uses within each development zone shall further be limited by the Comprehensive Development Master Plan's Airport Land Use Master Plan map and interpretive text.

(a) Zone One (153.4 Acres)

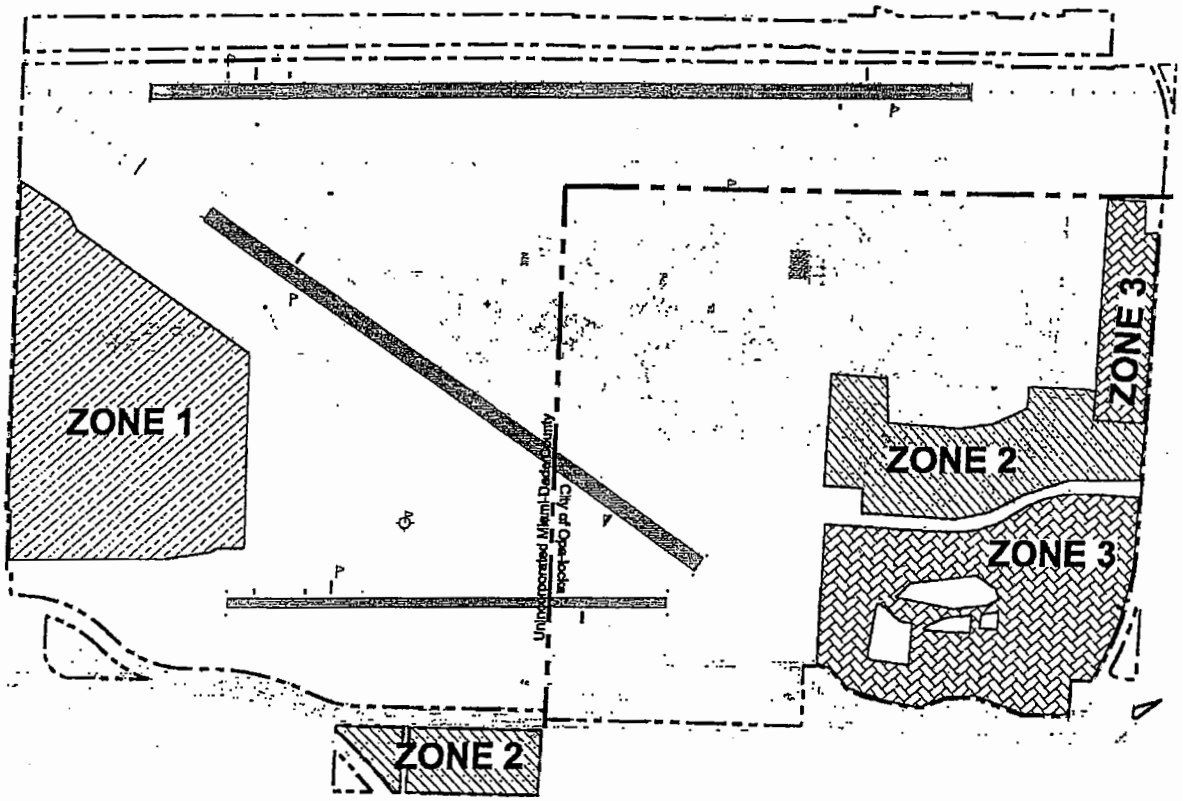
	Minimum (acres)	Maximum (acres)
Commercial	7.7	38.4
Office	7.7	38.4
Hotel or Motel	0	15.3
Institutional	0	30.7
Industrial	76.7	130.4

(b) Zone Two (87.7 acres)

	Minimum (acres)	Maximum (acres)
Commercial	4.4	21.9
Office	4.4	21.9
Hotel or Motel	0	8.8
Institutional	0	17.5
Industrial	43.9	74.5

(c) Zone Three (132 Acres)

	Minimum (acres)	Maximum (acres)
Commercial	6.6	33.0
Office	6.6	33.0
Hotel or Motel	0	13.2
Institutional	0	26.4
Industrial	66	112.2



Opa-locka Executive Airport Development Zone Map<<

Section 2. Section 33-363.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-363.2. Site plan review.

(A) For all non-aviation uses, 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 encourage the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. [[~~The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon request made in writing to the Department.~~]] Denials shall be in writing and shall specifically set forth the grounds for denial. Receipt of applicant's plans for fifteen (15) days without formal written denial shall constitute approval. Notwithstanding the provisions of 33-314, if the site is located within unincorporated or incorporated Miami-Dade County and if the plan is disapproved, the applicant may appeal to the Board of County Commissioners. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

(B) *Required exhibits.* The following exhibits shall be prepared by design professionals such as architects and landscape architects and submitted to the Department:

(1) Dimensioned site plan(s) indicating, as a minimum, the following information:

(a) Existing zoning on the site and on adjacent properties.

(b) The basic use, height, bulk and location of all buildings and other structures with setbacks.

(c) Vehicular and pedestrian circulation systems including connection(s) to existing or proposed roadway and sidewalk system and the layout of parking, service and loading areas.

(d) Graphics and/or notations indicating the site planning or structure design methods used to minimize the impact of those industrial activities that could have a negative impact on existing or proposed adjacent land uses.

(e) Sketches of design elements to be used for buffering surrounding uses.

(2) Elevation of the proposed buildings and other major design elements.

(3) Landscape plans: Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(4) Figures indicating the following:

(a) Proposed uses.

(b) Gross floor area: _____ square feet

(c) Land area:
Gross lot area: _____ square feet _____ acres
Net lot area: _____ square feet _____ acres

(d) Landscaped open space:
Required: _____ square feet _____ % of net land area
Provided: _____ square feet _____ % of net land area

(e) Tree Required: _____ Trees Provided: _____

(f) Off-street parking spaces: Required:_____
Provided:_____

(C) *Criteria.* The following shall be considered in the plan review process:

(1) *Planning studies:* Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.

(2) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen noncompatible uses, and ameliorate the impact of noise.

(3) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent non-commercial uses.

(4) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.

(5) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.

(6) *Energy conservation:* Applicants are advised to consider requirements of Florida Statutes Chapter 553 (Energy Code).

(7) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:

(1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

(b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

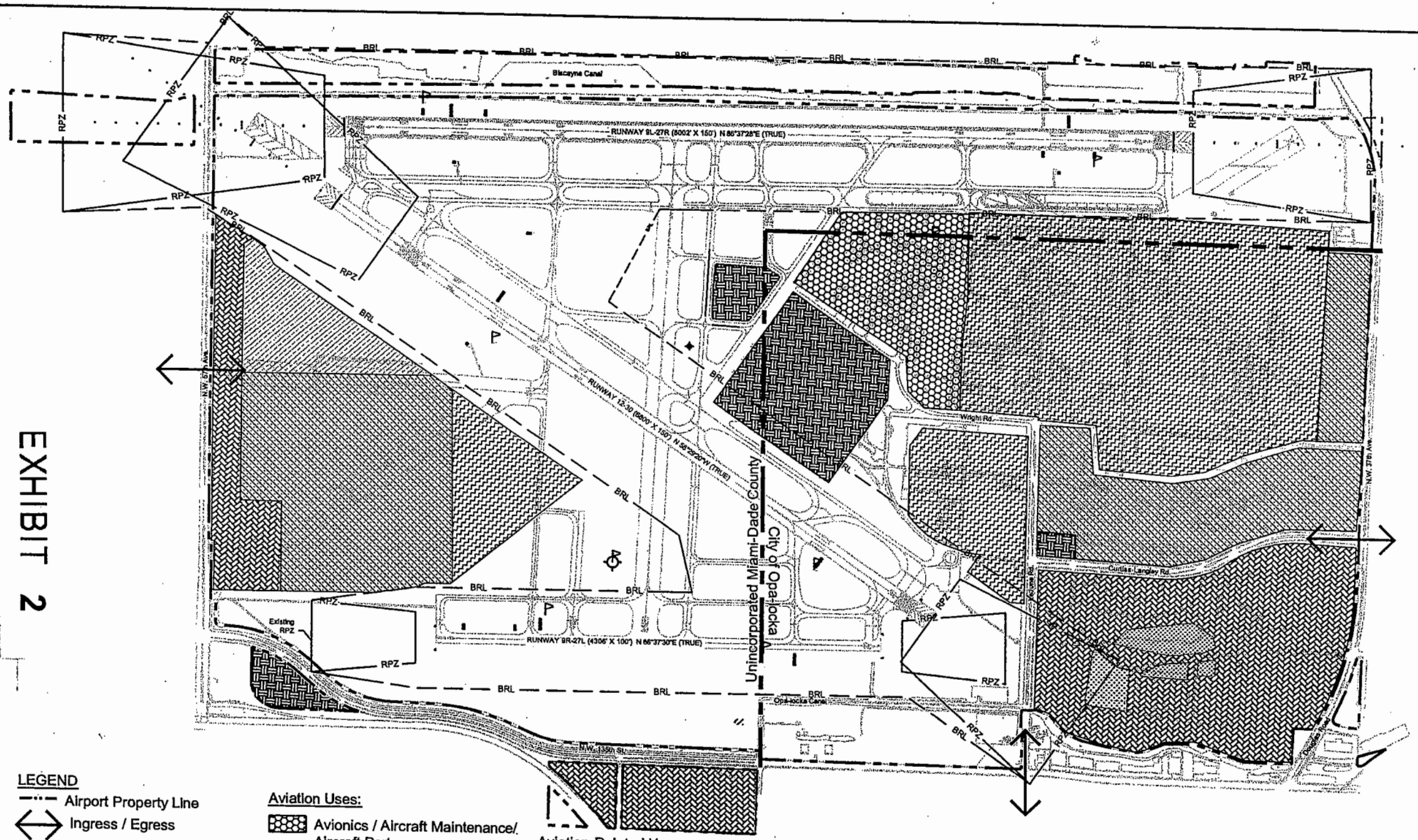
Approved by County Attorney as to form and legal sufficiency: APW for RAC

Prepared by: CHC for JAC

Joni Armstrong Coffey

EXHIBIT 2

CDMP MAP



LEGEND

- Airport Property Line
- Ingress / Egress
- —RPZ— Runway Protection Zone

Aviation Uses:

- Avionics / Aircraft Maintenance/ Aircraft Parts
- Business Support Activities
- General Aviation / Corporate Aviation
- Government (FAA, U.S. Customs, MDAD, Police, Fire)

Aviation-Related Uses:

- Other Uses / Flexible

Non-Aviation Uses:

- Commercial / Industrial
- Archaeological Preservation Area

Note: Any changes to this map will require a Comprehensive Development Master Plan amendment.

MIAMI-DADE COUNTY
MIAMI-DADE AVIATION DEPARTMENT

Not to Scale
GRAPHICAL SCALE IN FEET
ALL DRAWING ELEVATIONS IN FEET

MAGNETIC NORTH
DECLINATION = 5.53° W
ANNUAL RATE OF CHANGE = 4' W (JULY 24, 2006)
N
TRUE NORTH

OPA-LOCKA EXECUTIVE AIRPORT

AIRPORT LAND USE MASTER PLAN 2015-2025

REVISION DATE
PRINT DATE March 5, 2008
SHEET NO.

Drawing: C:\Aviation Planning\CDMP\Exhibits\OPF_CDMP_11x17\OPF_2007 CDMP_LAND USE_ALP Set Designations 8.5x11.dwg_Layout: 8.5x11_Mar 12, 2008, 2:12pm

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2008

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

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

Subject: DIC Application #08-186
Director of the Department of Planning & Zoning's Application
Request for a District Boundary Change on Opa-locka Executive Airport Property

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As requested by the Department of Planning and Zoning (DP & Z), the Miami-Dade Aviation Department (MDAD) has reviewed your request (Developmental Impact Committee Zoning Application #08-186) for a district boundary change to GP, Governmental Property, on a portion of property located at NW 37 Avenue and NW 57 Avenue and between NW 135 Street and NW 154 Street and to delete a Declaration of Restrictions on the remaining portion. The subject property consists of 1,565 acres.

MDAD has determined that the proposed district boundary change is compatible with operations from Opa-locka Executive Airport. The proposed district boundary change is necessary as the County has no previous zoning in place for the portions of Opa-locka Executive Airport within the City of Opa-locka's jurisdiction where the City's current zoning is inapplicable. The GP designation will allow third-party leaseholders to proceed with crucial revenue generating on-airport development. In addition, the GP designation allows for the necessary aviation uses that may have otherwise not have been permitted because of a zoning issue. MDAD respectfully requests that DP & Z amend the definition of Governmental Property as defined in Ordinance 99-164 to add "as defined for applicability to airports by Federal Aviation Administration (FAA) or Federal law or allowed under the applicable zoning regulations."

Please be advised that the third-party leases for the subject property have already been reviewed and approved by the Federal Aviation Administration (FAA). Both MDAD and the FAA will need to review and approve the associated plans for on-airport development, as they become available, for both land use and airspace impacts.

SH/rb

C: M. Fajardo
M. Southwell
G. Owens
J. Ramos

Memorandum

MIAMI-DADE COUNTY

Date: September 24, 2008

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

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

Subject: #Z2008000186
Director of The Department of Planning and Zoning
N.W. 135th Street Between N.W. 57th Avenue and N.W. 37th Avenue
District Boundary Changes from AU and GU to GP
Deletion of a Covenant Proviso
(AU) (1565 Acres)
17-52-41

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 Supply 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

Any future development of this property may require the following:

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system.

This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

A Class II permit, issued by DERM, shall be required for the construction of the drainage system associated with any proposed overflow system into the any water body at the subject site. Other DERM permits may be required or combined with the above permit.

A Class III permit will be required for any work within any Miami-Dade County canal right-of-way.

A Class VI permit and an environmental assessment may be required is the drainage area is determined to have possible contamination.

The C-8 (Biscayne Canal) adjacent to the subject property is owned and regulated by the South Florida *Water Management District (SFWMD). The applicant is advised to contact the SFWMD for written* verification of canal right of way. It is the applicant's responsibility to obtain information regarding possible permits required from the SFWMD prior to any work on the canal right of way.

Pollution Control
DERM has the following pollution control records for the subject property:

1. Folio # 30-2119-001-0010 has permitting records (ARP-54, File #15052) related to the maintenance operations and fuel facility at the Opa Locka Community Correctional Facility.

2. Folio # 30-2119-002-0030 has permitting records (IW5-12347 and UT-1924 File 8215) related to the former use of the existing non-operational runways as a soil staging area.

3. Folio # 34-2117-004-0010 has permitting records (ARP-163/18050) related to the former experimental airplane crash site.

4. Folio # 30-2117-001-0030 has permitting records (UT-5003/10572) related to the former fuel spill at the Miami Executive Terminal.

5. Folio # 08-2121-000-0020 has records of current contamination assessment or remediation issues associated with Chlorine and waste oil (Former Bldg #148, Kare Kemical, File #7475 / UT-843, IW-212, ARP-26). Additionally, there are permitting records with no known contamination associated with this site as follows:

    a. IW5-8542 and UT-1658 File 8021 – Pump Station #345
    b. ENC-24 File 21551 – NLE East Sanitary Line
    c. ARP-41, File #15027 Former Warehouse Building #162

6. Folio # 30-2130-001-0020 has records of current and historical contamination assessment or remediation issues (MDAD-Opa Locka Airport, File #8090/ UT-1750, ARP-35) associated to petroleum and non-petroleum contaminants.

7. Folio #'s 08-2120-004-0160, -0170, -0180, -0240, -0280 have records of current and historical contamination assessment or remediation issues adjacent to or on this site (MDAD-Opa Locka Airport, File #8090/ UT-1750, ARP-35) associated to petroleum and non-petroleum contaminants.

8. Folio # 08-2120-000-0010 has records of current and historical contamination assessment or remediation issues as follows:

    a. ARP-204, File #5022, Building #410; Arsenic in soil, assessment is pending.
    b. IW5-3933, File #3631, Building #66; Metals and petroleum in soil, assessment is underway.
    c. ARP-53, File #15051, Building #105; Petroleum in soil, assessment is underway.
    d. UT-1462, File #1171, Near Building #138; Petroleum in soil and groundwater; assessment and remediation is pending state funding.
    e. IW5-7394, File #10766, Building #209; Metals in soil and groundwater, remediation is pending.
    f. UT-3925, File #9703, Building #418; Petroleum contamination documented and assessment is pending state funding.
    g. ARP-99, File #3584, Building #147; Metals and non-petroleum contaminants in soil and groundwater, assessment underway.
    h. IW5-441, File #415, Building #119; Petroleum and non-petroleum contamination in soil and groundwater, assessment underway.
    i. ARP-53, File #15051, West of Building #40; Petroleum contamination assessment underway.
    j. ARP-53, File #15051, Building #110; Petroleum and non-petroleum contamination in soil, assessment underway.
    k. UT-3306-6572 – Coast Guard; Petroleum and non-petroleum contamination in soil, assessment underway.
    l. IW5-6941, File #6406 – Jet One Express – Fuel spill to open ground, assessment/remediation underway.
    m. IW5-3879, File #3584 – National Aviation – Fuel spill to open ground, assessment/remediation underway.
    n. IW5-17962, File #23493 – TMF – Fuel spill to open ground, assessment or remediation underway.

The following table lists all of the permitting records associated with Folio # 08-2120-000-0010:

WORK_GROUP	WORK_GROUP	DEP_NUMBER	FACILITY_N	FILE_NUMBE	BUILDING_N
ARP	105		MDAD-AIRCRAFT WASHRACK	15980	
ARP	128		FIGHTERTOWN, INC.	16203	42
ARP	134		MDAD-UST/AST BID PROJECT	16358	GENL
ARP	140		MDAD-T-HANGARS/ DISMANTLING	16532	GENL
ARP	142		NATIONAL AVIATION	10587	35
ARP	149		MDAD-OGA AIRFIELD LIGHTING PROJECT	17129	176
ARP	170	9802672	MERLIN EXPRESS FUEL SPILL	18524	
ARP	172		EXPRESS AIRWAYS, INC.	8258	415
ARP	175	MULTIPLE	MDAD-OPA LOCKA AIRPORT SPILLS/SURVEILLANCE	18832	

ARP	184		FLORIDA AIR TRANSPORT	10572	45
ARP	201		WAYMAN AVIATION SERVICE, INC.	10766	209
ARP	204		AIRCRAFT PARTS SALES	5022	410-411
ARP	208		TURNBERRY HANGARS	23058	
ARP	209		SRX TRANSCONTINENTAL, INC.\DBA AVIALEASING AVIATIO	23320	41
ARP	211		OPF SHELL FBO	23692	HGR.4-7
ARP	212		AIR REPAIR, INC. D/B/A FLORIDA AIR CARGO INC.	3631	66
ARP	213		MIAMI EXECUTIVE AVIATION, INC.	23828	
ARP	214		OPF NEW AIR TRAFFIC CONTROL TOWER	23829	
ARP	218		ADLER DEVELOPMENT, OGA	23925	GENERAL
ARP	220		THE CARRIE MEEK FOUNDATION, INC.	24374	GENERAL
ARP	222		MIAMI EXECUTIVE AVIATION	24482	48
ARP	25		CERTIFIED ENGINES UNLIMITED INC	415	119
ARP	26		KARE KEMICAL DIV. OF K A STEEL CORP	7475	148
ARP	35		MDAD-OPA LOCKA AIRPORT	8090	
ARP	40		MDAD-BLDG 150	15026	150
ARP	48		EXPRESS AIRWAYS	15034	66
ARP	53		MDAD-OPA LOCKA AIRPORT	15051	
ARP	70		CLIPPER AIR, INC.	1695	415
ARP	72		L M AIRCRAFT MAINTENANCE	1139	404
ARP	76		MDAD-BLDG 151	1681	151
ARP	77		ACCENT INTERIORS	7708	147
ARP	80		MDAD-BLDG 147-GENERAL	16289	147
ARP	81		WES AIR, INC.	7915	415
ARP	99		SUN AIR ASSOCIATES, INC.	3584	147
IW	212		KARE KEMICAL DIV. OF K A STEEL CORP	7475	148
IW	310	8622217	MIAMI AVIATION CORP.	1171	102
IW	352	9045776	MDAD-OPA LOCKA FUELING STATION	10597	138
IW	395	8522001	USCG AIR STATION MIAMI	6572	103
IW	481	REG STATUS?	SOUTH FLORIDA AVIATION INVESTMENTS, INC.	17435	500
IW	486	REG STATUS?	MIAMI EXECUTIVE AVIATION, LLC.	14581	45/46
IW	487	8622217	EXECUTIVE FUELING SERVICES, INC.	19086	138-A
IW5	10015		MIAMI EXECUTIVE	14581	45/46

			AVIATION, LLC.		
IW5	11737		WES AIR, INC.	7915	415
IW5	11930		SKY CHARTER, INC.	16176	137
IW5	11957		AEROSPACE SUPPLY INC.	6483	147F
IW5	12290		LEASE AIR LTD	16584	102
IW5	12299		ALLIED AIR FREIGHT, INC.	16591	102
IW5	12368		FIGHTERTOWN, INC.	16203	42
IW5	1260		MIAMI AVIATION CORP.	1171	102
IW5	13261		MIAMI HELICOPTERS SERVICE, INC.	17727	45
IW5	13262		J.S. AVIATION LLC./ DBA TURNBERRY AVIATION	17728	45
IW5	13412		MERLIN AIRWAYS	17912	102
IW5	13543		MDAD-OGA MAINTENANCE & CAR WASH	18091	212
IW5	13566		ETCA & ASSOCIATES, INC.	18251	45
IW5	13571		QUIET TECHNOLOGY BAC 1-11, INC.	18283	101
IW5	13612		AIRPORT RENTALS. INC.	18378	105
IW5	13787		NZ60CH, INC.	18698	45
IW5	15485		FLORIDA AIR CARGO	20624	41
IW5	15874		AIR CHARTER PROFESSIONALS, INC.	21069	600
IW5	160		J & M AIRCRAFT SERVICE INC	150	409
IW5	16216		MIAMI AIR LEASE	21462	500
IW5	16217		WES AIR, INC.	21463	600
IW5	16916		BMIS CORPORATION	22247	
IW5	17379		FLORIDA AIR TRANSPORT, INC.	22759	47
IW5	17424		TURNBERRY AIRPORT HANGARS, LLC.	22802	
IW5	17501		MIAMI AIR LEASE, INC.	22910	45
IW5	17823		SRX TRANSCONTINENTAL, INC.\DBA AVIALEASING AVIATIO	23320	41
IW5	17838		J.P. AVIATION INVESTMENT, INC.	23337	600
IW5	17945		MIAMI AIR SERVICES, INC.	23474	600
IW5	17962		TMF AIRCRAFT, INC.	23493	40
IW5	17983		PAINT GENERAL AVIATION (LUIS FRANCO)	23516	GENERAL
IW5	18068		ATLANTIC AIR CARGO	23622	180
IW5	18208		TURNBERRY ASSOCIATES HANGARS H1 - H3	23770	H1 - H3
IW5	18260		SRX TRANSCONTINENTAL, INC\DBA AVIALEASING AVIATION	23852	102
IW5	18408		WISETOUCH INTRIORS, INC.	24037	
IW5	2538		AIRCRAFT PARTS SALES	5022	410-411

IW5	2774		MIAMI NDT, INC.	2566	406
IW5	2927		ALCA AVIONICS, INC.	2709	408
IW5	2974		ALCA AVIONICS, INC.	2750	40
IW5	3071		ALL GSE PARTS & ELECTRIC	10634	410
IW5	3133		QUIET TECHNOLOGY VENTURE, LTD.	2897	147A
IW5	3753		METRO DADE POLICE AVIATON UNIT	3471	40A
IW5	3879		SUN AIR ASSOCIATES, INC.	3584	147
IW5	3887		ETCA ENTERPRISES, INC.	3592	147A
IW5	3888		NATIONAL AIR TRANSPORT INC.	3593	147
IW5	3913		MIAMI HELICOPTER SERVICE INC	3615	147
IW5	3933		AIR REPAIR, INC. D/B/A FLORIDA AIR CARGO INC.	3631	66
IW5	3953		SUN AIR ASSOCIATES, INC.	3584	147
IW5	3977		FLORIDA POWER & LIGHT CO.	3672	45-7
IW5	3979		MIAMI AIR LEASE INC	3674	66
IW5	441		CERTIFIED ENGINES UNLIMITED INC	415	119
IW5	5147		ADVANCE AIRCRAFT ENGINES INC.	4772	406
IW5	5415		AIRCRAFT PARTS SALES	5022	412-413
IW5	5829		AVIATION ENTERPRISES	5419	147
IW5	6075		CLERO AVIATION CORP.	5654	137
IW5	633		AVIATION CENTER OF MIAMI, INC.	594	39
IW5	6941		JET ONE EXPRESS, INC.	6406	180
IW5	7170		USCG AIR STATION MIAMI	6572	103
IW5	7394		WAYMAN AVIATION SERVICE, INC.	10766	209
IW5	7425		CLERO AVIATION CORP.	10227	66
IW5	7446		EXPRESS AIRWAYS, INC.	8258	415
IW5	777		SOUTHEASTERN AERO SERVICES, CORP	726	407
IW5	7818		FLORIDA AIR TRANSPORT	10572	45
IW5	7822		NATIONAL AVIATION	10587	35
IW5	7960		MIAMI CHILDREN'S HOSPITAL	12254	47
IW5	8362		RENNISON GRAPHICS	12749	66
IW5	8518		MDAD-AIRFIELD MAINTENANCE	12938	66
UT	1462	8622217	MIAMI AVIATION CORP.	1171	102
UT	1568		MIAMI TRANSFER	7951	151
UT	1701	8629402	ALCA AVIONICS, INC.	2750	40
UT	1705		OPA-LOCKA AIRCRAFT STORAGE	8061	
UT	1750	9045776	MDAD-OPA LOCKA	8090	

			AIRPORT		
UT	1982	9600254	INTERNATIONAL AVIATION	8256	35
UT	1984	8622317	HANGER ONE, INC	1275	147
UT	1985	9101008	EXPRESS AIRWAYS, INC.	8258	415
UT	1995	8504222	AVIATION CENTER OF MIAMI, INC.	594	39
UT	2026	9801274	OPA-LOCKA AIRPORT BLDG #171	8277	171
UT	2028	8629084	AIRCRAFT PARTS SALES	5022	410-411
UT	3306	8522001	USCG AIR STATION MIAMI	6572	103
UT	3917	9502342	R & V AVIATION BLDG	9697	180
UT	3925	9502502	MDAD-BLDG 418	9703	418
UT	5017		MDAD-OPALOCKA AIRPORT	13169	101-102
UT	5027	9600079	MDAD-OPALOCKA BLDG 411	13180	411
UT	5542	9803129	NATIONAL AVIATION SERVICE	11187	35
UT	6001	9803188	SOUTH FLORIDA AVIATION INVESTMENTS, INC.	17435	500
UT	6010	9803261	MDAD-OGA AIRFIELD LIGHTING PROJECT	17129	176
UT	6237	9803966	MDAD-BLDG 147-GENERAL	16289	147
UT	6320	9805532	FIGHTERTOWN, INC.	16203	42
UT	843	8622389	KARE KEMICAL DIV. OF K A STEEL CORP	7475	148

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.

Hazardous Materials Management

Due to the nature of activities inherent to the existing land use, 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 activities associated with the existing land use, 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.

Wetlands
Portions of the subject properties contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done. The applicant is advised to contact the DERM Wetland Resources Section at (305) 372-6585 for more information.

Additionally, state designated archeological sites exits within the subject property. Therefore, development of these sites should be coordinated with The Office of Historic Preservation (305) 375-4958. 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 project area revealed the presence of tree resources; however, some areas contain jurisdictional wetlands. Therefore, these tree resources will be regulated through a Class IV Wetland Permit. The applicant is advised that any tree resources that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History
DERM has found no open enforcement cases involving the subject property. However, the following thirteen (13) closed enforcement cases are associated with the subject property:

1. There are nine (9) cases involving violations of operating permits or permit related conditions. These cases have been closed due to compliance.
2. There are two (2) cases (Hanger One, UT 01984 & Legion Express, DERM 10587) involving contamination issues onsite. These cases have been closed due to compliance.
3. There is one (1) case (United States Coast Guard) involving discharges to the sanitary sewers. This case has been closed due to compliance.
4. There is one (1) case (EEC Investments, Inc.) involving sanitary nuisances discharges to the open ground. This case has been closed due to compliance.

For a comprehensive report regarding the above-mentioned closed enforcement cases, please contact DERM's Code Enforcement Section at (305) 372-6902.

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: October 24, 2008

To: Marc C. Laferrier, AICP
Director
Department of Planning & Zoning Department

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

Subject: DIC08-186
Name: District Boundary Change from P and A to GP
Location: NW 135th Street from NW 57th Avenue & NW 37th Avenue.
Sec. 16 thru 21 Twp. 52 Rge. 41

I SITE LOCATION

A. Lying north of NW 135th Street between NW 57th Avenue and NW 37th Avenue. Miami-Dade County and City of Opa-Locka.

II EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

A. NW 57th Avenue, NW 138th Street, NW 135th Street (SR 916), NW 37th Avenue.

III IMPACT ON EXISTING ROADWAYS

A. The traffic impact has not being determined at this time since there is no specific traffic impact information provided by this applicant. The Traffic Count Stations located in the vicinity of the site are within the determined level of service established by Miami-Dade County.

IV ADDITIONAL IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT

A. Will be determined when a traffic impact study and plans are submitted for review. Roadway improvements and traffic signals will be determined based on the traffic impact generated by the development.

V SITE PLAN CRITIQUE

A. There was no Site Plan provided at this time. Recommendations will be made upon receipt of Site Plan along with Traffic operations within the project(s).

Under this application there is no Traffic Concurrency determination. The property is within the Miami Dade County Infill Area. No vehicle trips have been reserved by this application.

cc: Esther L. Calas, P.E., Director, Public Works Department
Nicholas Nitti, Development Impact Coordinator, Planning and Zoning Department
Joan Shen, P.E., PTOE, Traffic Engineering Division, Public Works Department
Armando E. Hernandez, Special Administrator for Concurrency, Public Works Department

Memorandum

MIAMI-DADE COUNTY

Date: September 26, 2008

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

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

Subject: DIC # 2008000186 – Director, Department of Planning & Zoning
Lying north of NW 135th Street, between NW 37th Avenue and NW 57th Avenue, Opa-Locka, FL

According to the application, the Director of the Department of Planning and Zoning is seeking to delete a recorded Covenant running with a portion of the property along with a district boundary change on the remainder of the property. The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to DIC application # 2008000186. The request will have no impacts to capacity or levels of service that MDFR provides to that area of the County.

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: September 26, 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. 08-186 (Department of Planning and Zoning - Opa Locka Airport)

Project Description

The applicant is seeking district boundary changes from AU and GU to GP (Government Property) and the deletion of a Covenant Proviso. The subject property is approximately 1,564.83 acres and is located lying north of NW 135th Street between NW 57th Avenue and NW 37th Avenue in the City of Opa-Locka and Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes E, 28, 29, 32, 42, 73, 75 around the perimeter of the Opa-Locka Airport, but no service is provided into a terminal or bus stop inside the subject property. The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Department of Planning and Zoning - Opa Locka Airport

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		
E	30	60	30	N/A	45	45	0.0	L
28	30	40	60	N/A	60	60	0.0	F
29	30	45	N/A	N/A	N/A	N/A	0.3	F
32	24	30	30	N/A	40	60	0.3	F
42	30	60	N/A	N/A	40	60	0.0	F
73	30	30	60	N/A	40	60	0.3	F
75	30	30	30	N/A	45	60	0.2	L

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

42

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

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

MDT Comments/Recommendations

Based on the information presented, 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.

Memorandum

MIAMI-DADE COUNTY

Date: October 8, 2008

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

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

Maria Valdés for:

Subject: Opa-Locka Airport District Boundary Change - DIC Application # - Z2008000186

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

Application Name: Opa-Locka Airport District Boundary Change.

Proposed Development: Requesting a district boundary change from Public Area to Government Property for the Opa-Locka Airport.

Project Location: Lying north of NW 135th Street, South of NW 151th Street and between NW 57th Avenue and NW 37th Avenue.

Water: The subject project is located within MDWASD's service area. There are existing water lines inside the Airport Property. On the west side of the airport property, there is an existing sixteen (16)-inch water main on N.W. 57th Avenue. On the south side of the airport there is an existing twenty-four (24)-inch water main on N.W. 135th Street. The source of water for this project is the Hialeah/Preston Water Treatment Plant. 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. On the east side of the airport, there is an existing gravity sewer system inside the Airport property. On the west and southwest side there is an existing forty-two (42)-inch force main on N.W. 57th avenue and on north of N.W. 135th Street there is an existing thirty (30)-inch force main on W. 2nd court east of N.W. 57th Avenue respectively. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

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

Water Conservation:
All future development for the subject area will be required to comply with the water use efficiency Ordinance 08-14 as amended by the 2nd reading and adopted by the Board of County Commissioners in September 2008. The Ordinance stipulates water conservation measures for new development(s) to achieve higher water use savings. Said Ordinance amendment clarified certain standards for plumbing fixtures and changed the effective date to January 1, 2009.

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

Memorandum

MIAMI-DADE COUNTY

Date: October 14, 2008

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

From: Christopher Rose
Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC #08-186
Director of the Department of Planning and Zoning

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Robert Menge at 305-514-6787. Thank you.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #08-186

Director of the Department of Planning and Zoning

Application: Director of the Department of Planning and Zoning *is* requesting a district boundary change to GP, Government Property, on a portion of the subject property and deletion of a Declaration of Restrictions on a remaining portion.

Size: The subject property consists of 1,565 acres.

Location: The subject property is located between NW 37 Avenue & NW 57 Avenue and between NW 135 Street & NW 154 Street, lying within Miami-Dade County and the City of Opa-Locka, FL.

Analysis*:*

1. Solid Waste Disposal

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 17, 2008, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The project proposes commercial uses. Chapter 15-2 of the Miami-Dade County Code requires the following of commercial uses located in unincorporated Miami-Dade County:

Section 15-2 - "every commercial establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department."

3. Recycling

The following language from **Section 15-2.3** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

1) High grade office paper;
2) Mixed paper;
3) Corrugated cardboard;
4) Glass (flint, emerald, amber);
5) Aluminum (cans, scrap);
6) Steel (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored);
9) Textiles
10) Wood"

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at (305) 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code".

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends).
b. "T" shaped turnaround 60 feet long by 10 feet wide.
c. Paved throughway of adequate width (minimum 15 feet).

In addition any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accord with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally there should be no "dead-end" alleyways developed. Also, a sufficient waste setout zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

DATE: 10/09/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

APPLICANT

lying between NW 37 Avenue & N.W. 57 AVENUE and between NW 135 St and NW 154 ST, city of opa locka and MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

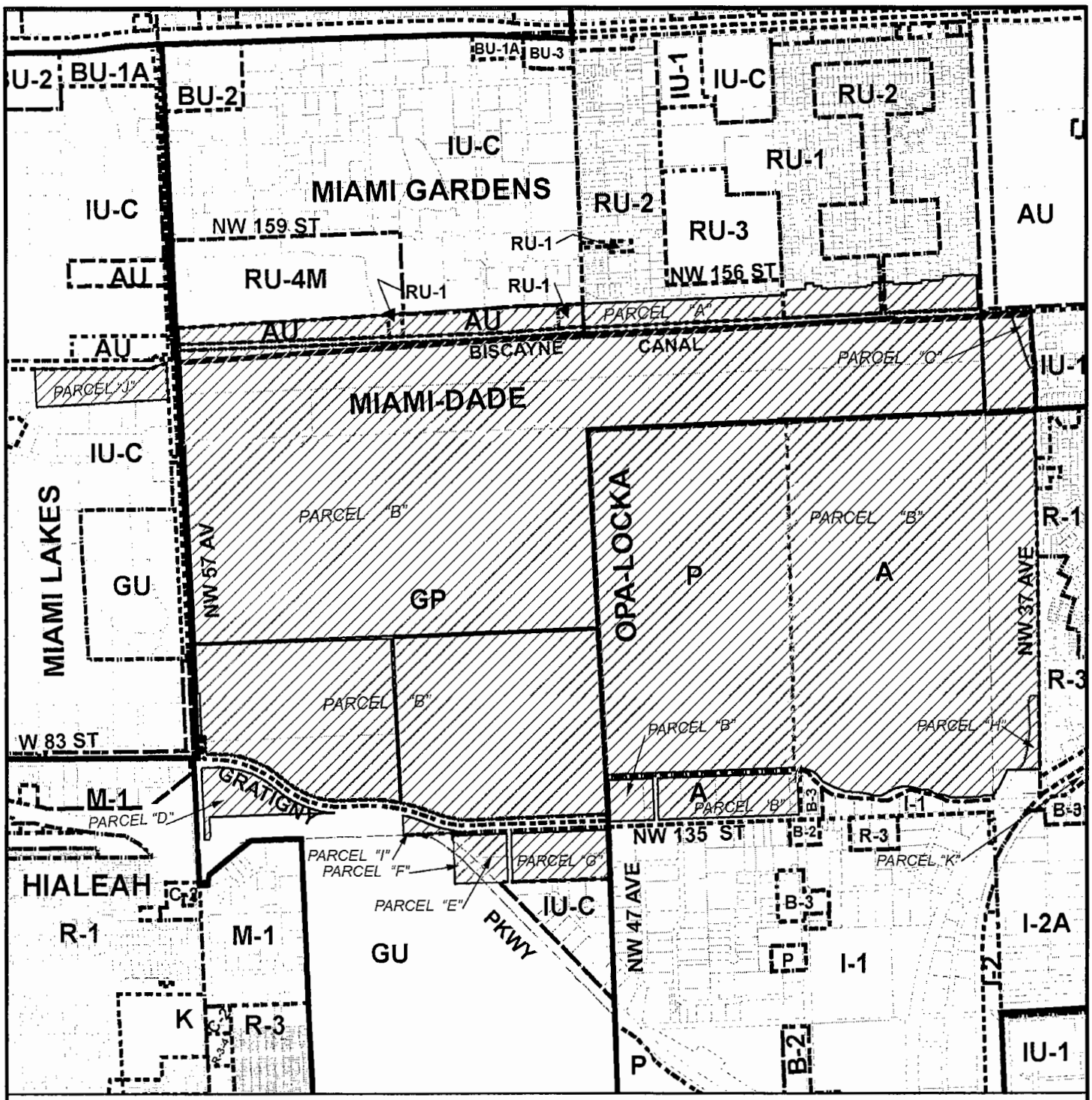
Z2008000186

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Folio 3021300010050 has 2 abandoned trailers on the lot and the lot is overgrown. No violatons were observed for the other folios.

Bridget Davis



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-186

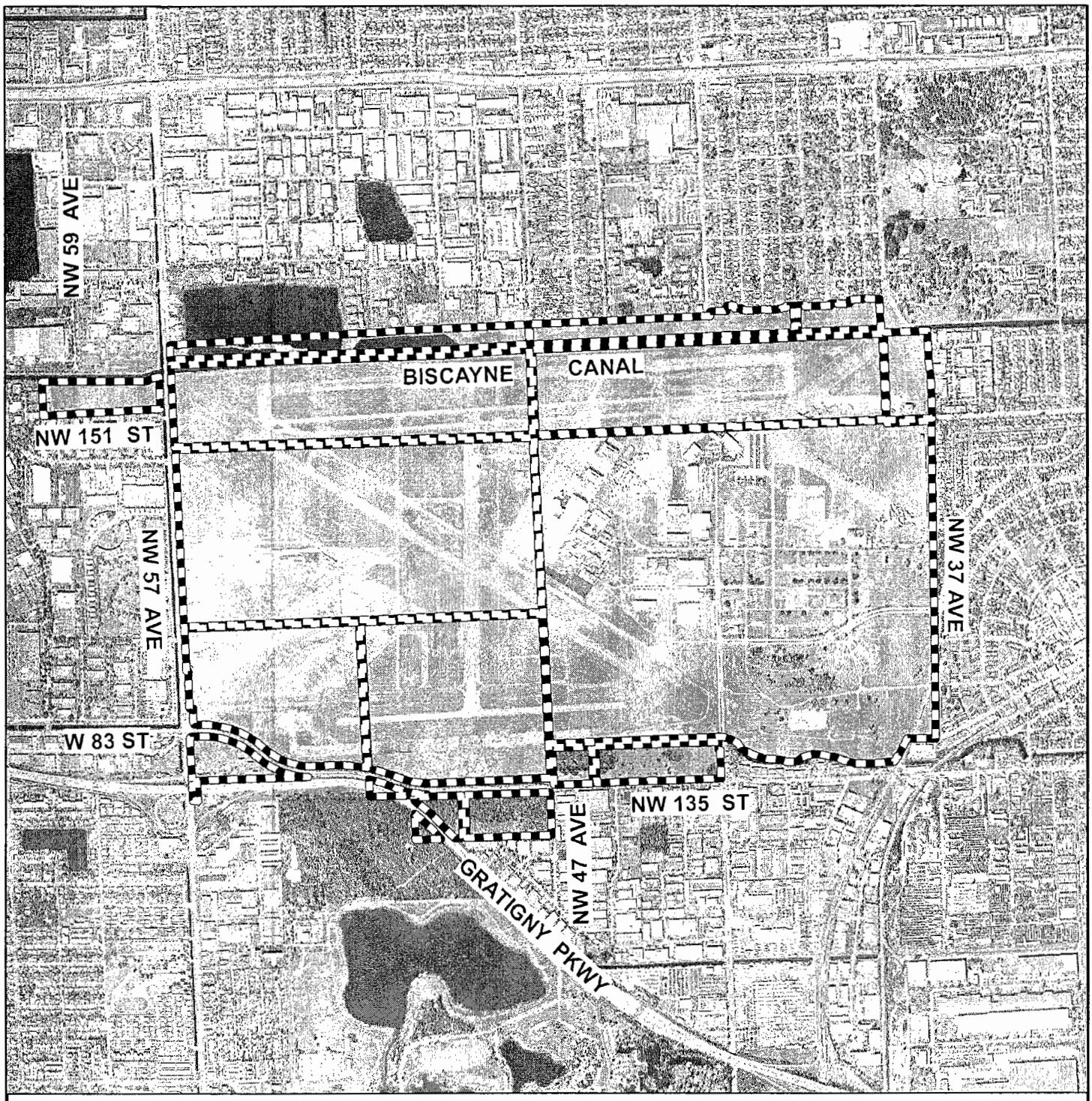
Section: 16 -.21 Township: 52 Range: 41
Applicant: DIR. OF THE DEPT. OF PLANNING & ZONING
Zoning Board: BCC
Commission District: 01
Drafter ID: KEELING
Scale: NTS
--------- Zoning

SUBJECT PROPERTY

SKETCH CREATED ON: 04/02/09

REVISION	DATE	BY
Convert contig. prop. to subj. prop.	04/02/09	KWS
Add Parcels A,B,C,D,E,F,G,H,I,J,& K	04/27/09	KWS

50



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-186

Section: 16 - 21 Township: 52 Range: 41
Applicant: DIR. OF THE DEPT. OF PLANNING & ZONING
Zoning Board: BCC
Commission District: 01
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/03/09

REVISION	DATE	BY
Convert contig. prop to subj. prop	04/03/09	KWS
Add Parcels A,B,C,D,E,F,G,H,I,J,& K	04/27/09	KWS

51

ORIGINAL

CFN 2008R0844633
OR Bk 26612 Pgs 0690 - 696; (7pgs)
RECORDED 10/16/2008 12:44:03
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Name: Andrew Psalidas
Assistant County Attorney
Address: P.O. Box 592075 AMF
Miami, FL 33159-2075

A/2

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, Miami-Dade County is the Owner of the Opa-Locka Airport property, described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, Zoning Hearing Application Z-98-243 (Rezoning a portion of Opa-Locka Airport) will change the zoning from AU and GU to GP (Governmental Property District) for that portion of the Opa-Locka Airport lying within the unincorporated area of the County, as described in Exhibit B attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Governmental Property zoning on the Property would be inconsistent with the Miami-Dade County Comprehensive Development Master Plan (CDMP) without a Declaration of Restrictions limiting the uses on the Property to public airport use and ancillary public airport-related use, as limited by the CDMP,

NOW, THEREFORE, the Owner agrees that the use of the Property shall be limited to public airport use, Aeronautical Activity and Aviation Use of Real Property, as defined in Order 5190.6A Appendix 5, issued by the Department of Transportation Federal Aviation Administration (original date October 2, 1989) as amended from time to time, and industrial and office use, and as further limited by all other applicable federal, state and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

Covenant Running with the Land. This instrument shall be deemed a covenant running with the land described in Exhibit B hereto (the Property) and is considered as conditions, limitations and restrictions on the use of such land until released by the Director of the Department of Planning and Zoning of Miami-Dade County, Florida or his successor, or the first assistant in the absence of such director or his successor.

This instrument, for its duration, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare. This Declaration, on the part of the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and its successors and assigns.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit, pertaining to or arising out of this declaration, shall be entitled to recover, in addition to costs and disbursements

[L:\forms\Declaration of Restrictions

(Public Hearing)

Section-Township-Range:
Folio number:

52

allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law in equity or both.

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, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification and Amendment. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County.

Should this Declaration of Restrictions be modified, amended, or released, the Director of the Miami-Dade County Department of Planning and Zoning, or successor, or in absence of such director by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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 recorded, at owner's expense, in the public records of Miami-Dade County, Florida.

Effective Date. This Declaration shall become effective immediately upon its recording in the public records of Miami-Dade County, Florida. This Declaration, and any subsequent modification, amendment, or termination of the covenants contained herein, shall be recorded at the Owner's expense.

IN WITNESS WHEREOF, Miami-Dade County has caused these presents to be signed in its name by its proper officials.

ATTEST:

By: _____
Clerk/Deputy Clerk

MIAMI-DADE COUNTY
Acting by and through its
BOARD OF COUNTY COMMISSIONERS

By: _____
George M. Burgess
County Manager

[L:\forms\Declaration of Restrictions

(Public Hearing)

Section-Township-Range:
Folio number:

LEGAL DESCRIPTION:

PARCEL "A" (OPA-LOCKA AIRPORT - Property North of the Biscayne Canal C-8):

A portion of Tracts 2, 13, 15, 36, 37, 55, 57, 78, 80 and 91, "REVISED PLAT OF VENETIAN GARDENS", according to the Plat thereof, as recorded in Plat Book 31, Page 37, of the Public Records of Dade County, Florida, all of Block 8, "VENETIAN ACRES", according to the Plat thereof, as recorded in Plat Book 44, Page 92 of the Public Records of Dade County, Florida, a portion of Tracts 81 through 96 and Tracts 103 through 112, in Section 16, Township 52 South, Range 41 East, "MIAMI GARDENS", according to the Plat thereof, as recorded in Plat Book 2, Page 96 of the Public Records of Dade County, Florida, together with those portions of Rights-of-Ways vacated in Records Book 69, Page 690 to 693, by Resolution Number R-1279-66, all of the above described lands lying North of the BISCAYNE CANAL (C-8), as shown on the South Florida Water Management District Right-of-Way Map, Drawing Number C-8-25, being more particularly described as follows:

COMMENCE at the Southwest Corner of Section 16, Township 52 South, Range 41 East; thence N.00°47'37"E., along the West Line of said Section 16, for 1810.99 feet; thence N.89°13'36"W. for 35.00 feet to the POINT of BEGINNING of PARCEL "A" (the Tract references in the following nineteen (19) courses refer to the said Plat of "REVISED PLAT OF VENETIAN GARDENS"); thence continue N.89°13'36"W., along the South Line of the North 280 feet of Tract 91 (and the extension West thereof across N.W. 37TH COURT, as vacated South of this Line, by said Resolution Number R-1279-66) and the South Line of the North 280 feet of Tract 80, for 474.73 feet; thence S.00°45'21"W., along the West Line of Tract 80, for 55.00 feet; thence N.89°13'36"W., along the South Line of the North 335 feet of Tract 78 (and the extension East thereof across N.W. 37TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 180.06 feet; thence N.00°45'26"E., along the West Line of the East one-half (1/2) of Tract 78, for 15.00 feet, thence N.89°13'36"W., along the South Line of the North 320 feet of Tract 78, for 120.08 feet; thence S.00°45'30"W., along the West Line of Tract 78, for 40.00 feet, thence N.89°13'36"W., along the South Line of the North 360 feet of Tract 57 (and the extension East thereof across N.W. 38TH COURT and the extension West thereof across N.W. 38TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 360.29 feet; thence N.00°47'36"E., along the East Line of Tract 55 for 40.04 feet; thence N.89°08'26"W., along the South Line of the North 320 feet of Tract 55 (and the extension East across that 60' CANAL RIGHT-OF-WAY - subject to Right-of-Way restrictions, as shown on the said Plat of "REVISED PLAT OF VENETIAN GARDENS") and the South Line of the North 320 feet of Tract 37, for 299.89 feet; thence S.00°47'06"W., along the West Line of Tract 37 for 39.91 feet, thence N.89°17'59"W., along the South Line of the North 360 feet of Tract 36 (and the extension East thereof across N.W. 39TH COURT and the extension West thereof across N.W. 39TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 360.30 feet to a point on the East Line of Tract 15; thence N.89°10'55"W, along the South Line of the North 360 feet of Tract 15 (and the extension West thereof across N.W. 40TH COURT, as vacated South of this Line, by said Resolution Number R-1279-66), for 300.29 feet; thence N.00°48'15"E., along the East Line of Tract 13, for 39.97 feet; thence N.89°14'33"W., along the South Line of North 320 feet of Tract 13, for 107.54 feet; thence N.00°49'49"E., along the West Line of the East one-half (1/2) of Tract 13, for 40.00 feet; thence N.89°14'33"W., along the South Line of North 280 feet of Tract 13, for 107.52 feet; thence S.00°51'22"W., along the West line of Tract 13, for 80.00 feet; thence N.89°14'02"W, along the South Line of the North 360 feet of Tract 2 (and the extension East thereof across N.W. 41ST AVENUE, as vacated South of this Line, by said Resolution Number R-1279-66), for 264.59 feet; thence S.00°48'19"W., along the East Right-of-Way Line of N.W. 42ND AVENUE (LE JEUNE ROAD) said Line also being the West Line of Tract 2, for 62.19 feet; thence N.89°12'55"W., along the North Line of Block 8 of the said Plat of "VENETIAN ACRES" (and the extension East thereof across N.W. 42ND AVENUE (LE JEUNE ROAD) and the extension West thereof across N.W. 47TH AVENUE, as vacated South of this Line, by said Resolution Number R-1279-66) said Line also being the South Right-of-Way Line of N.W. 156TH STREET, for 2710.10 feet; thence N.00°48'52"E., along the West Right-of-Way Line of N.W. 47TH AVENUE, for 19.11 feet; thence S.89°59'42"W., along the North Line of those portions of Tracts 81 through 96 and Tracts 103 through 112, in said Section 16, of the said Plat of "MIAMI GARDENS", as deeded to the Dade County Board of County Commissioners in Official Records Book 3439, Page 206 and Page 208, of the Public Records of Dade County, Florida), for 5337.30 feet (said Line being coincident with the South Line of the Plat of "PALMETTO LAKES INDUSTRIAL PARK SECTION 3", according to the Plat thereof as, recorded in Plat Book 74, Page 64 of the Public Records of Dade County, Florida, and the South Line of the Plat of "PALMETTO LAKES APARTMENTS", according to the Plat thereof, as recorded in Plat Book 85, Page 61, of the Public Records of Dade County, Florida); thence S.00°32'14"W., along the East Right-of-Way Line of N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819), as shown on the Florida Department of Transportation Right-of-Way Map, Section 87630-2602, as recorded in Plat Book 70, Page 5 of the Public Records of Dade County, Florida, for 343.12 feet (the following seventeen (17) courses being along the North Right-of-Way Line of said BISCAYNE CANAL, C-8); thence N.87°03'35"E. for 13.79 feet; thence N.89°21'19"E. for 4393.91 feet; thence S.89°16'57"E. for 1003.91 feet; thence S.00°48'45"W. for 10.00 feet; thence S.89°16'57"E. for 1332.58 feet (the following ten (10) courses meander along the North Bank of said BISCAYNE CANAL C-8); thence N.48°26'36"E. for 27.73 feet; thence N.88°28'23"E. for 249.66 feet; thence N.87°06'58"E. for 196.22 feet; thence S.88°56'00"E. for 190.35 feet; thence S.78°28'01"E. for 49.64 feet; thence S.89°38'24"E. for 154.96 feet; thence N.71°20'46"E. for 35.48 feet; thence S.85°12'51"E. for 156.98 feet; thence S.75°13'33"E. for 72.20 feet; thence S.40°14'01"E. for 18.95 feet; thence S.89°13'09"E. for 140.18 feet; thence S.89°12'56"E. for 2605.38 feet; thence N.00°47'37"E., along a line 35 feet West of and parallel with the West Line of Section 16, Township 52 South, Range 41 East said Line also being the West Right-of Way Line of N.W. 37TH AVENUE (DOUGLAS ROAD), for 435.40 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 78.691 Acres more or less.

EXHIBIT A

7

54

TOGETHER WITH:

PARCEL "B" (OPA-LOCKA AIRPORT - Main Airport Property):

A portion of Sections 17, 18 and 19, Township 52 South, Range 41 East, together with all Tracts and Rights-of-Ways lying within said Sections 17, 18 and 19, all inclusive of the Plat of "MIAMI GARDENS", as recorded in Plat Book 2, Page 96 of the Public Records of Dade County, Florida, said portions of Sections 17, 18 and 19 lying South of the BISCAYNE CANAL C-8, as shown on the South Florida Water Management District Right-of-Way Map, Drawing Number C-8-25, said portions of Sections 17, 18 and 19 also lying North of the OPA-LOCKA CANAL Right-of-Way, as shown on the Metro-Dade Public Works Department, Water Control Division, Drawing Number WC2171, recorded in Official Records Book 9044, Page 1355, and Records Book 136, Page 833, of the Public Records of Dade County, Florida, together with a portion of Tracts 2 through 8, together with those adjacent Rights-of-Ways, North of Tract 8, East of Tracts 2 throuugh 8, all inclusive of the Plat of "BLAIN ACRES", as recorded in Plat Book 24, Page 9, of the Public Records of Dade County, Florida, said portions of "BLAIN ACRES", lying North of said OPA-LOCKA CANAL and East of N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819) as shown on the Florida Department of Transportation Right-of-Way Map, Section 87630-2602, as recorded in Plat Book 70, Page 5 of the Public Records of Dade County, Florida together with a portion of Sections 16 and 21, Township 52 South, Range 41 East, lying West of the N.W. 42ND - 37TH AVENUE CONNECTOR, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida, together with the North one-half (1/2) of Section 20, Township 52 South, Range 41 East, and that portion of the Southeast one-quarter (1/4) of said Section 20, lying North of the North Bank of the OPA-LOCKA CANAL, and the North three-quarters (3/4) of the Southwest one-quarter (1/4), of said Section 20; together with Block 208 and those Rights-of-Ways in the South one-quarter (1/4) of the Southwest one-quarter (1/4) of said Section 20, said Block 208 and said Rights-of-Ways inclusive of the Plat of "SECTION FOUR INCOME GARDENS", as recorded in Plat Book 31, Page 8, of the Public Records of Dade County, Florida, lying North of N.W. 135TH STREET, as shown on the Right-of-Way Map for N.W. 138TH / 135TH STREET (RED ROAD TO S.R. 9), Dated 3-79, recorded in Plat Book 112, Page 9, revised 3-84, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 16, Township 52 South, Range 41 East; thence S.89°16'37"E., along the South Line of said Section 16, for 533.78 feet to the POINT of BEGINNING of PARCEL "B" (the following three (3) courses being along the West Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR); thence N.02°22'36"E. for 715.57 feet to a point on the arc of circular curve to the left, concave to the Southwest, said point bearing N.84°30'19"E. (RADIAL) from the center of said curve; thence Northerly along the arc of said curve, having a radius of 1114.44 feet and a central angle of 3°02'33",for 59.18 feet to a point of compound curvature; thence Northerly along the arc of a circular curve, having a radius of 1363.24 feet and a central angle of 23°00'42", for 547.52 feet to a point hereinafter referred to as POINT "C" (the following eight (8) courses being along the South Right-of-Way Line of said BISCAYNE CANAL C-8); thence S.87°58'34"W. for 352.48 feet; thence S.00°47'37"W. for 14.95 feet; thence N.89°12'56"W. for 1185.00 feet; thence N.00°47'04"E. for 35.98 feet; thence S.89°58'03"W. for 2608.92 feet; thence N.89°16'57"W. for 2453.99 feet; thence N.89°59'57"W. for 1057.93 feet; thence S.89°22'01"W. for 3350.75 feet (the following four (4) courses being along the East Right-of-Way Line of said N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819)); thence S.00°32'42"W. for 1079.61 feet; thence S.00°32'51"W. for 1521.20 feet; thence S.00°32'27"W. for 1127.08 feet; thence S.00°32'35"W. for 661.24 feet; thence S.88°35'24"E., along the North Line of Tract 6, of the said Plat of "BLAIN ACRES", for 25.00 feet; thence S.00°32'35"W., along East line of the West 125 feet of Section 19, Township 52 South, Range 41 East, as shown on the Florida Department of Transportation Right-of-Map for GRATIGNY PARKWAY (STATE ROAD 924), Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, for 563.68 feet (the following twelve (12) courses being along the North Right-of-Way Line of said OPA-LOCKA CANAL); thence S.89°27'25"E. for 49.00 feet; thence S.00°32'35"W. for 206.06 feet to a point of curvature of a circular curve to the left, concave to the Northeast; thence Southerly and Southeasterly along the arc of said curve, having a radius of 35.00 feet and a central angle of 87°33'15", for 53.48 feet to a point of tangency; thence S.87°00'40"E. for 97.40 feet to a point of curvature of a circular curve to right, concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 1268.42 feet and a central angle of 39°00'55", for 863.72 feet to a point of tangency; thence S.47°59'45"E. for 199.96 feet to a point of curvature of a circular curve to left, concave to the Northeast; thence Southeasterly and Easterly along the arc of said curve, having a radius of 1023.42 feet and a central angle of 40°35'37", for 725.09 feet to a point of tangency; thence S.88°35'22"E. for 282.98 feet to a point of curvature of a circular curve to right, concave to the Southwest; thence Easterly and Southeasterly along the arc of said curve, having a radius of 2227.24 feet and a central angle of 22°43'58", for 883.69 feet to a point of tangency; thence S.65°51'23"E. for 201.02 feet of curvature of a circular curve to left, concave to the Northeast; thence Southeasterly and Easterly along the arc of said curve, having a radius of 1023.42 feet and a central angle of 22°43'11", for 405.82 feet to a point of tangency; thence S.88°34'35"E. for 1825.52 feet; thence S.00°48'21"W., along the East Line of Section 19, Township 52 South, Range 41 East, for 84.51 feet; thence S.88°53'52"E., along the North Right-of-Way Line of said N.W.135TH STREET, for 2524.83 feet; thence N.01°40'52"E., along the East Line of Block 208 of the said Plat of "SECTION FOUR INCOME GARDENS", for 402.02 feet; thence N.88°53'52"W., along the North Line of Lot 28, of said Block 208 for 15.00 feet; thence N.01°40'52"E., along the West Right-of-Way Line of N.W. 42ND AVENUE (LE JEUNE ROAD) said Line lying 50 feet West of and parallel with the West line of the Southeast one-quarter (1/4) of Section 20, Township 52 South, Range 41 East, for 181.78 feet; thence S.88°56'51"E., along the North Line of the South one-quarter (1/4) of the Southwest one-quarter (1/4) of said Section 20, for 100.01 feet (the following twelve (12) courses meander along the North Bank of the OPA-LOCKA CANAL); thence N.81°19'39"E. for 43.57 feet; thence S.68°05'27"E. for 132.06 feet; thence S.41°57'12"E. for 240.50 feet; thence S.65°19'53"E. for 167.23 feet; thence S.76°46'20"E. for 237.03 feet; thence S.79°09'50"E. for 281.52 feet; thence N.84°18'18"E. for 92.08 feet; thence N.68°23'58"E. for 219.27 feet; thence N.89°22'49"E. for 285.33 feet; thence S.71°00'43"E. for 247.59 feet, thence S.70°10'13"E. for 257.29 feet; thence S.88°42'25"E. for 456.20 feet; thence N.02°33'18"E., along the East Line of Section 20, Township 52 South, Range 41 East, for 351.78 feet; thence S.89°26'52"E. for 203.08 feet to a point hereinafter referred to as POINT "H" (the following nine (9) courses being along West Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR; thence N.29°50'43"E. for 62.30 feet to a point curvature of a circular curve to the left, concave to the Northwest; thence Northerly along the arc of said curve, having a radius of 2814.79 feet and a central angle of 13°57'51", for 686.02 feet to a point of compound curvature; thence Northerly, Northwesterly and Westerly along the arc of a circular curve, having a radius of 25.00 feet and a central angle of 105°09'51", for 45.89 feet to a point of tangency; thence N.89°17'00"W. for 50.00 feet; thence N.00°43'00"E. for 60.00 feet; thence S.89°17'00"E. for 77.43 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Easterly, Northeasterly and Northerly along the arc of said curve, having a radius of 25.00 feet and a central angle of 77°09'51", for 33.67 feet to a point of compound curvature; thence Northerly along the arc of a circular curve, having a radius of 2814.79 feet and a central angle of 11°10'34", for 549.05 feet to a point of tangency; thence N.02°22'36"E. for 3386.99 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 1564.834 Acres more or less.

EXHIBIT A

55

TOGETHER WITH:
PARCEL "C" (OPA-LOCKA AIRPORT - East of N.W.42-37 Ave. Connector, South of C-8 Canal):

A portion of Section 16, Township 52 South, Range 41 East, lying East of the N.W. 42ND - 37TH AVENUE CONNECTOR, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida, and lying South of the BISCAYNE CANAL (C-8), as shown on the South Florida Water Management Distnct Right-of-Way Map, Drawing Number C-8-25, being more particularly described as follows:

COMMENCE at POINT "C" as previously described in PARCEL "B"; thence N.87°58'34"E. for 79.83 feet to the POINT of BEGINNING of PARCEL "C" (the following two (2) courses being along the South Right-of-Way Line of said BISCAYNE CANAL C-8); thence continue N.87°58'34"E. for 115.69 feet; thence S.89°37'36"E. for 63.05 feet; thence S.00°49'09"W. for 481.60 feet to a point on the arc of a circular curve to the left, concave to the Southwest; thence Northerly along the arc of said curve, along the East Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR, having a radius of 1433.24 and a central angle of 20°24'30", for 510.51 to the POINT of BEGINNING. Said Lands lying in Dade County, Florida, and containing 0.814 Acres more or less.

TOGETHER WITH:
PARCEL "D" (OPA-LOCKA AIRPORT - Metro-Dade Public Safety Inspection Facility):

A portion of Tracts 2 and 3, "BLAIN ACRES", according to the Plat thereof, as recorded in Plat Book 24, Page 9, of the Public Records of Dade County, Florida, lying Southerly of N.W. 138TH / 135TH STREET, as shown on the Right-of-Way Map for N.W. 138TH / 135TH STREET (RED ROAD TO S.R. 9), Dated 3-79, recorded in Plat Book 112, Page 9, revised 3-84, and lying East of and North of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 19, Township 52 South, Range 41 East; thence S.88°35'22"E., along the South Line of said Section 19, for 791.63 feet; thence N.01°24'38"E. for 380.00 feet to the POINT of BEGINNING of PARCEL "D"; thence S.88°35'22"E., along a Line 380 feet North of and parallel with the South Line of said Section 19, said Line being the North Right-of-Way Line of said GRATIGNY PARKWAY, for 765.46 feet to a point on the arc of a circular curve to the right, concave to the Northeast, said point bearing S.18°06'27"W. (RADIAL) from the center of said curve (the following three (3) courses being along the South Right-of-Way Line of said N.W. 138TH / 135TH STREET); thence Northwesterly along the arc of said curve, having a radius of 1185.92 feet and a central angle of 23°53'49, for 494.62 feet to a point of tangency; thence N.47°59'45"W. for 184.08 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 1105.92 and a central angle of 27°45'17", for 535.72 feet (the following two (2) courses being along the East Right-of-Way Line of said GRATIGNY PARKWAY); thence S.00°40'21"W., along a Line 525 feet East of and parallel with the Range Line for Range 41 East and Range 40 East, according to the Plat of "RANGE LINE", as recorded in Plat Book 69, Page 85 of the Public Records of Dade County, Florida, for 322.25 feet to a point of curvature of a circular curve to the left; thence Southerly, Southeasterly and Easterly along the arc of said curve, having a radius of 275.00 feet and a central angle of 89°15'42", for 428.43 feet to a point of tangency, said point also being the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 6.929 Acres more or less.

EXHIBIT A

TOGETHER WITH:
PARCEL "E" (OPA-LOCKA AIRPORT - North of Gratigny Parkway, East of N.W.49th Ave.):

A portion of East one-half (1/2) of Tracts 2 and 7, of "SUBDIVISION OF N.E. 1/4 OF SEC.30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, lying North of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast one-quarter (1/4) of Section 30, Township 52 South, Range 41 East; thence S.88°34'35"E., along the North Line of said Section 30, for 681.17 feet; thence S.01°15'47"W. for 30.00 feet to the POINT of BEGINNING of PARCEL "E"; thence S.88°34'35"E., along the North Line of said Tract 2, for 651.11 feet; thence S.01°22'59"W., along the East Line of said Tracts 2 and 7, for 630.54 feet; thence N.88°34'12"W., along the South Line of said Tract 7, for 69.67 feet (the following two (2) courses being along the Northerly Right-of-Way Line of said GRATIGNY PARKWAY); thence N.40°54'30"W. for 423.01 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 2059.86 feet and a central angle of 11°08'46", for 400.72 feet; thence N.01°15'47"E., along the West Line of the East one-half (1/2) of said Tract 2, for 49.62 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 5.299 Acres more or less.

TOGETHER WITH:
PARCEL "F" (OPA-LOCKA AIRPORT - South of Gratigny Parkway):

A portion of East one-half (1/2) of Tracts 2 and 7, of "SUBDIVISION OF N.E. 1/4 OF SEC.30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, lying South of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast one-quarter (1/4) of Section 30, Township 52 South, Range 41 East; thence S.88°34'35"E., along the North Line of said Section 30, for 681.17 feet; thence S.01°15'47"W. for 270.93 feet to the POINT of BEGINNING of PARCEL "F"; thence continue S.01°15'47"W., along the West Line of East one-half (1/2) of said Tracts 2 and 7, for 389.55 feet; thence S.88°34'12"E., along the South Line of said Tract 7, for 377.19 feet (the following two (2) courses being along the Southerly Right-of-Way Line of said GRATIGNY PARKWAY); thence N.40°54'30"W. for 266.34 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 1909.86 feet and a central angle of 7°42'56", for 257.19 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 1.760 Acres more or less.

9

56

TOGETHER WITH:
PARCEL "G" (OPA-LOCKA AIRPORT - South of N.W.135th St., East of N.W.47th Ave.):

Tracts 1 and 8, of "SUBDIVISION OF N.E. 1/4 OF SEC.30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Section 30, Township 52 South, Range 41 East; thence N.88°34'35"W., along the North Line of said Section 30, for 33.00 feet; thence S.01°37'23"W. for 30.00 feet to the POINT of BEGINNING of PARCEL "G"; thence continue S.01°37'23"W. along the East Line of said Tracts 1 and 8, for 630.69 feet; thence N.88°34'12"W., along the South Line of said Tract 8, for 1296.58 feet; thence N.01°22'59"E, along the West Line of said Tracts 1 and 8, for 630.55 feet; thence S.88°34'35"E., along the North Line of said Tract 1, for 1299.22 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 18.790 Acres more or less.

TOGETHER WITH:
PARCEL "H" (OPA-LOCKA AIRPORT - East of N.W. 42-37 Ave., North of Ali Baba Ave.):

A portion of the Southwest one-quarter (1/4) of Section 21, Township 52 South, Range 41 East, lying South FISHERMAN STREET, East of N.W. 42ND - 37TH AVENUE CONNECTOR, North of ALI BABA AVENUE and West of DOUGLAS ROAD EXTENSION, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida, DOUGLAS ROAD EXTENSION, as also shown on the Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", according to the Plat thereof, as recorded in Plat Book 34, Page 76 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at POINT "H" as previously described in PARCEL "B"; thence S.89°26'52"E., for 397.64 feet; thence N.01°56'35"E., along a Line RADIAL to center of the next described curve, for 17.80 feet to a point on the arc of a circular curve to the right, concave to the North, said point being the POINT of BEGINNING of PARCEL "H"; thence Westerly along the arc of said curve, along the North Right-of-Way Line of said ALI BABA AVENUE, having a radius of 681.20 feet and a central angle of 16°15'33", for 193.31 feet to a point of compound curvature; thence Westerly, Northwesterly, Northerly and Northeasterly along the arc of a circular curve, having a radius of 50.00 feet and a central angle of 99°05'43", for 86.48 feet to a point of reverse curvature; thence Northeasterly along the arc of a circular curve, along the East Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR, having a radius of 2914.79 and a central angle of 12°13'25", for 621.85 feet to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly along the arc of a circular curve, having a radius of 23.94 feet and a central angle of 167°17'55", for 69.89 feet to a point of tangency; thence S.02°22'22"W, along the West Right-of-Way Line of said DOUGLAS ROAD EXTENSION, for 652.24 feet to a point of curvature of a circular curve to the right, concave to the Northwest; thence Southerly, Southwesterly and Westerly along the arc of said curve, having a radius of 25.00 feet and a central angle of 89°34'13", for 39.08 feet to a point of compound curvature, said point also being the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 2.322 Acres more or less.

TOGETHER WITH:
PARCEL "I" (OPA-LOCKA AIRPORT - North of Seaboard Railway, at Douglas Rd. Ext.):

A portion of DOUGLAS ROAD EXTENSION, a portion of the SEABOARD LANE and a portion of Tract "A" - Block 112, all inclusive of the Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", as recorded in Plat Book 34, Page 76 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 21, Township 52 South, Range 41 East; thence S.89°26'52"E., along the South Line of said Section 21, for 627.22 feet; thence N.02°22'22"E. for 230.12 feet to the POINT of BEGINNING of PARCEL "I"; thence continue N.02°22'22"E., along the West Right-of-Way Line of said DOUGLAS ROAD EXTENSION, for 88.40 feet; thence N.73°38'23"E. for 88.70 feet to a point on the East Right-of-Way Line of said DOUGLAS ROAD EXTENSION; thence continue N.73°38'23"E. for 104.26 feet to the Southeast corner of said Tract "A"; thence continue N.73°38'23"E. for 95.08 feet to a point on the arc of a circular curve to the left, concave to the Southeast, said point bearing N.33°52'04"W. (RADIAL) from the center of said curve; thence Southwesterly along the arc of said curve, along the Northerly Right-of-Way Line of the SEABOARD AIR LINE RAILWAY, as shown on the said Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", having a radius of 2914.93 feet and a central angle of 5°35'48", for 284.73 feet; thence N.89°26'52"W., along a Line 230 feet North of and parallel with the South Line of said Section 21, for 51.74 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 0.405 Acres more or less.

TOGETHER WITH:
PARCEL "J" (OPA-LOCKA AIRPORT - Property West of N.W.57th ST. - Red Rd.):

A portion of Tracts "P" and "Q" of "MIAMI LAKES INDUSTRIAL PARK SECTION 3", according to the Plat thereof, as recorded in Plat Book 85, Page 62 of the Public Records of Dade County, Florida, being more particularly described as follows:

BEGIN at the Northeast Corner of said Tract "Q"; thence S.00°32'42"W., along the East Line of said Tract "Q" (said line being coincident with West Canal Right-of-Way Line of a 90 foot Canal as shown on the above described Plat), for 476.81 feet to the Northeast Corner of Tract "W" of "MIAMI LAKES INDUSTRIAL PARK SECTION 8", according to the Plat thereof, as recorded in Plat Book 107, Page 93 of the Public Records of Dade County, Florida; thence S 89°59'33"W., along the Northerly Boundary of said Plat of "MIAMI LAKES INDUSTRIAL PARK SECTION 8" and coincidentally along the Northerly Boundary of "MIAMI LAKES INDUSTRIAL PARK SECTION 5", according to the Plat thereof, as recorded in Plat Book 93, Page 96 of the Public Records of Dade County, Florida, for 1746.27 feet; thence N.00°04'11"E., along the Boundary Line of said Plat of "MIAMI LAKES INDUSTRIAL PARK SECTION 5", for 499.72 feet (the next four (4) courses being along the Northerly Boundary of said Tracts "P" and "Q", said lines being coincident with the Southerly Right-of-Way Line of the BISCAYNE CANAL (C-8) as shown on the South Florida Water Management Districts drawing number C-8-25); thence S.87°00'42"E. for 1463.40 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Easterly and Northeasterly, along the arc of said curve, having a radius of 375 feet and a central angle of 27°35'11, for 180.55 feet to a point of reverse curvature of a circular curve to the right, concave to the Southeast; thence Northeasterly and Easterly, along the arc of said curve, having a radius of 225 feet and a central angle of 25°45'32", for 101.15 feet to a point of tangency; thence S.88°50'21"E. for 14.84 feet to the POINT of BEGINNING. Said lands lying and being in Dade County, Florida, and containing 18.430 acres more or less.

EXHIBIT A

10

57

DIRECTOR OF PLANNING AND ZONING

APPLICATION NUMBER: 98-243

LEGAL DESCRIPTION:

All of that portion of Section 16 Township 52 Range 41 lying south of the southerly right of way line of Biscayne Canal and lying west of the westerly right of way line of NW 42-37th Avenue Connector.

AND

All of that portion of Section 17 and Section 18 Township 52 Range 41 lying south of the southerly right of way line of the Biscayne Canal.

AND

All of Section 19 Township 52 Range 41 less that portion lying south of the northerly right of way line of the Opa Locka Canal.

RECEIVED
DEC 06 2000
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

RECORDERS NOTE
The legibility of writing, typing or printing unsatisfactory in this document when received

//

EXHIBIT B

This instrument was prepared by:
Name:
Address:

PROPOSED

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, Miami-Dade County is the Owner of the Opa-Locka Airport property, described in Exhibit A (the Property) attached hereto and incorporated herein by reference; and

WHEREAS, Zoning Hearing Application Z08-186 will change the zoning on the entire airport property to GP (Governmental Property District) and will delete a declaration of restrictions.

NOW, THEREFORE, the owner agrees that the use of the Property shall be limited to those uses approved pursuant to Article XXXVIII - Opa Locka Airport Zoning of the Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the

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

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

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

[Execution Pages Follow]

ATTEST:
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

MIAMI-DADE COUNTY
A political subdivision of the
State of Florida
By its Board of County
Commissioners:

By:_____
County Mayor

1. THE PINELANDS, LLC (F/K/A)
F.V. CONSTRUCTION CORP.
(Applicant)

03-12-CZ15-1 (03-162)
BCC/District 9
Hearing Date: 5/21/09

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
None				

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

ZONING ACTION

MEMORANDUM

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

DATE: May 13, 2004 **#Z-**

APPLICANT: D. F.V. Construction Corp – (03-12-CZ15-1/03-162)

MOTION: Deferred indefinitely and readvertisement at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		x		
Diaz				x
Ferguson		x		
Heyman		x		
Martinez				x
Morales		x		
Moss	m	x		
Rolle		x		
Seijas		x		
Sorenson				x
Sosa				x
Souto		x		
Chair Carey-Shuler	s	x		
TOTAL		9	0	4

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

APPLICANT: The Pinelands L. L. C. F/K/A: F. V. Construction Corp. **PH:** Z03-162 (03-12-CZ15-1)

SECTION: 2-57-39 **DATE:** May 21, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 1

==========

A. INTRODUCTION:

- **REQUEST:**

  The applicant is appealing the decision of Community Zoning Appeals Board #15 which denied without prejudice the following:

  AU to RU-1M(a)

- **SUMMARY OF REQUEST:**

  The applicant is appealing the decision of Community Zoning Appeals Board #15 to deny a request to rezone the subject property from AU, Agricultural District, to RU-1M(a), Single-family Modified Residential District.

- **LOCATION:** The southwest corner of SW 280 Street and SW 132 Avenue, Miami-Dade County, Florida.

- **SIZE:** 10 Acres

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or **important resources**.

4. **Policy CON-8A**
   Specimen trees and Natural Forest Communities in Miami-Dade County shall be protected through the maintenance and enforcement of the County's Tree and Forest Protection and Landscape Code, as may be amended from time to time. The County's Natural Forest Inventory shall be revised periodically to reflect current Natural Forest Community conditions. A Natural Forest Community shall not be removed from the inventory unless its quality and resource values have been degraded to the point where it cannot be restored.

5. **Policy CON-8E**
   The destruction of environmentally sensitive Natural Forest Communities shall be kept to a minimum; a long-term mitigation and management plan shall be developed to assure the continued maintenance of the remaining forest lands and the restoration or creation of at least an equal amount of forest lands to those destroyed.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU; Vacant	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1Z; Single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1M(a); Single-family residences	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1M(a); Single-family residences	Low Density Residential, 2.5 to 6 dua

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**

Buffering:	**N/A**
Access:	**Acceptable**
Signage	**N/A**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection/13 students**
Homestead Air Force Base	**No objection**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred indefinitely from the May 13, 2004 Board of County Commissioners (BCC) meeting and was deferred from the April 15, 2004 BCC meeting at the applicant's request.

The applicant, The Pinelands LLC F/K/A F.V. Construction Corp., is appealing the decision of the Community Zoning Appeals Board (CZAB) #15 which denied without prejudice by a vote of 3 to 2 a district boundary change from AU, Agricultural District, to RU-1M(a), Modified Single Family Residential District. The applicant is alleging that the CZAB's decision was not based on substantial competent evidence. The applicant had proffered a covenant that limited the number of units to be developed on the subject site to a maximum of 6 units per gross acre.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use, which permits a density range of a minimum of 2.5 to a maximum of 6 units per gross acre, which would result in the maximum development of 60 residential units on this site. Notwithstanding, noting that a portion of the subject property is located within a Natural Forest Community (NFC), the applicant is restricted by the NFC Covenant and Management Plan to developing 3.7 acres of the 10 acre site and preserving the remaining portion of the property which consists of the NFC. As such the maximum number of units permitted on the subject site by the CDMP is 22 units. Staff acknowledges that the development of 22 units on the site is below the minimum density requirement of the Low Density Residential land use category which requires a minimum of 25 dwelling units per gross acre. However, staff notes that the interpretative text of the CDMP states that exceptions to the minimum density requirements may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or **important resources**. As such, staff opines that the development of the site at a slightly lower density than that required by the underlying LUP Map designation, in order to allow for the preservation of the existing NFC is **consistent** with the interpretative text of the CDMP and is also consistent with **Policy-CON8A** and **Policy-CON8E** of the Conservation Element of the CDMP in that an important natural resource is protected.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Staff notes that the applicant has voluntarily proffered a covenant indicating that, prior to the approval of a final plat for the property, the owner shall record an instrument in the public records of Miami-Dade County to provide a notice for future property owners of the periodic prescribed burning for the Natural Forest Community (NFC) located to the south and west of the subject site. Their memorandum indicates that the applicant has obtained a NFC permit (NFC2008-014) for the removal of 30% of the existing NFC on the subject site and has executed a NFC Covenant and Management Plan that preserves the remaining 6.3 acres of NFC and establishes a Special Taxing District at the time of platting to fund the required maintenance of the 6.3 acres of NFC. In addition, the applicant will have to comply with all other DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department **(PWD)** has no **objections** to this application. Their

memorandum states that the proposed development will generate **28 PM** daily peak hour vehicle trips, however said trips do not exceed the levels of service (LOS) for the area roadways which are operating at LOS "B" and "C". In addition their memorandum indicates that the subject site requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The Miami-Dade Fire Department **(MDFR)** has no **objections** to the application and indicates that the estimated average travel response time is 8:12 minutes. The **Miami-Dade County Public Schools** (MDCPS) has no objections to this application and states in their memorandum that this project will bring an additional 13 students to the adjacent schools. However, none of the schools impacted by the proposed development meet the review threshold of 115% FISH utilization. As such no dialogue between the applicant and the School District is required. The subject site is located approximately 1,659' to the northwest of the Homestead Air Force Base (ARB). The U.S. Department of the Air Force Homestead ARB has **no objections** to the proposed development and their memorandum indicates that although the subject site is located within the Homestead Air Reserve Base Area of Interest, it is outside of the designated Accident Potential Zones and the Noise Contours and will not present a threat to current operations.

Staff notes that the rezoning, if granted subject to the proffered covenant, conforms to the Comprehensive Development Master Plan for Miami-Dade County. The subject property is located on the southwest corner of SW 280 Street and SW 132 Avenue which makes the site easily accessible and will not burden the area roadways, as the distribution of trips will not exceed the acceptable level of service as indicated by the Public Works Department. Further, as indicated in the Department of Environmental Resources Management's memorandum, public water and sanitary sewer can be made available to the property, which will not reduce the Levels of Service (LOS) standards for same as set forth in the CDMP. Staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the development trend as evidenced by similar approvals in the area. Specifically, in June 2003, the property located to the west of the subject site was granted an approval for a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB15-10-03. Subsequently, in July 2003, property located approximately 705' to the southeast of the subject site, was granted approval for a zone change from AU to RU-1M(a) on appeal, by this Board (BCC), pursuant to Resolution #Z-14-03. Moreover, staff notes that in October 2003, the property to the south of the subject site was also granted approval of a zone change from AU to RU-1M(a), pursuant to Resolution #CZAB15-20-03. In addition staff notes that the applicant has proffered a covenant limiting the development of the site to a maximum of 22 units, which is **consistent** with the interpretative text of the CDMP and is consistent with the development parameters enumerated in the executed NFC Covenant and Management Plan. Further, staff notes that the covenant proffered by the applicant also indicates that, prior to the approval of a final plat for the property, the owner shall record an instrument in the public records of Miami-Dade County to provide a notice for future property owners of the periodic prescribed burning for the Natural Forest Community (NFC), and that the property owner will comply with the NFC Covenant and Management Plan executed between said property owner and DERM. As such, staff recommends approval of the zone change, subject to the Board's acceptance of the proffered covenant.

I. RECOMMENDATION:

Approval of the appeal subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS: None.

DATE INSPECTED: 04/08/08
DATE TYPED: 04/28/09
DATE REVISED: 04/30/09; 05/06/09; 05/12/09; 05/13/09
DATE FINALIZED: 05/13/09
MCL:MTF:NN:CH:NC

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

Memorandum

MIAMI-DADE COUNTY

Date: February 9, 2009

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

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

Subject: C-15 #Z2003000162-2nd Revision
F.V. Construction Corporation
S.W. Corner of S.W. 280th Street and S.W. 132nd Avenue
District Boundary Change from AU to RU-1M(A)
(AU) (10 Acres)
02-57-39

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.

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

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

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.

Natural Forest Community
The applicant has obtained a Natural Forest Community (NFC) permit (NFC2008-014) for the removal of 30% of the existing NFC on the subject property. A NFC Covenant and Management Plan that preserves the remaining 6.3 acres of NFC have been executed and the applicant has agreed to create a Special Taxing District at the time of platting to fund the required maintenance of the 6.3 acres of NFC. Therefore, DERM may approve the subject application.

Tree Preservation
The subject property revealed the presence of tree resources. However, the property is a designated NFC; therefore, tree resources will be regulated through the NFC permit. The applicant is advised that any tree resources on-site that are not regulated through the NFC Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

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.

PH# Z2003000162
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:F. V. CONSTRUCTION CORP.

This Department has no objections to this application.

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 28 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9928	SW 288 St. w/o SW 137 Ave.	C	C
9822	SW 137 Ave. s/o US-1	C	C
9922	SW 268 St. w/o SW 127 Ave.	B	B

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.
06-FEB-09

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

CHECKED BY AG AMOUNT OF FEE 1,132.09

RECEIPT # I 20041100 66

DATE HEARD: 1/20/04

BY CZAB # 15304

RECEIVED
203-162
FEB 04 2004
ZONING HE... SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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. 03-12-C215-1 (03-1 62)

Filed in the name of (Applicant) F.V. Construction Corp.

Name of Appellant, if other than applicant N/A

Address/Location of APPELLANT'S property:
The SW corner of SW 280 Street and SW 132 Avenue; Miami-Dade County, Florida.

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

Entire Application

Appellant (name): F. V. Construction Corp.,
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject mailer, 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)

Application is consistent with COMP and the established zoning and development pattern of the area. The Planning and Zoning Director recommended approval of the application and there was no substantial competent evidence presented upon which to base a denial of the application.

12

APPELLANT MUST SIGN THIS PAGE

Date: 3 day of Febroary, year: 2004

Signed [signature]

Frances Varela
Print Name

22400 old Dixie Hwy.
Mailing Address

(305)551-6508 (305)257-1221
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City State Zip

Telephone Number

Subscribed and Sworn to before me on the 3 day of Feb., year 04

[signature]
Notary Public

(stamp/seal) OFFICIAL NOTARY SEAL VERONICA ROJAS NOTARY PUBLIC STATE OF FLC COMMISSION NO. CC9502 MY COMMISSION EXP

Commission expires:

13

RESOLUTION NO. CZAB15-3-04

WHEREAS, **F. V. CONSTRUCTION CORP.** applied for the following:

AU to RU-1M(a)

SUBJECT PROPERTY: The NE ¼ of the NE ¼ of the NW ¼ in Section 2, Township 57 South, Range 39 East.

LOCATION: The Southwest corner of S.W. 280 Street & S.W. 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 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 proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-1M(a) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the application without prejudice was offered by Leonard Anthony, seconded by JoAnn Bova, and upon a poll of the members present the vote was as follows:

Daniel L. Adams	absent	JoAnn Bova	aye
Al Alvarez	nay	Paul S. Vrooman	nay
Leonard Anthony	aye		

Nancy McCue aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary change to RU-1M(a) be and the same is hereby denied without prejudice.

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.

PASSED AND ADOPTED this 20th day of January, 2004.

Hearing No. 03-12-CZ15-1
ej

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 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-3-04 adopted by said Community Zoning Appeals Board at its meeting held on the 20TH day of January 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 26th day of January, 2004.

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

SEAL

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

February 12, 2009

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

RE: F.V. CONSTRUCTION CORP. – NO. 08-017 (a/k/a 03-162)
SOUTHWEST CORNER OF SW 280 STREET AND SW 132 AVENUE
REVISED

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's review analysis of potential impact generated by the above referenced application. Please note that none of the schools impacted by the proposed development meet the review threshold. As such, no dialogue between the applicant and the School District will be required.

This application may be subject to school concurrency requirements, as mandated by 2005 Growth Management Legislation. Pursuant to Sections 163.3177 and 1013.33 of the Florida Statutes, all new residential applications will be tested for school concurrency at Final Subdivision or Site Plan (or functional equivalent), effective at the time school concurrency is fully implemented.

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,

Vivian G. Villaamil
Director I

VGV:mo
L329
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Ivan M. Rodriguez
Mr. Fernando Albuerne
Ms. Vivian Villaamil
Mr. Michael A. Levine

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS
(April 29, 2008)

APPLICATION: F.V. Construction Corp. – No. 08-017

REQUEST: Zone change from AU to RU-1MA

ACRES: 10 acres

LOCATION: Southwest corner of SW 280 Street and SW 132 Avenue

MSA/ MULTIPLIER: 7.4/.66 Single-Family Detached

UNITS: 20 units (2 units permitted under present zoning, for a total of 22 units)

ESTIMATED STUDENT POPULATION: 13 students*

ELEMENTARY: 6

MIDDLE: 3

SENIOR: 4

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: William A. Chapman Elementary – 27190 SW 140 Avenue

MIDDLE: Centennial Middle – 8601 SW 212 Street

SENIOR HIGH: Homestead Senior – 2351 SE 12 Avenue

All schools are located in Regional Center VI.

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2007:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS
William A. Chapman Elementary	821	630	**130%**	108	111%	996
	827 *		**131%**		112%	
Centennial Middle	965	1,498	64%	0	64%	1,402
	968 *		65%		65%	
Homestead Senior High	2,513	2,977	84%	190	79%	3,399
	2,517 *		85%		79%	

*Student population increase as a result of the proposed development
**Estimated number of students (cumulative) based on zoning/land use log (2001-Present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

1) Figures above reflect the impact of the class size amendment.
2) Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold.

PLANNED RELIEF SCHOOLS

School	Status	Projected Occupancy Date
N/A		

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to $6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total $85,137.

CAPITAL COSTS: Based on the State's April 2008 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	DOES NOT MEET THRESHOLD
MIDDLE	DOES NOT MEET THRESHOLD
SENIOR HIGH	DOES NOT MEET THRESHOLD
Total Potential Capital Cost	**$0**

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Memorandum

MIAMI-DADE COUNTY

Date: 12-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2003000162

Fire Prevention Unit:

No objection to zoning change per letter of intent dated May 20, 2003.

Service Impact/Demand:

Development for the above Z2003000162
located at SOUTHWEST CORNER OF S.W. 280 STREET & S.W. 132 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 6537 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 8:15 minutes

Existing services:

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

Station 6 - Modello - 15890 SW 288 Street
Rescue, BLS Tanker, Battalion

Planned Service Expansions:

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

Station 77 - Homestead Air Force Base - 285 Street & 127 Avenue.

Fire Planning Additional Comments:

Not applicable to service impact analysis at this stage. Service impact analysis will be provided upon submission of the development plans for the proposed project.

DATE: 02/12/09

TEAM METRO

ENFORCEMENT HISTORY

F. V. CONSTRUCTION CORP.

APPLICANT

SOUTHWEST CORNER OF S.W.
280 STREET & S.W. 132 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2003000162

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200801007804 was opened based on enforcement history request and inspected on 12-24-08. A warning notice was issued for overgrowth, junk and trash. A re-inspection was conducted on 1-26-09, the property was in compliance and case was closed.
Previous case history;
Case 200701007670 was opened based on an anonymous complaint of overgrowth, junk and trash and inspected on 1-28-08. No violation was observed and case was closed.
Case 200701002276 was opened based on anonymous complaint and inspected on 4-3-07 and immediate citation 984570 was issued for a violation of Ch 19-8(a), junk and trash. The property was previously warned under case 200601006871(see below) A compliance inspection was conducted on 5-22-07 and the violation was corrected. The citation was paid and case was closed on 7-23-07.
Case 2006010006871was opened based on anonymous complaint of junk and trash and inspected on 12-13-06. A warning notice was issued for a violation of Ch 19-8(a), junk and trash. An extension request was submitted and granted. A re-inspection was conducted on 3-9-07 and the violation was corrected and case was closed.
Case 2004010001259 was opened based on anonymous complaint of junk and trash and inspected on 3-22-04. A warning notice was issued for a violation of Ch 19-8(a), junk and trash. A re-inspection was conducted on 5-14-04 and citation 899721 was issued. A compliance inspection was conducted on 7-28-04 and the violation was corrected. The citation was paid and case was closed.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: The Pinelands, LLC., A Florida Limited Liability Company

NAME AND ADDRESS	Percentage of Stock
Jorge R. Avino	100%
1350 S.W. 57th Avenue	
Suite 207	
West Miami, Florida 33144	

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percent of Ownership

RECEIVED
203.162
APR 10 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 9th day of APRIL, 2009. Affiant is personally known to me or has produced _____ as identification.

Benigno Suarez
(Notary Public)

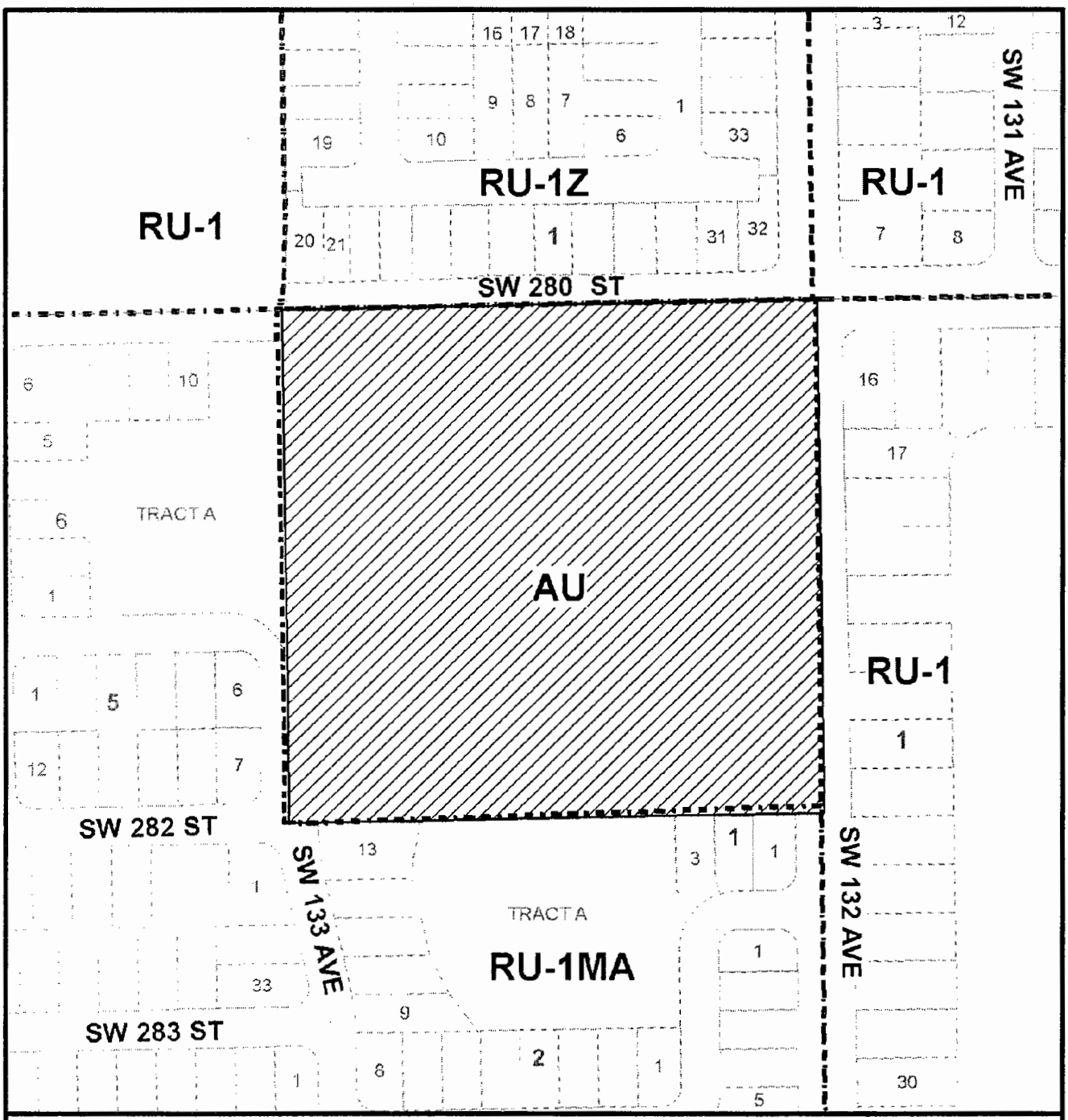
BENIGNO J. SUAREZ
MY COMMISSION # DD 716414
EXPIRES: September 26, 2011
Bonded Thru Budget Notary Services

My commission expires 9/26/2011

*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.

203.162
APR 10 2009

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
03-162

N

SUBJECT PROPERTY

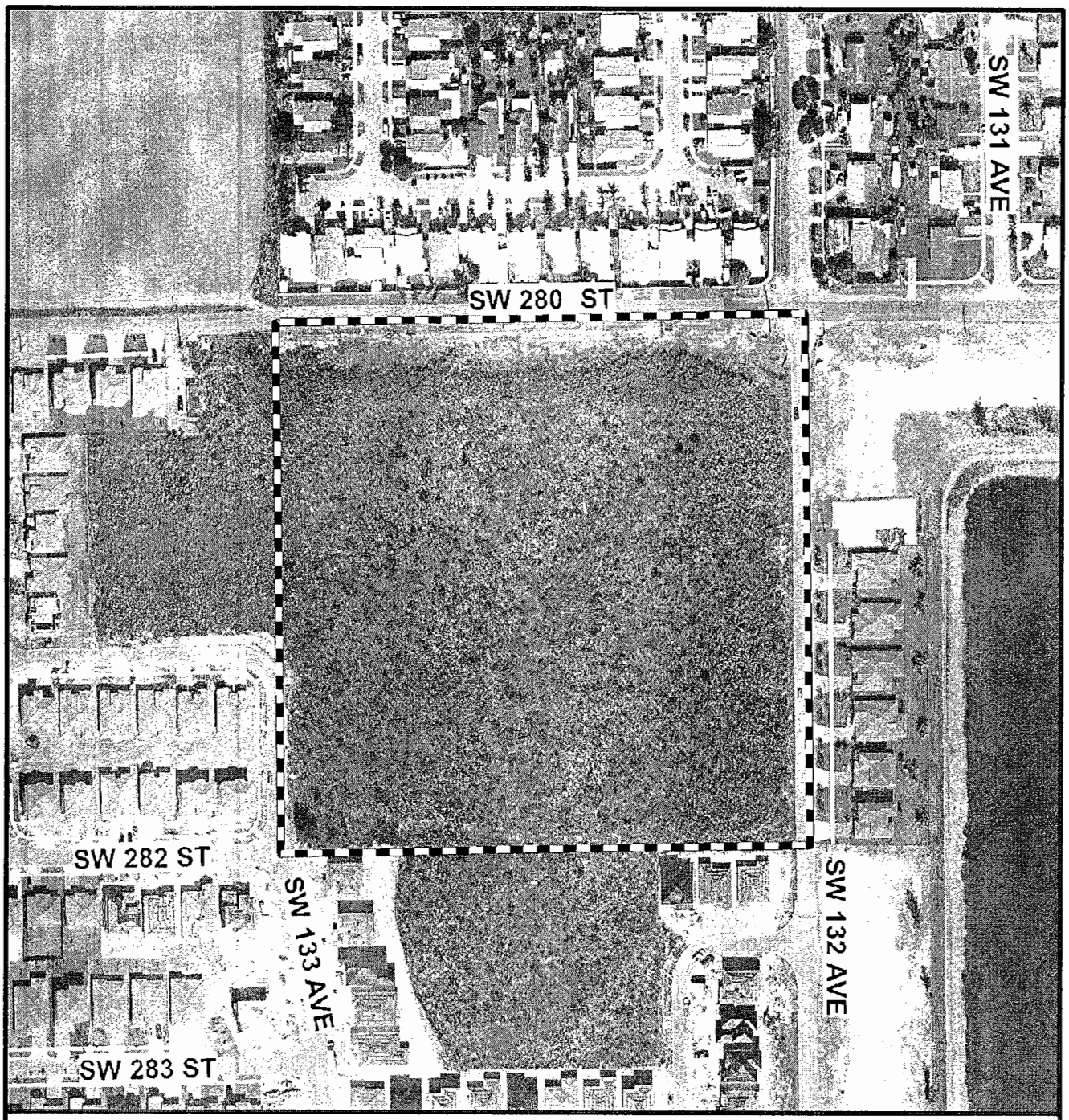
Section: 02 Township: 57 Range: 39
Applicant: F. V. CONSTRUCTION CORP.
Zoning Board: BCC
District Number: 09
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 02/17/09

REVISION	DATE	BY
Zone boundary line changed and street	02/06/04	AFT
Change from 08-017 to 03-162	02-17-09	AFT

24



MIAMI-DADE COUNTY
AERIAL

Process Number
03-162

N

SUBJECT PROPERTY

Section: 02 Township: 57 Range: 39
Applicant: F. V. CONSTRUCTION CORP.
Zoning Board: BCC
District Number: 09
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 02/17/09

2. RONALD, RAMIRO, & MAGALI CHAVEZ. **08-12-CZ12-1 (07-344)**
(Applicant) **BCC/District 8**
Hearing Date: 5/21/09

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
None				

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

A

APPLICANT'S NAME: **RONALD, RAMIRO, & MAGALI CHAVEZ**

REPRESENTATIVE: Melissa Tapanes

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-12-CZ12-1 (07-344)	January 6, 2009	CZAB12		09

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Feb 3, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: At applicant's request to work with staff.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCIL MAN		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA	X		
COUNCIL WOMAN.	M	Carla Ascencio-SAVOLA	X		
COUNCIL MAN	S	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	7	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **ED SANCHEZ** 2

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#1

APPLICANT'S NAME: **RONALD, RAMIRO AND MAGALI CHAVEZ**

REPRESENTATIVE: Melissa Tapanes

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-12-CZ12-1 (07-344)	December 2, 2008	CZAB12		08

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Jan 6, 2009 ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: To submit a revised site plan and covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			X
MR.		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA	X		
MS.		Carla Ascencio-SAVOLA	X		
MR.		Jose I. VALDES	X		
MS.		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
		VOTE:	6	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **ED SANCHEZ**

3

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

APPLICANTS: Ronald, Ramiro and Magali Chavez **PH:** Z07-344 (08-12-CZ12-1)

SECTION: 3-55-40 **DATE:** May 21, 2009

COMMISSION DISTRICT: 8 **ITEM NO.:** 3

==========

A. INTRODUCTION

- **REQUEST:**

  The Applicants are appealing the decision of Community Zoning Appeals Board #12, which denied the following:

  EU-1 to EU-M

- **SUMMARY OF REQUEST:**

  The applicants are appealing the decision of the Community Zoning Appeals Board #12 (CZAB-12) that denied a request to change the zoning on the property from EU-1, Single-Family One Acre Estate Residential District, to EU-M, Estate Modified Residential District.

- **LOCATION:**

  8300 S.W. 94 Street, Miami-Dade County, Florida.

- **SIZE:** 1.16 Acres

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Policy LU-9C.** Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of

Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map.

4. **Severable Use Rights.** The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	EU-1; Abandoned Residence	Estate Density Residential, 1 to 2.5 dua
Surrounding Properties:		
NORTH:	EU-M; Single-family residence	Estate Density Residential, 1 to 2.5 dua
SOUTH:	EU-1; Single-family residence	Estate Density Residential, 1 to 2.5 dua
EAST:	EU-M; Single-family residences	Estate Density Residential, 1 to 2.5 dua
WEST:	EU-1; Single-family residence	Estate Density Residential, 1 to 2.5 dua

The 1.16 net acre subject property is a vacant lot located over 7 miles east of and within the UDB at 8300 S.W. 94 Street in an established estate single-family residential area.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or

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

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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**

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

On February 3, 2009, the Community Zoning Appeals Board #12 (CZAB #12) denied without prejudice this application by a vote of 7 to 0, pursuant to Resolution #CZAB12-3-09. On February 13, 2009, the applicants appealed the CZAB #12's decision to the Board of County Commissioners (BCC) citing that the application is consistent with the Comprehensive Development Master Plan (CDMP) and compatible with the surrounding area and that the Board's decision to deny the request to rezone the property was not based on substantial competent evidence introduced on the record. Staff opines that the proposed EU-M zoning is **compatible** with the existing zoning in the area and is **consistent** with the LUP map's designation. As such, staff recommends that this appeal and zone change application be approved.

The subject property is a rectangular corner lot and located over 7 miles east of and within the UDB at 8300 S.W. 94 Street. The applicants are requesting a district boundary change from EU-1, Single-Family One Acre Estate Residential District, to EU-M, Estate Modified Residential District.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24

of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The Public Works Department **(PWD)** has **no objections** to this application. They have indicated that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria, will generate **3** additional PM daily peak hour **vehicle trips** and the distribution of these trips to the adjacent roadways will not exceed the acceptable Levels of Service (LOS) of the roadways, which are currently operating at LOS "C" and "D". The Miami-Dade Fire Rescue Department **(MDFR)** also has **no objections** to the application and indicates that the estimated response time is **6:15 minutes**.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use, which permits a minimum of 1 unit per gross acre to a maximum of 2.5 units per gross acre. This would generate a permissible numerical density threshold of a minimum of 1 to a maximum of 3 dwelling units on the 1.25 gross acre site. The subject property is located over 7 miles east of and within the UDB in an established Estate residential area. Staff notes that EU-M zoned properties are located immediately to the north and east of the subject site. Additionally, EU-M zoned properties are also located one block to the south of the subject property. As such, this proposal is within the numerical density threshold permitted under the LUP map designation for Estate Density Residential use, is **compatible** with the surrounding area and is, therefore, **consistent** with the LUP map of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall also consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The rezoning, if granted, would conform to the LUP Map density of the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is **consistent** with the Estate Density Residential LUP Map designation of the CDMP. This project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the proposed development does not unduly burden or affect public transportation facilities as indicated in the PWD's memorandum submitted for this application and the proposed residential development will be readily accessible by the intersection of two roadways operating at acceptable LOS standards. As previously mentioned, EU-M zoned properties exist immediately to the north and east of the subject site. Additionally, EU-M zoned properties are also found one block to the south of the subject property. Accordingly, staff notes that the proposed zoning is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation and, in staff's opinion, is **compatible** with the surrounding area.

Based on all of the foregoing, staff opines that the approval of the appeal and the district boundary change would be in keeping with the basic intent and purpose of the zoning and subdivision regulations. Therefore, staff recommends approval of the appeal and district boundary change from EU-1 to EU-M.

I. RECOMMENDATION:

Approval of the appeal and the district boundary change to EU-M.

J. CONDITIONS: None.

DATE INSPECTED: 09/19/08
DATE TYPED: 10/10/08
DATE REVISED: 10/14/08; 10/27/08; 11/17/08; 12/03/08; 12/08/08; 01/12/09; 01/15/09; 03/31/09; 05/13/09
DATE FINALIZED: 05/13/09
MCL:MTF:NN:AA:JV

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

Memorandum

MIAMI-DADE COUNTY

Date: September 2, 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 #Z2007000344-Revised
Ronald, Ramiro and Magali Chavez
8300 S.W. 94th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.16 Acres)
03-55-40

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

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area of the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the proposed zoning request is for a residential land use, a hazardous wastes prohibition covenant is not required. However, as previously stated all development shall conform with Code requirements.

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

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

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

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

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

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

Tree Preservation
Tree Removal Permit 2008-TREE-PER-00008 was issued to Ronald and Ramiro Chavez on August 29, 2008 and is scheduled to expire on August 29, 2009. The tree removal permit requires the preservation of 43 regular size trees (#6,11,18-21,23,24,26-28,30,31,36-38,40-47,49,51,59-62,73,81-84,86,93,94,99-103) and one specimen size (trunk diameter 18 inches or greater) royal poinciana tree (#53) as identified in the DERM-approved permitted plans. Also, a consent agreement was signed on August 25, 2008 to redress alleged violations of Section 24-49 (1) of the Code at this site. This consent agreement is scheduled to expire on August 25, 2008.

The site plans submitted with this application entitled "Baptist Manor", prepared by Mendez Professional Engineering Corporation, sheets LP-1-3 and dated September 17, 2007 depicts these trees to remain. Therefore, DERM has no objection to the approval of this zoning application.

All approved tree removal or relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00008 is required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

REVISION 1

PH# Z2007000344
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:RONALD, RAMIRO & MAGALI CHAVEZ

This Department has no objections to this application.

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 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-684	SW 88 St. e/o SW 79 Ave.	D	D
F-66	SW 88 St. w/o SW 87 Ave.	C	C

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.
10-SEP-08

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

CHECKED BY AMOUNT OF FEE $1,154.25

RECEIPT # I2009 26834

DATE HEARD 02/03/09

BY CZAB # 12

RECEIVED 07-344 FEB 10 2009 ZONING NOTICES SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY

BY _____
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. 07-344

Filed in the name of (Applicant) Ronald Chavez, Ramiro Chavez, Magali Chavez

Name of Appellant, if other than applicant _____

Address/location of APPELLANT'S property: 8300 S.W. 94 Street

Application, or part of Application being Appealed (Explanation): Rezoning from EU-1 to EU-M

Appellant (name): Ronald Chavez, Ramiro Chavez, Magali Chavez
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:
The Community Zoning Appeals Board, in denying the requested district boundary change, based its decision, not on substantial competent evidence in the record, which included a favorable recommendation from the Department of Planning and Zoning and overwhelming neighborhood support, but on a conclusion that, because the property may be a recipient of Severable Use Rights (SURs) and thereby render three lots, the proposed rezoning would be incompatible with the area. The evidence in the record, including a staff recommendation in favor of the application, reflected that the Miami-Dade County Comprehensive Development Master Plan ("CDMP") designated the property Estate Density Residential allowing development from 1.0 to 2.5 dwelling units per acre. The requested EU-M zoning abuts the property to the north and east, and there is numerous precedent for rezonings from EU-1 to EU-M in the immediate vicinity. The CDMP provides that "[i]n order to efficiently use, and no prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category." In addition, CDMP Page I-20 provides that "Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map." The property's current density of 0.80 is 20% lower than the minimum density of 1.0 established by the CDMP. Accordingly, rezoning the Property within the range provided by the CDMP is not only warranted, but a denial of the rezoning request to develop the property within the permissible range would be inconsistent with the Goals, Objectives and Policies of the CDMP. The Community Zoning Appeals Board's action was therefore arbitrary and should be reversed.

APPELLANT'S AFFIDAVIT OF STANDING

STATE OF Florida
COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Ronald Chavez, Ramiro Chavez, Magali Chavez (Appellants) 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)

_____ 1. Participation at the hearing
X_____ 2. Original Applicant
_____ 3. Written objection, waiver or consent

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

Further Appellant says not.

Witnesses:

Elizabeth Egas
Signature

Elizabeth Egas
Print Name

Frank R. Egas
Signature

Frank R. Egas.
Print Name

Appellant's Signature

Ronald Chavez
Print Name

Ramiro Chavez
Appellant's Signature

Ramiro Chavez
Print Name

Magali Chavez
Appellant's Signature

Magali Chavez
Print Name

Sworn to and subscribed before me on the 10th day of Feb year 2009.
Appellant is personally know to me or has produced Personally known as identification.

Notary Public

(stamp/seal)

Commission Expires:

RALPH [illegible]ROS
MY COMMISSION # DD817617
EXPIRES August 26, 2012
(407) 398-[illegible] [illegible]Service.com

14

APPELLANT MUST SIGN THIS PAGE

Date 10th day of Feb, year: 2009

Signed _____
Ronald Chavez

8300 SW 94 St
Mailing Address

305-984-0451 _____
Phone Fax

Signed _____
Ramiro Chavez

8300 SW 94 St
Mailing Address

305-223-5831 _____
Phone Fax

Signed _____
Magali Chavez

8400 SW 94 St
Mailing Address

305-223-5831 _____
Phone Fax

Subscribed and Sworn to before me on the 10th day of Feb, year 2009

_____
Notary Public

(stamp/seal)

RAL[illegible]DEROS
MY COM[illegible]ON # DD817617
EXPIRES August 26, 2012
(407) 398-0153 FloridaNotaryService.com

Commission Expires:

In copy of Melissa T. Llahues
200 S. Biscayne Blvd
Suite 850
Miami FL 33131

RESOLUTION NO. CZAB12-3-09

WHEREAS, **RONALD, RAMIRO AND MAGALI CHAVEZ** applied for the following:

EU-1 to EU-M

SUBJECT PROPERTY: The east ½ of the NE ¼ of the SW ¼ of the SE ¼ of the NW ¼, less the north 25' for right-of-way, in Section 3, Township 55 South, Range 40 East.

LOCATION: 8300 S.W. 94 Street, 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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the application without prejudice was offered by Jorge Luis Garciga, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	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 requested district boundary change to EU-M be and the same is hereby denied without prejudice.

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

PASSED AND ADOPTED this 3rd day of February, 2009.

Hearing No. 08-12-CZ12-1
ej

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. CZAB12-3-09 adopted by said Community Zoning Appeals Board at its meeting held on the 3rd day of February, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of February, 2009.

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

SEAL

REVISION 1

Memorandum

Date: 26-SEP-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000344

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated October 4, 2007.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped Septemeber 4, 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 Z2007000344
located at 8300 SW 94 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1830 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.81 alarms-annually.
The estimated average travel time is: 6:15 minutes

Existing services:

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

Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75' Ladder

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped September 4, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 01/22/09
REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

RONALD, RAMIRO, & MAGALI CHAVEZ

APPLICANT

8300 SW 94 ST, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2007000344

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200902000436 CIVIL NOTICE ISSUED T000615 FOR OVERGROWTH CODE 19-13(A).

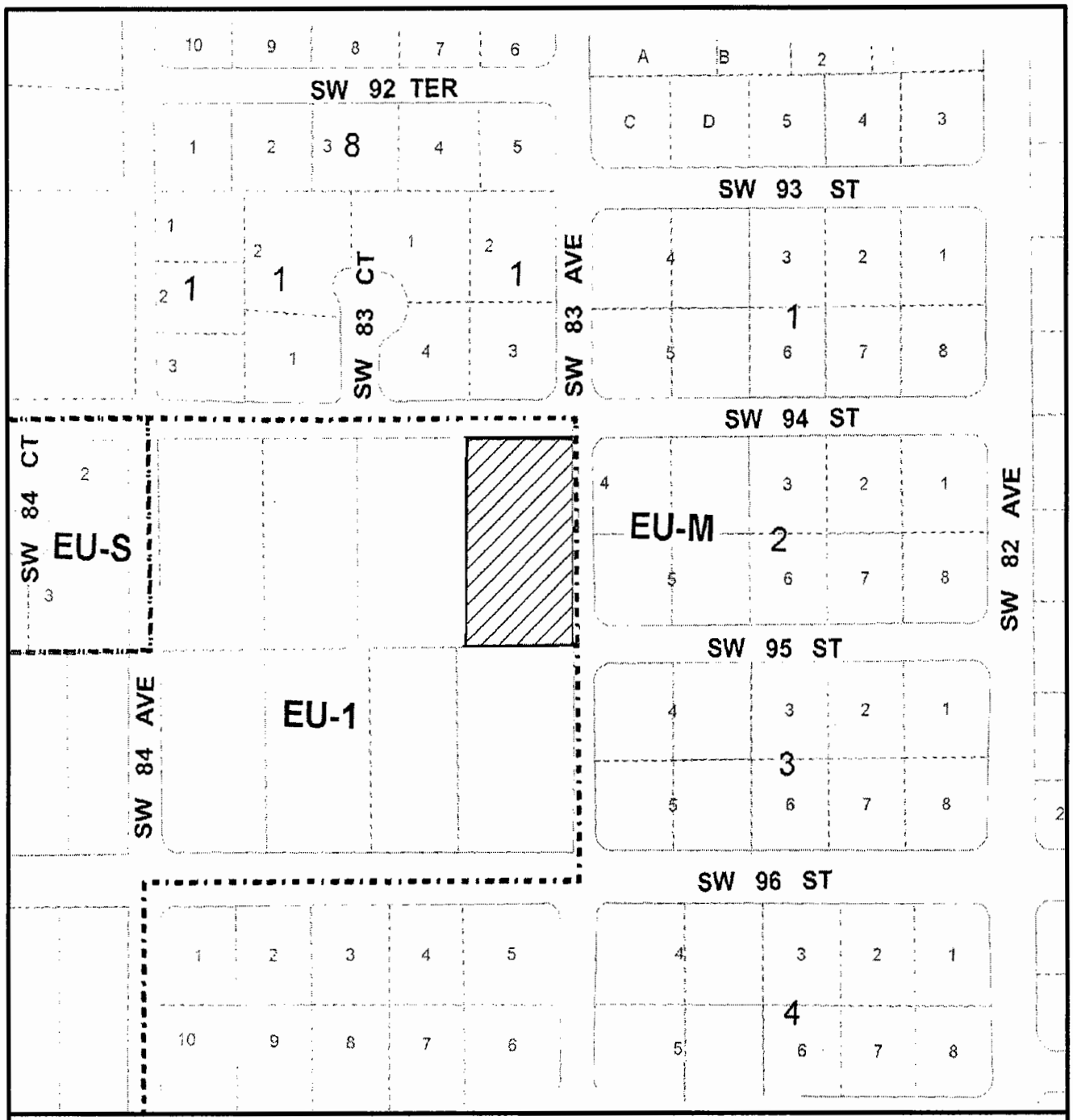
200802006404 CASE CLOSED REFERRED TO MINIMUM HOUSING FOR OPEN & ABANDONED HOUSE.

200802006602 CASE CLOSED WARNING # R96565 ISSUED FOR GRAFFITI CODE 21-30.01(F)

200802006601 CASE CLOSED WARNING # R96564 ISSUED FOR OVERGROWTH CODE 19-13(A).

200702012192 CASE CLOSED WARNING # R110888 ISSUED FOR JUNK/TRASH/OVERGROWTH CODE 19-13(A).

TIMOTHY MCCRINK



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-344

N

SUBJECT PROPERTY

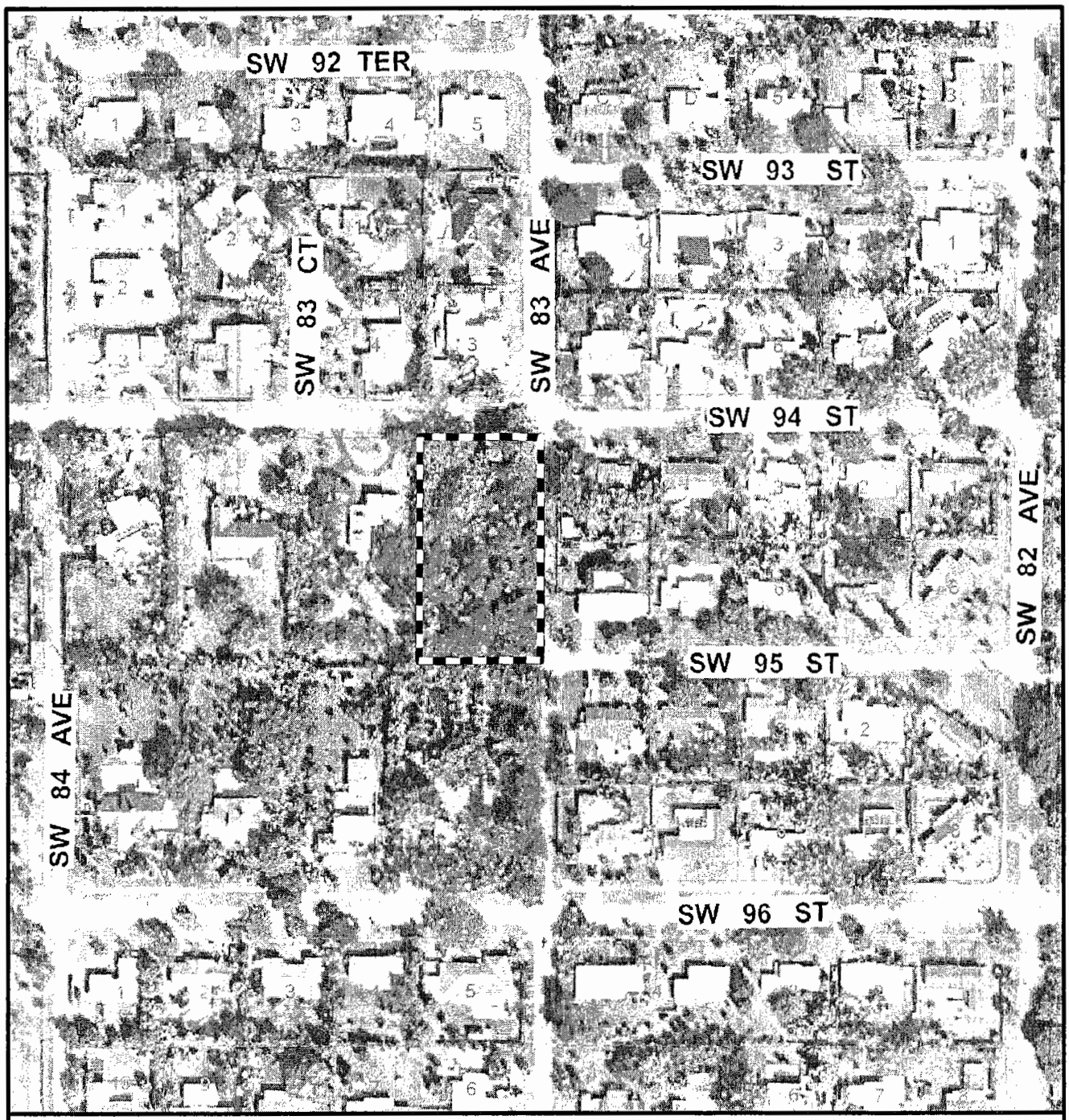
Section: 03 Township: 55 Range: 40
Applicant: RONALD, RAMIRO & MAGALI CHAVEZ
Zoning Board: C12
District Number: 08
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/28/07

REVISION	DATE	BY
Applicant Name	01/02/07	EBM

21



MIAMI-DADE COUNTY
AERIAL

Process Number
07-344

N

SUBJECT PROPERTY

Section: 03 Township: 55 Range: 40
Applicant: RONALD, RAMIRO & MAGALI CHAVEZ
Zoning Board: C12
District Number: 08
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/28/07

REVISION	DATE	BY
Applicant Name	01/02/07	ESM

3. BELEN JESUIT PREPARATORY SCHOOL, INC. **08-11-CZ10-2 (08-166)**
(Applicant) **BCC/District 12**
Hearing Date: 5/21/09

Property Owner (if different from applicant) **Belen School Inc.**

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	Belen School & Antonio Garcia	Special exception, Unusual Use, and Use variance for a private school	ZAB	Denied without prejudice
1977	Belen School & Antonio Garcia	Special exception, Unusual Use, and Use variance for a private school	BCC	Appeal approved, application approved
1985	Belen Jesuit Prep. School	- Unusual Use to permit an underground/above ground telephone facility. - Non-Use variances.	ZAB	Approved in part w/conds.
1992	Belen School, Inc.	Non-Use variance of signs.	ZAB	Approved w/conds.
2001	Belen Jesuit Prep., Inc.	Special exception to permit the expansion of an existing school.	C10	Approved in part w/conds.

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

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

B

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

REPRESENTATIVE: Simon Ferro

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

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

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Jan 28, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER:

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

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **CRAIG COLLER**

2

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

#2

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

REPRESENTATIVE: Simon Ferro

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

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

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Dec 11, 2008 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: Due to lack of time. (Carried over automatically)

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

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **CRAIG COLLER**

3

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

APPLICANT: Belen Jesuit Preparatory School, Inc. **PH:** Z08-166 (08-11-CZ10-2)

SECTION: 2-54-39 **DATE:** May 21, 2009

COMMISSION DISTRICT: 12 **ITEM NO.:** 3

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A. INTRODUCTION

o REQUESTS:

HEATHER PERNAS is appealing the decision of COMMUNITY ZONING APPEALS BOARD #10 on BELEN JESUIT PREPARATORY SCHOOL, which approved with conditions Requests #2 - #6, #8, #10, and #11 and approved request #7 on a modified basis:

(1) EU-1 to RU-3

(2) UNUSUAL USE to permit an annual carnival with amusement rides.

(3) Applicant is requesting to permit a building height of 50'8" (35' maximum permitted).

(4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

(5) Applicant is requesting to permit a shed setback 19.34' and bleachers setback 25' (30' required) from the side street (west) property line.

REQUESTS #1 - #5 ON PARCEL "A"

(6) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional properties to the west.

(7) MODIFICATION of Conditions #4, #5, #6, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners, reading as follows:

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

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

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

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

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

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

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

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

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

TO: "9. To permit 73 classrooms."

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

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

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

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

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

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

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

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

(10) Applicant is requesting to permit a tiki hut setback 27'8" (30' required) from the side street (east) property line.

REQUESTS #9 AND #10 ON PARCEL "C"

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

Upon a demonstration that the applicable standards have been satisfied, approval of requests #7 and #8 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of conditions or Covenants After Public Hearing and approval of requests #3-#5 and #9-#11 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:**

Subject Property (current use)	Requests
Parcel A (Main Campus)	Increase in number of students, grades, teachers and classrooms Extend days and hours of operation Allow for an annual carnival Waiver of the west 1/2 of the required right-of-way dedication for SW 128 Avenue
Parcel B (Vacant)	School expansion to permit tennis courts and practice fields Waiver of the east 1/2 of the required right-of-way dedication for SW 128 Avenue
Parcel C (Single-family residence)	School expansion to permit administrative office use Setbacks for existing structure

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

- **SIZE:** 32.54 Acres

B. **ZONING HEARINGS HISTORY:** In May 1977, a portion of the subject property was denied without prejudice a special exception to permit a private school from grades 1 through 12, to include kitchen and dining areas, gymnasium, and custodian's quarters, a use variance to permit an RU-4A use in the EU-1 zone to permit a two-story structure with twenty overnight sleeping accommodations for occasional use by students and/or their parents for the purpose of meditation, an unusual use to permit a recreational facility, to permit a basketball and tennis courts, football, track and field and baseball field, pursuant to Resolution #4-ZAB-177-77. The applicants amended the application to reflect a request for a special exception to permit a private school from grades 7 through 12, while retaining the original variance requests sought in the original application and appealed the decision of the Zoning Appeals Board (ZAB) to the Board of County Commissioners (BCC), which in June 1977, reversed the decision of the ZAB and approved the application, pursuant to Resolution #Z-122-77. In 1985, a portion of the subject property was granted an unusual use to permit a controlled environment vault (underground and partially above ground telephone equipment facility), pursuant to Resolution #4-ZAB-127-85. In 2001, a portion of the subject site was granted a

special exception to permit the expansion of an existing school onto additional property to the north and to permit recreational fields to be used in conjunction with the school use, pursuant to Resolution # CZAB10-79-01. All of the above decisions have occurred on the main school campus (Parcel A).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.8 miles east of** and **within** the Urban Development Boundary for **Estate Density Residential**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Other Land Uses Not Addressed**
   Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

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

5. **Policy LU-4A**
   When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

6. **Policy LU-4C**
   Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

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

   4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

   5. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.

   6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
EU-1, Vacant, single-family residence, and school	Estate Density Residential, 1 to 2.5 dua
Surrounding Properties:	
NORTH: EU-1; Single-family residences	Estate Density Residential, 1 to 2.5 dua
SOUTH: EU-1; Miami-Dade County Fire Station and vacant parcel	Estate Density Residential, 1 to 2.5 dua
EAST: EU-1; Single-family residences	Estate Density Residential, 1 to 2.5 dua

WEST: EU-1; Single-family residences Estate Density Residential, 1 to 2.5 dua

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

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**Acceptable***
Compatibility:	**Acceptable***
Landscape Treatment:	**Acceptable***
Open Space:	**Acceptable***
Buffering:	**Acceptable***
Access:	**Acceptable***
Parking Layout/Circulation:	**Acceptable***
Visibility/Visual Screening:	**Acceptable***
Signage:	**N/A**
Urban Design:	**N/A**

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

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

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda

H. ANALYSIS:

On January 28, 2009, the Community Zoning Appeals Board – 10 (CZAB-10) approved with conditions requests #2 - #6, #8, #10, and #11 and approved request #7 on a modified basis, by a vote of 5 to 0, pursuant to Resolution #CZAB10-4-09. On February 17, 2009, the appellant, Heather Pernas, a neighbor, appealed the CZAB-10's decision to the Board of County Commissioners (BCC) citing that the Board's decision to approve requests #2 - #6, #8, #10, and #11 and approve request #7 on a modified basis does not account for the lack of justification on the applicant's part for the violations of Resolution No. #Z-122-77 adopted by the BCC in 1977. Staff notes that this application was filed with the intent of legalizing existing violations.

The applicant indicates in the Child Care Checklist submitted in conjunction with this application that the existing school will have an operating staff of 186 people, which consists of 120 teachers and 66 administrative and clerical personnel in order to provide service for 1,500 students to be enrolled in proposed grade levels 6 to 12, and will be operational seven days a week from the hours of 6:30 a.m. to midnight Monday through Friday and from the hours of 8:00 a.m. to midnight Saturday and Sunday. The submitted plans and Child Care Checklist indicate that the existing school will contain 73 classrooms that feature a total of 54,961 sq. ft. of classroom area to accommodate the proposed enrollment and 418,630 sq.

ft. (9.61 acres) of recreation areas that include tennis courts, basketball courts, a football/track field, baseball fields, and a pool. Access to the facility for ingress and egress to one of the parking areas will be located on the east side of the site through 5 two-way ingress/egress drives sited along SW 127 Avenue (Belen Jesuit Boulevard). It should be noted that 3 of the 5 two-way ingress/egress drives sited along SW 127 Avenue are noted on the plans to remain closed during dismissal times in order to achieve a continuous traffic flow through the remaining 2 ingress/egress drives which provide one-way ingress/egress access to the student drop-off and pick-up area with 47 auto stacking spaces provided. The submitted plan also indicates that access to the rear parking area sited on the southwest corner of Parcel A is provided via a two-way ingress/egress drive along SW 6 Street. Staff notes that the submitted plans depict a total of 414 parking spaces provided on Parcel A. As previously mentioned, Parcel B is currently vacant and staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage structure, and a sports practice field on Parcel B. Additionally, as previously mentioned, Parcel C is currently improved with an existing single-family residence and the submitted plans depict the conversion of said residence into a proposed administration building for the school. Moreover, the submitted plans illustrate both abundant existing landscaping as well as proposed landscaping such as Geiger trees, Oak trees, Silver Buttonwood and Black Ironwood, which have been provided throughout the site.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department (PWD)** has **no objections** to this application except as noted herein. Specifically, their memorandum indicates that the PWD has **no objections** to the request to permit parking and drives within 25 feet of the right-of-way (request #4). However, the PWD **objects** to the request to permit no dedication for SW 128 Avenue (request #11) and their memorandum indicates that full dedication and improvements are required as a condition of the approval of this application. Their memorandum further indicates that this application generates an additional **100** PM daily peak hour **vehicle trips**. However, the traffic distribution of these additional trips to the adjacent roadways does not exceed the acceptable level of service (LOS) of the surrounding roadways which are operating at LOS "D". Therefore, their memorandum indicates that this application meets traffic concurrency. Moreover, it should be noted that their memorandum indicates that the applicant has proffered a declaration of restrictions incorporating a proposed schedule of arrival and dismissal times including grade level and number of students as well as a maintenance of traffic operation (MOT) plan that includes provision of all traffic control devices such as cones and delineators for the arrival and dismissal periods. Submittal of said declaration of restrictions is required by PWD prior to the public hearing for this application. The **Miami-Dade Fire Rescue Department (MDFR)** has **no objections** to this application and indicates in their memorandum that the estimated average travel response time is **2:10** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as being 1.8 miles east of and within the Urban Development Boundary for **Estate Density Residential**. The residential densities allowed in this category range from a minimum of 1.0 to a maximum of 2.5 units per gross acre. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. As previously mentioned, the applicant is requesting a zone change from EU-1 to RU-3 on Parcel A. The requested RU-3 zoning permits a maximum of

23 dwelling units per net acre, which staff notes, exceeds the density threshold allowed in the Estate Density Residential category. Further, staff notes that in addition to allowing a school, the requested RU-3 zoning allows uses such as rooming houses, day nurseries, churches, colleges, universities with dormitories, as well as multi-family housing developments which are not allowed under the current EU-1 zoning district regulations as a matter of right. The school was previously approved on Parcel A as a special exception request, and the EU-1 zoning was retained. It should be noted that the applicant's letter of intent indicates, "The RU-3 designation will permit use of the Applicant's property as a private school." However, as previously mentioned, staff notes that the school use on Parcel A was approved as a special exception. Therefore, the zone change request is not necessary as the school use is already permitted on Parcel A where the zone change is requested. Moreover, it should be noted that staff's review of the surrounding area reveals that the area located to the north of the Tamiami Canal within Section 2 Township 54 Range 39 where the subject property lies, is predominantly zoned RU-1, Single-Family Residential District, and EU-1. Further, staff notes that the subject site abuts EU-1 zoned properties developed with single-family estate residences to the east. Although staff acknowledges that the applicant has submitted a covenant restricting any residential use on the property if rezoned to RU-3, staff opines that the approval of the requested RU-3 zoning on Parcel A (request #1) would be out of character with the existing zoning in the area which consists primarily of RU-1 and EU-1 zoned properties and would be inconsistent with the CDMP since it allows a density of 23 dwelling units per net acre where the maximum density permitted on this site by the CDMP is 2.5 units per gross acre. As such, staff is of the opinion that the proposed zone change to RU-3 on Parcel A is **incompatible** with the area and is **inconsistent** with the density limitations under the interpretative text of the **Estate Density Residential** use LUP map designation. Accordingly, staff recommends denial without prejudice of the zone change request to RU-3 on Parcel A (request #1) and affirms the CZAB10's decision to deny this request.

Staff acknowledges that the approval of request #2 would allow the applicant to host an annual carnival, which will provide a recreational amenity for its students, faculty, staff and the community. Staff also notes that a carnival in conjunction with a school is a permitted use in the Zoning Code provided that the school obtains written waivers of objection from property owners within the area and subject to other conditions specified in the Zoning Code. Therefore, the carnival use is consistent with the provisions of the Master Plan that allow uses that are substantially similar to permitted uses. Staff notes that the school has obtained approval every year for many years for the carnival use in the manner outlined in the Zoning Code. The approval of this use at public hearing would not require the school to obtain the written waivers from the neighbors on yearly basis. The applicant has submitted a carnival site plan illustrating the proposed set-up sites for the amusement rides, concessions, booths, generators, and parking for the annual carnival on Parcel A. In staff's opinion allowing the requested carnival with amusement rides for 3 days annually subject to conditions, will not cause an undue burden on roadways, transportation facilities and public utilities. Staff recognizes the impacts associated with carnival activities such as noise emanating from amusement rides, and the potential crowds of people that congregate for the festivities, the glare that can be produced by amusement ride lighting, and the odors emanating from food kiosks. However, it should be noted that the submitted carnival plan illustrates that the set-up sites for the amusement rides and food kiosks are located on the southern portion of Parcel A only, near the approximate center of the site, and reflect a minimum setback of 119'10" from the side street (west) property line and a minimum setback of 235'5" from the side street (east) property line. Therefore, staff opines that the ample setback distances provided from the side street (east and west) property lines will

effectively mitigate any potentially negative impacts emanating from the carnival use on the adjacent single-family residences located to the east and west of Parcel A. Staff further notes that the submitted carnival plan indicates a total of 400 parking spaces allocated for the carnival use which staff opines is sufficient to accommodate the anticipated 1,600 carnival attendees based on the Zoning Code requirement of 1 parking space per every 4 persons for open lot recreational uses. As such, staff recommends conditions for the approval of request #2 that will help to further reduce any potentially negative impacts generated by the carnival. Furthermore, staff recommends as conditions for the approval of same that the carnival be permitted to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. Additionally, staff recommends that the carnival use be limited to only occur for a maximum of 3 days annually, so the aural and visual impacts generated by this type of activity will be temporary, and will not burden the surrounding community during the rest of the year. Additionally, staff recommends as a condition for the approval of request #2 that no generators be placed adjacent or close to the site's property lines abutting residences. Approval of the request will allow the applicant to provide a recreational amenity to its students, faculty, staff and the community just as a multitude of schools and churches are allowed to have them on a yearly basis. Therefore, staff opines that the annual 3-day carnival activity is **consistent** with the Master Plan's interpretative text as quoted above. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(3) and affirms the decision by the CZAB 10 to approve request #2 only as it pertains to the approval of the carnival use but affirms the Department's original condition to permit the carnival to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday.

The Master Plan indicates that neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. Policy LU-4A indicates that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable. Policy LU-4C indicates that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic. Staff is of the opinion that the proposed school expansion (Parcel B), midblock onto additional property, is intrusive to the residential estate neighborhood located immediately to the north, south and west of said Parcel and would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive noise, light, glare and traffic. However, staff is of the opinion that the other requested expansion onto additional property, onto Parcel C, for the proposed administrative building, would not detrimentally impact the abutting residential area, since staff's review of the submitted plan reveals that the applicant intends to retain the exterior residential character of the existing structure, and it will only be utilized by 6 administrative personnel who manage the Alumni Association. Staff acknowledges that Parcel C is not situated within an activity node nor is it transitional to the higher density or higher intensity land uses as stipulated by the Master Plan's Guidelines for Urban Form. However, it should be noted that the submitted plans indicate that the conversion of the existing single-family residence into the proposed administrative building will not increase the height, bulk, and scale of said building and will

retain the residential character of the existing structure. Moreover, it should be noted that the submitted floor plan for Parcel C depicts approximately 1,549 sq. ft. of office space allocated within 6 offices. Notwithstanding the foregoing, staff will condition the approval of the expansion of the school onto Parcel C prohibiting any future expansions and that the structure remain residential in character. Moreover, staff notes that the applicant has voluntarily proffered a covenant that, among other things, prohibits classrooms and additional parking on Parcel C and restricts its use to administrative and alumni office uses only. As such, staff opines that the approval with conditions of the proposed administrative building on Parcel C as illustrated in the submitted plans for this application, subject to the proffered covenant, will not negatively impact the adjacent properties, is **compatible** with the surrounding area, and is therefore, **consistent** with the interpretative text of the CDMP. As such, staff affirms the decision by the CZAB 10 to approve the expansion of the school use onto Parcel C.

As previously mentioned, Parcel B is currently vacant and staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage building, and sports practice field on Parcel B. Staff is not supportive of the proposed expansion onto Parcel B and opines that said expansion would generate excessive noise emanating from sporting events on the proposed recreational facilities. Moreover, it should be noted that the submitted plans illustrate 4 existing tennis courts on Parcel A as well as additional recreational facilities, which staff opines are more than adequate to serve the recreational needs of the students. In addition, in 2001, a portion of the subject site was granted a special exception to permit the expansion of the school onto additional property to the north (on Parcel A) and to permit recreational fields to be used in conjunction with the school use, pursuant to Resolution # CZAB10-79-01. Staff is of the opinion that Parcel B is internal to the residential neighborhood as it is surrounded on 3 sides by residential properties and therefore, the proposed expansion onto Parcel B is more intrusive to the residential neighborhood located to the west of Parcel A. Furthermore, staff notes that Parcel B is not situated within an activity node nor is it transitional to higher density or higher intensity land uses as stipulated by the Master Plan's Guidelines for Urban Form. Single-family residences abut the subject Parcel B to the west, north, and south and, in staff's opinion, the additional intensity planned for Parcel B in the form of tennis courts and a practice field could have a negative aural and visual impact on the surrounding residential community and would interrupt the layout of the block where Parcel B is sited. Staff notes that Parcel B of the subject property does not front on a major roadway but rather is located on an internal road (SW 128 Avenue) that serves the abutting residential neighborhood. As such, staff opines that the expansion of the existing school onto Parcel B is **incompatible** with the surrounding area and as such, is **inconsistent** with the Master Plan. Therefore, staff recommends reversal of the CZAB 10's decision to approve the expansion of the school use onto Parcel B.

When requests #3 through #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval with conditions of these requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Request #3, to permit a building height of 50'-8" would not have an adverse effect on the stability and appearance of the community. The current EU-1 zoning on the subject property allows a maximum building height of two-stories; however, the zone also provides that the height shall not exceed 35 feet above finished grade. It should be noted that the requested RU-3 zoning

allows a maximum building height of three-stories; however, the RU-3 zone also provides that the height shall not exceed 40 feet above finished grade. It should be noted that Permit No. 2002043512 was issued for the existing Art Center Building and that the approved permit plans depict a maximum building height of 50'-8" when measured to the roofline, which exceeds the maximum 35' building height allowed under the current EU-1 zoning district regulations. As such, staff acknowledges that Permit No. 2002043512 was issued in error. Notwithstanding the foregoing, the existing one-story Art Center building with a maximum height of 50'-8" is, in staff's opinion, compatible with the area. Staff acknowledges that two stories and a 35' maximum height is allowed in the EU-1 zone that abuts the subject property to the west, north, and east, and is also allowed in the GU zone that abuts the subject site to the south. However, staff's review of the submitted site plan reveals that the existing one-story Art Center building is sited towards the center of Parcel A and meets the required setbacks. Further, staff notes that the submitted plans depict abundant existing landscaping around the perimeter of the existing Art Center building in the form of Royal Palms and Oak trees (25' in height), Dogwood trees (13' in height) and Sabel Palms (11' in height). Moreover, it should be noted that the existing Art Center building is further buffered from the existing single-family residences located to the east of Parcel A by SW 127 Avenue, which consists of a total right-of-way width of 100' and is also buffered from the existing single-family residences located to the west of Parcel A by SW 128 Avenue, which consists of a total right-of-way width of 50'. In addition staff notes that the existing Art Center building is setback 170' from the west property line and 98'7" from the east property line. Accordingly, staff opines that the setbacks provided for the existing Art Center building in conjunction with the landscaping and rights-of-way will effectively mitigate any negative visual impact the Art Center building may have on the single-family residences located to the east and west of Parcel A. As such, staff supports request #3 and opines that the existing one-story Art Center building with a maximum height of 50'8" will not have a negative visual impact on the surrounding area. Request #4, to permit parking and drives within 25' of an official right-of-way (not permitted), would not have an adverse effect on the stability and appearance of the community. The submitted plans depict the majority of the existing parking areas to be located along the eastern perimeter of the site, accessed by 5 two-way ingress/egress drives sited along SW 127 Avenue. The applicant has provided a surplus of 12 parking spaces, which exceeds the requirement of 402 parking spaces. Staff opines that more than adequate on-site parking has been provided and that the parking to be located within 25' of the rights-of-way will not cause auto spillage into the streets and will not, therefore, have a negative visual or aural effect on the area since the majority of the parking areas and drives comply with the required 25' setback from the rights-of-way with only a portion of the parking area setback a minimum of 23'8" from the SW 127 Avenue right-of-way and another portion of the parking area setback a minimum of 8'8" from the SW 128 Avenue right-of-way. Staff further notes that the applicant has provided a landscape buffer with a minimum width of 23'8", which includes abundant existing landscaping in the form of Black Olive, Mahogany, and Jacaranda trees that vary in height from 14' to 19' along the SW 127 Avenue right-of-way and a landscape buffer with a minimum width of 8'8", which includes existing landscaping in the form of hedge and Dogwood trees along the SW 128 Avenue right-of-way. Moreover, the submitted plans illustrate proposed street trees in the form of Silver Buttonwood along SW 127 Avenue and Black Ironwood along SW 128 Avenue, which staff opines will mitigate any negative visual impact the parking and drives might have. It should also be noted that the Public Works Department has indicated in their memorandum that they have no objections to request #4. Request #5, to permit a shed setback 19.34' and the bleachers setback 25' from the side street (west) property line where 30' is required would not have a negative visual impact on the properties to the west since the submitted plans depict street trees along a portion of the side street (west) property line

in the form of Geiger and Black Ironwood trees as well as Coconut Palms which partially surround the existing shed. Further, staff notes that the submitted plans illustrate proposed street trees along a portion of the side street (west) property line in the form of Silver Buttonwood and a 25' landscape buffer that consists of existing Mahogany trees along that portion of the west property line which coincides with and buffers the existing bleachers. Moreover staff's inspection of the property revealed the presence of an existing 8' high hedge along the entire side street (west) and rear (north) property lines. Therefore, based on the aforementioned, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV) and affirms the decision by the CZAB 10 to approve requests #3 through #5 with conditions.

When analyzing request #6 under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the proposed expansion of the school facility onto Parcel B, the northerly expansion to the west, would result in excessive noise, provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed expansion of the school facility onto Parcel B is, in staff's opinion, an intrusion into a residential neighborhood that will generate excessive noise and will provoke excessive overcrowding. Staff notes that the submitted plans illustrate 5 proposed tennis courts, a proposed shelter and storage building and a sports practice field, all sited on Parcel B. As previously mentioned, in 2001, a portion of the subject site (Parcel A) was granted a special exception to permit the expansion of the school onto additional property to the north and to permit recreational fields to be used in conjunction with the school use, pursuant to Resolution # CZAB10-79-01. As such, staff opines that the existing school already has more than adequate recreational facilities to serve the needs of its students. Staff, therefore, opines that the approval of said expansion of the school use onto Parcel B would disrupt the character and overall welfare and privacy of the neighborhood by increasing noise in this predominately residential neighborhood and interrupting the layout of the block where Parcel B is located. Staff opines that the proposed expansion on Parcel C would not result in excessive noise and traffic, cause undue and excessive burden on public facilities, including streets, roads or highways, and provoke excessive overcrowding and concentration of people. As previously mentioned, the submitted plans indicate that the conversion of the existing single-family residence into the proposed administrative building will not increase the height, bulk, and scale of said building and will retain the residential character of the existing structure. Accordingly, staff recommends as conditions for the approval of the expansion of the school onto Parcel C that the floor area of the existing structure not be expanded and that the structure remain residential in character. Moreover, staff notes that the applicant has voluntarily proffered a covenant that, among other things, prohibits classrooms and additional parking on Parcel C and restricts Parcel C to administrative office use only. In staff's opinion, the expansion onto Parcel B would be **incompatible** with the area and, therefore, **inconsistent** with the interpretative text of the Master Plan. However, staff opines that the expansion onto Parcel C would be **compatible** with the area and, therefore, **consistent** with the interpretative text of the Master Plan. As such, staff recommends partial approval with conditions of request #6 only as it pertains to the expansion of the school onto Parcel C, and denial without prejudice of the balance of request #6 as it pertains to Parcel B under Section 33-311(A)(3). Accordingly, staff affirms the decision by the CZAB 10 to approve the expansion of the school use onto Parcel C, but recommends reversal of the decision by CZAB 10 to approve the expansion of the school use onto Parcel B.

When analyzing request #7 under Section 33-311(A)(7) (Generalized Modification Standards), staff opines that the approval of said request would not adversely impact the surrounding area and would not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. As previously mentioned, the applicant seeks to modify Conditions #4, #5, #6, #8, #9 and #10 of Resolution #Z-122-77 as follows: Condition #4, to increase the maximum number of students from 1,000 to a maximum of 1,500 students; Condition #5, to extend the days of operation of the school from Monday through Friday to permit the use to be conducted on the subject site seven (7) days a week; Condition #6 to extend the hours of operation from 7:00 a.m. to 10:00 p.m., to 6:30 a.m. to midnight; Condition #8, to increase the number of grades from 7 to 12 to grades 6 to 12; Condition #9, to increase the number of classrooms from seven classes for grades 7 through 8, ten classes for grades 9 through 10, four classes plus labs and special classrooms for grades 11 through 12, to permit 73 classrooms; and Condition #10, to increase the number of teachers from 40 to 120 teachers. Staff acknowledges that the portion of request #7 that pertains to the modification of Condition #4 to increase the number of students from 1,000 to 1,500, will bring additional traffic into the surrounding roadways. However, it should be noted that the Public Works Department **does not object** to this request and their memorandum indicates that this application meets traffic concurrency. Moreover, staff notes that the applicant has worked closely with the Public Works Department on a traffic study which has been reviewed and approved by the Public Works Department. As such, staff opines that the approval of the requested modification of Condition #4 would not adversely impact the surrounding area. Accordingly, staff recommends approval with conditions of request #7 as it pertains to the modification of Conditions #4, #5, #8, #9 and #10 under Section 33-311(A)(7) (Generalized Modification Standards) and affirms the decision by the CZAB 10 to approve all of the above and to grant a modified approval of Condition #6 to allow the hours of operation to be from 6:30 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 5:00 p.m. on Sunday for all indoor activities.

The applicant is requesting a modification of Condition #2 of Resolution #CZAB10-79-01 (request #8) to allow the applicant to submit revised plans showing the proposed expansion of the school use onto additional properties to the west. Staff is of the opinion that the partial approval of request #8 only as applied to Parcels A and C and conditioned to reflect the most recent plan revisions, would not have an unfavorable effect on the area and therefore, would not be contrary to the public interest. However, staff is of the opinion that the approval of the portions of the submitted plan that includes the proposed expansion onto Parcel B, depicting 5 proposed tennis courts, a proposed shelter and storage building and a sports practice field on Parcel B, would have an unfavorable effect on the area by generating excessive traffic and noise in the EU-1 zoned residential neighborhood located to the west of the Parcel A. It should be noted that staff's review of the submitted plans for the expansion onto Parcel C the southerly expansion, revealed that the conversion of the existing single-family residence will not increase the height, bulk, or scale of the existing structure and will retain a residential character that is compatible with the exiting single-family residences located to the north and west of Parcel C. As such, staff recommends partial approval of request #8 to indicate the school and its expansion only as applied to Parcels A and C and denial without prejudice of the balance of request #8 as it pertains to Parcel B under Section 33-311(A)(7) (Generalized Modification Standards), affirms the decision by the CZAB 10 to approve the modification of the site plan as it pertains to Parcels A and C, but recommends reversal of the decision by the CZAB 10 to approve the modification of the site plan as it pertains to Parcel B.

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application under said section. Due to the lack of information, staff is unable to analyze requests #7 and #8 under said standards, and as such, staff recommends that these requests be denied without prejudice under same.

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

When analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 through #5 and requests

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

Based on all of the aforementioned, staff opines that the requested zone change on Parcel A from EU-1 to RU-3 is unnecessary due to the previous approvals for school uses on Parcel A, is **inconsistent** with the LUP map designation, and is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change on Parcel A (request #1) and affirms the decision by the CZAB 10 to deny said request. However, staff opines that the approval with conditions of the requested unusual use to permit the carnival with amusement rides located on Parcel A, would be **compatible** with the surrounding area and as such, staff recommends approval with conditions of request #2 and affirms the decision by the CZAB 10 to approve request #2 only as it pertains to the approval of the carnival use but affirms the Department's original condition to permit the carnival to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. Staff is further of the opinion that the approval with conditions of requests #3 through #5 maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Therefore, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV). As such, staff affirms the decision by the CZAB 10 to approve requests #3 through #5 with conditions. Moreover, the proposed expansion of the existing school use onto additional property to the west (Parcel B, the proposed northerly expansion) is, in staff's opinion, **inconsistent** with the interpretative text of the CDMP and an intrusion into a residential neighborhood, but that the proposed expansion of the existing school use onto Parcel C, the proposed southerly expansion to the west, is **compatible** with the surrounding area and therefore **consistent** with the interpretative text of the CDMP. As such, staff recommends approval with conditions of request #6 only as it pertains to the proposed school expansion onto Parcel C and denial without prejudice of the balance of request #6 for the proposed school expansion onto Parcel B. Thus, staff affirms the decision by the CZAB 10 to approve the expansion of the school use onto Parcel C, but recommends reversal of the decision by CZAB 10 to approve the expansion of the school use onto Parcel B. Staff reaffirms the CZAB 10's decision to approve request #7 under Section 33-311(A)(7) (Generalized Modification Standards) as it pertains to the modification of Conditions #4, #5, #8, #9 and #10, to grant a modified approval of the requested modification of Condition #6 to permit the hours of operation to be from 6:30 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 5:00 p.m. on Sunday for all indoor activities, and to deny without prejudice request #7 under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing. Therefore, staff affirms the decision by the CZAB 10 to approve request #7. Therefore, staff affirms the decision by the CZAB 10 to approve the expansion of the school use onto Parcel C, but recommends reversal of the decision by CZAB 10 to approve the expansion of the school use onto Parcel B. Staff opines that the partial approval of the site plan modification (request #8) only as applied to Parcels A and C is compatible with the area. Therefore, staff recommends modified approval of request #8 only as applied to Parcels A and C and to show the removal of Parcel B under Section 33-311(A)(7) (Generalized Modification Standards), and denial without prejudice same under Section 33-311(A)(17). As such, staff affirms the decision by the CZAB 10 to approve the modification

of the site plan as it pertains to Parcels A and C, but recommends reversal of the decision by the CZAB 10 to approve the modification of the site plan as it pertains to Parcel B. Staff recommends that request #9 be denied without prejudice unless withdrawn by the applicant and affirms the decision by the CZAB 10 to grant the applicant's request to withdraw request #9. Staff recommends approval with conditions of request #10 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and affirms the decision by the CZAB 10 to approve request #10. Further, staff recommends denial without prejudice of request #11 to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication for SW 128 Avenue between Parcels A and B, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV) and recommends that the decision by the CZAB 10 to approve request #11 be reversed, all subject to the acceptance of the proffered covenant.

I. RECOMMENDATION:

Denial without prejudice of the appeal as it pertains to all of the requests on Parcels A and C and approval of the appeal as it pertains to all of the requests on Parcel B.

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

1. That all conditions of Resolutions #Z-122-77 and #CZAB10-79-01 remain in full force and effect, except as herein modified.

2. That in the approval of the plan the same be substantially in accordance with the site plan submitted for the hearing entitled, "Belen Jesuit Preparatory School Master Plan," Sheets A-4 and A-5, LS-2A and LS-2B dated stamped received 9/2/08, Sheets A-3, LS-1, LS-1A, LS-1B, LS-1C and LS-2C dated stamped received 10/21/08, with Sheets A-1 and A-2 last revised 10/27/08 and Sheet A-1.1 last revised 10/28/08 and a plan entitled "Partial Site Plan Annual Carnival," dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of 14 sheets, only as it pertains to Parcels A and C and as modified herein to show the removal of Parcel B.

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

4. That a Unity of Title be submitted to the Department of Planning and Zoning prior to the issuance of a revised Certificate of Use for the school use on Parcels A and C only.

5. That commercial parking be prohibited on the subject site.

6. That the applicant apply for and secure a permit for the proposed administrative building and existing tiki hut on Parcel C and all non-permitted structures on Parcel A from the Building Department within 120 days of the expiration of the appeal period for this Zoning Hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.

7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within the Departmental memoranda submitted for this application.

8. That the applicant obtain a revised Certificate of Use for Parcel A for the expansion of the grade levels, the classrooms, teachers and students, for Parcel C, and for the carnival use and renew same annually with the Department of Planning and Zoning.

9. That 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 grades levels that are currently enrolled in said facility.

10. That the carnival use be permitted to operate once a year for a maximum of three (3) consecutive days only (Friday, Saturday and Sunday), and be permitted to operate only between the hours of 6:00 p.m. and 10:00 p.m. on Friday, 12:00 noon to 11:00 p.m. on Saturday, and 12:00 Noon until 9:00 p.m. on Sunday.

11. That no generators used in connection with the carnival be placed adjacent or in close proximity to the site's property lines abutting residences.

12. That security personnel be provided to direct traffic on and off the site during carnival operations.

13. That the carnival use be permitted only in connection with the existing school use on the property.

14. That no night lighting be permitted in connection with any use except for the annual carnival use.

15. That the building foot print (floor area) of the administrative building on Parcel C not be expanded.

16. That no classrooms be permitted within the administrative building on Parcel C.

17. That no additional parking be permitted on Parcel C.

18. That the administrative building on Parcel C remain residential in appearance.

19. That the applicant implement the Maintenance of Traffic Operation Plan (MOT) approved by the Public Works Department (Exhibit B of the covenant) submitted with this application. Implementation of the MOT will commence upon approval of this application and expiration of all appeal periods.

20. That the applicant dedicate and improve the east side of SW 128 Avenue.

21. That the applicant remove the existing fence located within the right-of-way of SW 128 Avenue.

22. That the hours of operation be from 6:30 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 5:00 p.m. on Sunday for all indoor activities.

DATE INSPECTED: 04/07/08
DATE TYPED: 09/25/08
DATE REVISED: 09/26/08; 10/09/08; 10/16/08; 10/17/08; 11/03/08; 11/04/08; 11/07/08; 11/21/08; 12/01/08; 12/19/08; 03/13/09; 05/05/09; 05/13/09
DATE FINALIZED: 05/13/09
MCL:MTF:NN:LVT:TA:NC

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

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

3#

CHECKED BY CAA AMOUNT OF FEE 2,674.05

RECEIPT # I200926985

DATE HEARD: 1.128109

BY CZAB # 10409

RECEIVED
Z08-166
FEB 17 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY CAA
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. 08-166

Filed in the name of (Applicant) Belen Jesuit Preparatory School, Inc.

Name of Appellant, if other than applicant HEATHER PERNAS

Address/Location of APPELLANT'S property: 350 SW 125 Ave
Miami Florida 33184

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

Appellant (name): HEATHER PERNAS
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: See attached
(State in brief and concise language)

24

APPELLANT MUST SIGN THIS PAGE

Date: 17 day of February, year: 2009

Signed [signature]

HEATHER PERNAS
Print Name

350 SW 125 Ave
Miami Mailing Address
Fl. 33184

305-281-0389 —
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City State Zip

Telephone Number

Subscribed and Sworn to before me on the 17th day of February, year 2009

[signature]
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
DIANNE HOUGH
MY COMMISSION # DD 594191
EXPIRES: December 6, 2010
Bonded Thru Budget Notary Services
(stamp/seal)

Commission expires: 12/6/10

25

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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared HEATHER PERNAS (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)

✓ 1. Participation at the hearing
___ 2. Original Applicant
✓ 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:

Signature

SERGIO PERNAS
Print Name

Signature

Print Name

Heather Pernas
Appellant's signature

HEATHER PERNAS
Print Name

Sworn to and subscribed before me on the 17 day of February, year 2009.

Appellant is personally know to me or has produced Florida DL. as identification.

MIRTA CARBONELL

Notary
(Stamp/Seal)

Commission Expires: Jan 03, 2012

(9/08)

MIRTA L CARBONELL
Notary Public, State of Florida
Commission# DD739993
My comm. expires Jan. 03, 2012

26

Application, or part of Application being Appealed;

AN UNUSUAL USE TO PERMIT AN ANNUAL CARNIVAL WITH AMUSEMENT RIDES,
AND ACCOMPANYING REQUESTS. ON PARCELS "A" , "B", AND "C" THE APPLICANT IS REQUESTING TO PERMIT THE EXPANSION OF AN EXISTING SCHOOL ONTO ADDITIONAL
PROPERTY FOR THE EXPANSION OF THE SCHOOL, AN INCREASE IN THE NUMBER OF
STUDENTS, GRADES, TEACHERS AND CLASSROOMS, EXTEND THE DAYS AND HOURS
OF OPERATION. ALSO REQUESTING TO PERMIT ACCOMPANYING REQUESTS ON PARCEL "C", & TO WAIVE ZONING WIDTH REGULATIONS ON INTERIOR STREET RIGHT-OF-WAY
AND WITH NO DEDICATION OF SW 128 AVENUE BETWEEN PARCELS "A" & "B".

EXCEPT THE REQUESTING ON PARCEL "A" A ZONE CHANGE FROM SINGLE-FAMILY ONE
ACRE ESTATE DISTRICT TO FOUR UNIT APARTMENT HOUSE DISTRICT.

The grounds and reasons supporting the reversal of the Community Zoning Appeals Board are as follows;

CONTINUOUS VIOLATIONS OF MIAMI DADE COUNTY COMMISSIONERS ORIGINAL RESOLUTION OF 1977 WITHOUT ANY JUSTIFICATION.

RESOLUTION NO. CZAB10-4-09

WHEREAS, **BELEN JESUIT PREPARATORY SCHOOL, INC.** applied for the following:

(1) EU-1 to RU-3

(2) UNUSUAL USE to permit an annual carnival with amusement rides.

(3) Applicant is requesting to permit a building height of 50'8" (35' maximum permitted).

(4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

(5) Applicant is requesting to permit a shed setback 19.34' and to permit bleachers setback 25' (30' required) from the side street (west) property line.

REQUESTS #1 - #5 ON PARCEL "A"

(6) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional properties to the west.

(7) MODIFICATION of Conditions #4, #5, #6, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners, reading as follows:

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

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

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

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

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

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

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

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

FROM: "9. That the number of classrooms will be as follows:

7-8	7 classes
9-10	10 classes
11-12	4 classes plus labs and special classrooms."

TO: "9. To permit 73 classrooms."

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

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

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

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

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

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

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

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

(10) Applicant is requesting to permit a tiki hut setback 27'8" (30' required) from the side street (east) property line.

REQUESTS #9 AND #10 ON PARCEL "C"

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

Upon a demonstration that the applicable standards have been satisfied, approval of requests #7 and #8 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of conditions or Covenants After Public Hearing and approval of requests #3-#5 and #9-#11 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

SUBJECT PROPERTY: PARCEL A: The SE ¼ of the NE ¼ of the SE ¼ of Section 2, Township 54 South, Range 39 East, less the east 50′, less the south 25′ and less the west 25′. LESS: The area bounded by the west line of the east 50′ of the SE ¼ of the NE ¼ of the SE ¼ of said Section 2, and bounded by the north line of the south 25′ of the SE ¼ of the NE ¼ of the SE ¼ of said Section 2, and bounded by a 25′ radius arc concave to the northwest, said arc being tangent to both of the last described lines. AND: The area bounded by the north line of the south 25′ of the SE ¼ of the NE ¼ of the SE ¼ of said Section 2, and bounded by the east line of the west 25′ of the SE ¼ of the NE ¼ of the SE ¼ of said Section 2 and bounded by a 25′ radius arc concave to the northeast, said arc being tangent to both of the last described lines. AND: The NE ¼ of the NE ¼ of the SE ¼, less the east 50′ and less the west 25′ of Section 2, Township 54 South, Range 39 East. AND: The SE ¼ of the SE ¼ of the NE ¼ of Section 2, Township 54 South, Range 39 East, less the east 50′ and less the west 25′. PARCEL B: Lots 5 to 8, Block 15, SWEETWATER ESTATES, Plat book 28, Page 36. PARCEL C: Lot 9, Block 1, ROSADO SUBDIVISION, Plat book 133, Page 42.

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

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 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 permission to withdraw the request to permit an administrative building setback 20′8″ from the interior side (west) property line and spaced less than 75′ from a residence under different ownership to the west (Item #9), and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Subdivision Plan**. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Belen Jesuit Preparatory School Master Plan," Sheets A-4 and A-5, LS-2A and LS-2B dated stamped received 9/2/08, Sheets A-3, LS-1, LS-1A, LS-1B, LS-1C and LS-2C dated stamped received 10/21/08, with Sheets A-1 and A-2 last revised 10/27/08 and Sheet A-1.1 last revised 10/28/08 and a plan entitled "Partial Site Plan Annual Carnival," dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of a total of 14 sheets.

2. **District Boundary Change**. In the event any portion of the Property is re-zoned to RU-3 there shall be no residential development permitted on said rezoned portion of the Property.

3. **Maintenance of Traffic Operation Plan**. Belen has developed a Maintenance of Traffic Operation Plan (MOT) with the Miami-Dade County Public Works Department (MDCPWD). Implementation of the MOT will commence upon approval of the Application. A copy of the MOT is attached hereto as Exhibit B. The Mot may be amended by mutual written consent of Belen and MDCPWD without the need for a public hearing. Except where a variance of code requirements is necessary, any modifications to the Site Plan in compliance with the MOT or mutually agreed to revisions to the MOT shall not require a public hearing.

    a) If approved by MDCPWD, Belen will construct, at its sole cost and expense, a T-Turnaround on that portion of the Property described as Parcel B in Exhibit A attached hereto, as reflected on the Site Plan. Belen will diligently pursue permitting and construction of the T-Turnaround after approval of the Application and expiration of all appeal periods.

4. **Maximum Number of Students and Grade Levels Permitted**. The maximum number of students permitted shall be 1,500 and maximum number of grade levels shall be 6th grade to 12th grade, inclusive.

5. **Maximum Number of Classrooms and Teaching Staff Permitted**. The maximum number of classrooms permitted shall be 73 and the maximum number of teaching staff shall be 120.

6. **Night Lighting and Illumination**. There shall be no night lighting or illumination on the sports fields or during sports events. Portable night lighting shall be permitted only for the annual carnival event.

7. **Use of Sports Fields**. There shall be no baseball practice, games or other use of the junior and varsity baseball fields, including the batting cages, on Sundays. All baseball practice, games or other use of the baseball fields, including the batting cages, shall be prohibited after sunset. Baseball practice shall not commence before 9:30 A.M. and baseball games shall not commence before 10 A.M. Baseball bullpen activities will be relocated from the existing area on the northwest corner of the varsity baseball field to another location. Competition use of the track and field area shall not commence before 9:30 A.M.

8. **12805 S.W. 6th Street**. In the event that portion of the Property described as Parcel C on Exhibit A attached hereto and more specifically located at 12805 S.W. 6th Street, Miami-Dade County, Florida is approved for school use under the requested Special Exception, said property shall be limited to administrative office use for the school and the Belen Alumni Association. In Addition, the existing parking layout on Parcel C shall not be expanded and the structure located on said Parcel shall retain a residential appearance, shall not be expanded beyond its current footprint and shall not be used as classroom space.

9. **Vacant Lots on S.W. 128th Avenue**. In the event that portion of the Property described as Parcel B on Exhibit A attached hereto and consisting of 4 vacant lots fronting on S.W. 128th Avenue is approved for school use under the requested Special Exception, said

property shall be used exclusively as a sports practice field and for tennis courts, as reflected on the Site Plan. Other than the improvements reflected on the Site Plan, there shall be no other structures or buildings constructed or placed upon said Parcel B, except that the baseball scoreboard currently located on the northwest corner of Parcel A shall be relocated to Parcel B in the event Parcel B is approved for school use.

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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use to permit an annual carnival with amusement rides on Parcel A (Item #2), the requested special exception to permit the expansion of an existing school onto additional properties to the west on Parcels A, B, and C (Item #6), the requests to permit a building height of 50'8" on Parcel A (Item #3), to permit parking and drives within 25' of the right-of-way on Parcel A (Item #4), to permit a shed setback 19.34' and to permit bleachers setback 25' from the side street (west) property line on Parcel A (Item #5), to permit a tiki hut setback 27'8" from the side street (east) property line on Parcel C (Item #10), and to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication of S.W. 128 Avenue between Parcels A and B (Item #11), that portion of the requested modification of Conditions #4, #5, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners on Parcels A, B, and C and that portion of the requested modification of condition #6 of Z-122-77 on a modified basis to permit the hours of operation to be from 6:30 a.m. to 10 p.m. Monday through Saturday and 8:00 a.m. to 5 p.m. on Sunday for indoor school activities for Parcels A, B, and C (Item#7), and the requested modification of Condition #2 of Resolution No. CZAB10-79-01, passed and adopted by Community Zoning Appeals Board #10 on Parcels A, B, and C (Item #8) 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 that the requested special exception (Item #2) and unusual use (Item #6) would not have an adverse impact upon the public interest and should be approved, and that the refiling period should be waived for the purpose of filing an application for a marquee sign, and that the proffered Declaration of Restrictions should be accepted, and that the requested withdrawal of the request to permit an administrative building setback 20'8" from the interior side (west) property line and spaced less than 75' from a residence under different ownership to the west (Item #9) should be granted, and that that the requested district boundary change to RU-3 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions approve Items 2 and 6, approve Items #3, 4, 5, 10, and 11 as non-use variances, approve Item #7 on a modified basis under Section 33-311(A)(7), approve Item #8 under Section 33-311(A)(7), waive the refiling period, withdraw Item #9, deny Item #1 without prejudice, deny Items #3, 4, 5, 10, and 11 without prejudice as alternative non-use variances, and deny Items #7 and 8 without prejudice under Section 33-311(A)(17) was offered by Carlos A. Manrique, seconded by Jose Garrido, and upon a poll of the members present, the vote was as follows:

George A. Alvarez	aye	Julio R. Caceres	aye
Jorge Barbontin	absent	Jose Garrido	aye
		Ruben Pol III	aye

Carlos A. Manrique aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested unusual use to permit an annual carnival with amusement rides on Parcel A (Item #2), and the requested special exception to permit the

expansion of an existing school onto additional properties to the west on Parcels A, B, and C (Item #6) be and the same are hereby approved, and that the requests to permit a building height of 50'8" on Parcel A (Item #3), to permit parking and drives within 25' of the right-of-way on Parcel A (Item #4), to permit a shed setback 19.34' and to permit bleachers setback 25' from the side street (west) property line on Parcel A (Item #5), to permit a tiki hut setback 27'8" from the side street (east) property line on Parcel C (Item #10), and to waive the zoning regulations requiring interior street rights-of-way to be 50' in width; to permit no dedication of S.W. 128 Avenue between Parcels A and B (Item #11) be and the same are hereby approved as non-use variances, and that the portion of the requested modification of Conditions #4, #5, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners on Parcels A, B, and C and that portion of the requested modification of condition #6 of Z-122-77 on a modified basis to permit the hours of operation to be from 6:30 a.m. to 10 p.m. Monday through Saturday and 8:00 a.m. to 5 p.m. on Sunday for indoor school activities for Parcels A, B, and C (Item#7), and the requested modification of Condition #2 of Resolution No. CZAB10-79-01, passed and adopted by Community Zoning Appeals Board #10 on Parcels A, B, and C (Item #8) be and the same are hereby approved under Section 33-311(A)(7), with Items #2 through 8, 10, and 11 subject to the following conditions:

1. That all conditions of Resolutions #Z-122-77 and #CZAB10-79-01 remain in full force and effect, except as herein modified.

2. That in the approval of the plan the same be substantially in accordance with the site plan submitted for the hearing entitled, "Belen Jesuit Preparatory School Master Plan," Sheets A-4 and A-5, LS-2A and LS-2B dated stamped received 9/2/08, Sheets A-3, LS-1, LS-1A, LS-1B, LS-1C and LS-2C dated stamped received 10/21/08, with Sheets A-1 and A-2 last revised 10/27/08 and Sheet A-1.1 last revised 10/28/08 and a plan entitled "Partial Site Plan Annual Carnival," dated stamped received 9/26/08, all prepared by Santos/Raimundez, Architects, and consisting of 14 sheets, to include Parcels A, B, and C and as modified herein to show a cul de sac in lieu of the proposed T-turn around located between Parcels A and B.

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

4. That a Unity of Title be submitted to the Department of Planning and Zoning within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown and prior to the issuance of a revised Certificate of Use for the school use on Parcels A, B and C.

5. That commercial parking be prohibited on the subject site.

6. That the applicant apply for and secure a permit for the proposed administrative building and existing tiki hut on Parcel C and all non-permitted structures on Parcel A from the Building Department within 120 days of the expiration of the appeal period for this Zoning Hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.

7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within the Departmental memoranda submitted for this application.

8. That the applicant obtain a Certificate of Use for Parcel A for the expansion of the grade levels, the classrooms, teachers and students, for Parcels B and C, and for the carnival use and renew same annually with the Department of Planning and Zoning. At the time of annual renewal, the applicant shall submit to the Department a schedule of the eight (8) activities that will be conducted on the premises till midnight during the following year.

9. That the carnival use be permitted to operate once a year for a maximum of three (3) consecutive days only (Friday, Saturday and Sunday), and be permitted to operate only between the hours of 6:00 p.m. and 12 Midnight on Friday, 12:00 noon to 12 Midnight on Saturday, and 12:00 Noon until 9:00 p.m. on Sunday.

10. That no generators used in connection with the carnival be placed adjacent or in close proximity to the site's property lines abutting residences.

11. That security personnel be provided to direct traffic on and off the site during carnival operations.

12. That the carnival use be permitted only in connection with the existing school use on Parcel A and be prohibited on Parcel B and Parcel C.

13. That no night lighting be permitted in connection with any use on Parcels A, B and C; except for the annual carnival use on Parcel A and except for lighting that is required by Miami-Dade County Code.

14. That the building foot print (floor area) of the administrative building on Parcel C not be expanded and that no parties, events or serving of alcoholic beverages be permitted on said parcel at anytime.

15. That no classrooms be permitted within the administrative building on Parcel C.

16. That no additional parking be permitted on Parcel B or Parcel C.
17. That the administrative building on Parcel C remain residential in appearance and that no signage be permitted on Parcel C.

18. That the applicant implement the Maintenance of Traffic Operation Plan (MOT) approved by the Public Works Department (Exhibit B of the covenant) submitted with this application. Implementation of the MOT will commence upon approval of this application and expiration of all appeal periods.

19. That no bleachers or lighting be permitted on Parcel B.

20. That no parties or large gatherings of people or serving of alcoholic beverages be permitted on Parcel C.

21. That activities on Parcel B end at sunset.

22. That activities associated with the annual carnival be prohibited on Parcels B and C.

23. That SW 128 Avenue remain in its current status with an addition of a cul de sac at the T-turnaround location shown on the submitted site plan uniting Parcel B with the main school campus on Parcel A.

24. That the applicant relocate the existing scoreboard to the northwest portion of Parcel A (Left Center Field) and that said scoreboard be no more than 12′ in height and comply with all setback requirements.

25. That additional landscape buffering be provided along the perimeter of Parcel B in the form of trees with a minimum height of 10′ at time of planting.

26. That all outdoor activities be allowed to commence no earlier than dawn and end at dusk.

27. That the required 6 month refiling period be waived for the purpose of filing an application for a marquee sign on the subject site.

BE IT FURTHER RESOLVED that the portion of the requested modification of Conditions #4, #5, #8, #9 and #10 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners on Parcels A, B, and C (Item #7), shall read as follows:

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

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

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

9. To permit 73 classrooms.

10. That the number of teachers will be 120.

BE IT FURTHER RESOLVED that the portion of the requested modification of Condition #6 of Resolution No. Z-122-77, passed and adopted by the Board of County Commissioners on a modified basis on Parcels A, B, and C (Item #7), as modified shall read as follows:

6. That the hours of operation shall be from 6:30 a.m. to 10 p.m., Monday through Saturday and 8:00 a.m. to 5 p.m. on Sundays for all indoor activities.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution No. CZAB10-79-01, passed and adopted by Community Zoning Appeals Board #10 on Parcels A, B, and C (Item #8), shall read as follows:

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

BE IT FURTHER RESOLVED that the refiling period be and the same is hereby waived.

BE IT FURTHER RESOLVED that the request to withdraw Item #9 be and the same is hereby granted and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, that the requested district boundary change to RU-3 be and same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, that Items #3, 4, 5, 10, and 11 be and the same are hereby denied without prejudice as alternative non-use variances, and that Items #7 and 8 be and the same are hereby denied with out prejudice under Section 33-311(A)(17).

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

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

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

PASSED AND ADOPTED this 28th day of January, 2009.

Hearing No. 08-11-CZ10-2
ej

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 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-4-09 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of January, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of February, 2009.

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

SEAL

EXHIBIT "B"

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

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

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

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

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

Dual Shifts for Dismissal Time

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

Student Pick-up and Drop-off

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

Student Pick-up and Drop-off on S.W. 127th Avenue

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

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

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

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

Student Pick-up on S.W. 6th Street

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

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

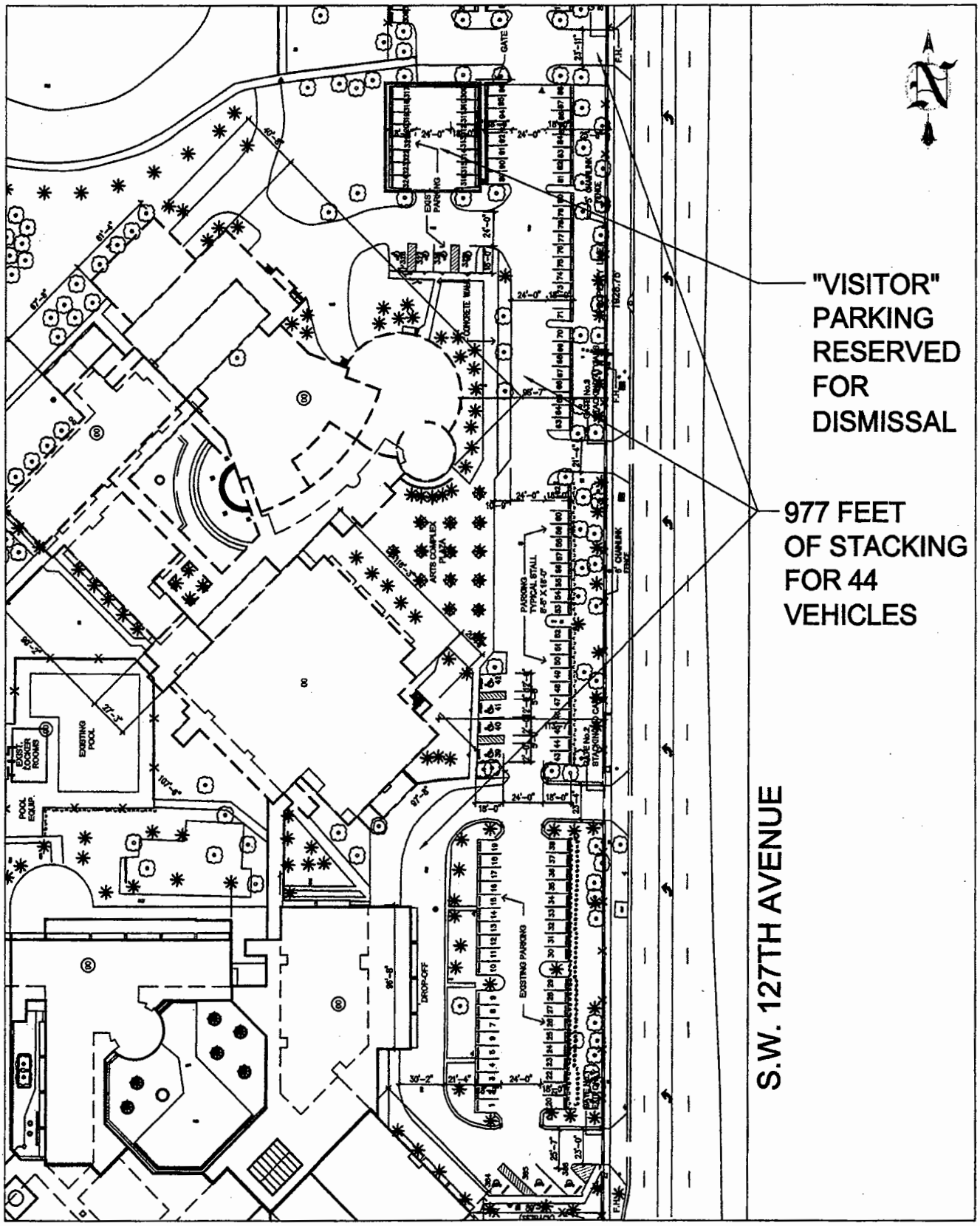
If, for any reason, the number of vehicles arriving exceeds the capacity of the available stacking and additional parking, Belen staff will direct the additional vehicles onto campus so that the vehicles do not wait for students on SW 6th Street. This may mean double stacking in the aisle on a temporary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

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

Additional Right-turn Lane SW 6th Street

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

November 4, 2008



Belen Jesuit Preparatory School

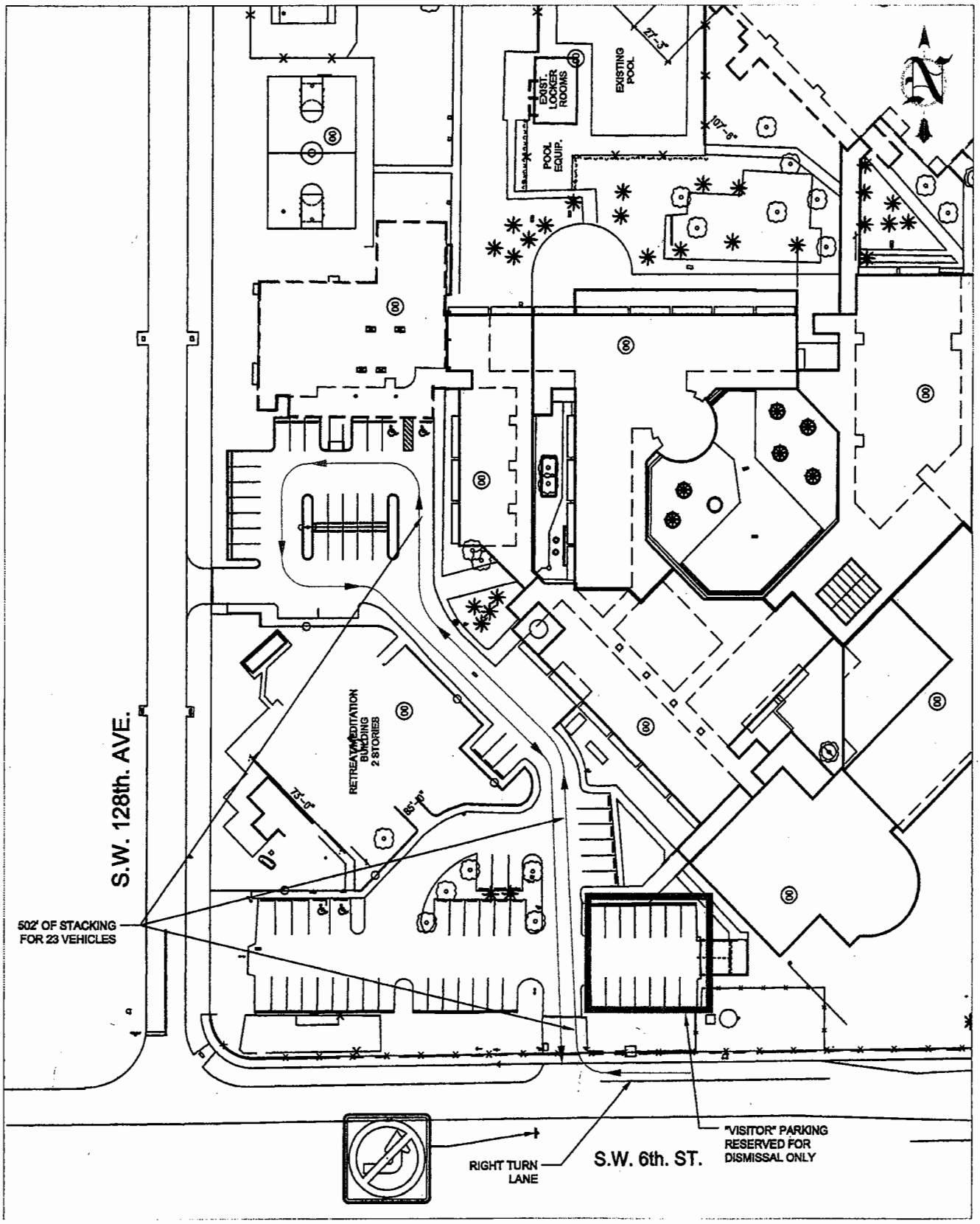
Figure 2

Pick-Up Plan - High School

FANDREI CONSULTING INC
Traffic Engineering Services

OCT/08

44



Belen Jesuit Preparatory School

Figure 5

Dismissal Options - Southwest

FANDREI CONSULTING INC
Traffic Engineering Services

OCT/08

45

Memorandum

MIAMI-DADE COUNTY

Date: October 14, 2008

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

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

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

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

Potable Water Service and Wastewater Disposal

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

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

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

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

1. A re-recording of the existing covenant running with the land reflecting a new modified site plan that includes the new areas that are added as part of this application and reserving a minimum of 11.31 Acres of pervious area. As presented, the site is composed of 29.68 Acres (11.31 Acres of pervious and 18.37 Acres impervious).

2. A berm shall be provided with a minimum elevation of the 100-Year/ 3-Day Storm of 8.19 NGVD along the property lines of the newly added areas. Provide equivalent grading to match the required berm elevation at all roadway entrances.

3. Please note that a special condition is hereby included requiring the engineering company preparing the site grading and drainage plan to submit a final design to this office for approval prior to seeking any construction permit. All open areas of the site shall be graded in compliance with the grades approved as per the temporary cut and fill estimation.

4. Any deviation of the final site plan from the above conditions shall be cause for automatic revocation of this approval for compliance with the North Trail Basin Cut and Fill criteria.

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

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

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

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

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

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

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

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

Belen School, Inc. PSO 498.
On March 22, 1999, Uniform Civil Violation Notice (UCVN) # 733163 was issued to the referenced facility for failure to renew the required operating permit. An affidavit of compliance was received and filed with the Clerk of Courts on May 5, 1999, as the permit was renewed and the case was subsequently closed. However, there is an outstanding balance of $410.00 that is owed and associated with this citation.

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

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

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

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

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

REVISION 1
PH# Z2008000166
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

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

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

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

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

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

Traffic Impact Review and Project Requirements:

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

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

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

Sta.#	LOS present	LOS w/project

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

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

Raul A Pino, P.L.S.
30-OCT-08

REVISION 2

Memorandum

Date: 28-OCT-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2008000166

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated September 24, 2008.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped October 21, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

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

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

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

Existing services:

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

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped October 21, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

BELEN SCHOOL INC	500 SW 127 AVE MIAMI, FLORIDA 33184
APPLICANT	**ADDRESS**
MAY 21, 2009	Z2008000166
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

05/05/2009	Case # 200912002671 - Received complaint regarding the leasing of the recreational fields and the Arts Center Building for private events. The recreational fields can be used only as an accessory use of the school. On 5/13/09 a letter was sent to school requesting a list of events that are not school related.
02/05/2009	Building permit #2008030214 was opened on 2/15/2008 for fence around vacant property. The permit was approved and closed on 2/5/2009.
01/28/2009	Case # 200612012776 – Condition #8 of resolution Z-122.77 was approved to expand grades to 6-12 (from 7-12). Condition #13 (no storage of school buses at school) is still in violation (CVN #982814).
03-26-2008	Received complaint regarding chain link fence surrounding vacant property installed without permits.
09/11/2008	Inspection conducted; no new violations observed. No outdoor lighting.
12/15/2007	Case # 200712014787 - Outdoor lighting installed without a permit. The case is pending a public hearing.
04/19/2007	Case # 200712005061 – A Warning Notice was issued for illegally displaying banners. On 4/24/2007, CVN # 982951 was issued due to

	partial compliance. An inspection on 5/23/2007 confirmed compliance. The CVN was paid and the case was closed on 6/4/2007.
12/28/2006	Case # 200612012776 – CVN # 982814 was issued for violation of Resolution Z-122.77 (8 & 13). Case is open pending public hearing. (Condition #8 Grades - only 7 to12 & Condition #13 - No storage of school buses allowed in school). On 01/28/2009 confirm compliance. The CVN was paid and the case closed on 2/25/2009
11/08/2006	Case # 200612010231 – Case opened due to a citizen complaint regarding "light spillage". An inspection of the property did not confirm the violation therefore the case is closed on 04/06/2007
05/10/2005	Case # 200512002431 - Case opened due to a citizen complaint regarding safety issues with the ball field. An inspection of the property confirmed there was no violation and the case was closed on 05/13/2005
04/13/2005	Case # 200512002180 – A Warning Notice was issued for overgrowth on the swale area. An inspection on 5/18/2005 confirmed compliance and the case was closed.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: **Belen Jesuit Prepatory School, Inc.**

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

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 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

If there is a **CONTRACT FOR** PURCHASE by a Corporation, Trust or Partnership, LIST PURCHASERS BELOW, INCLUDING PRINCIPAL OFFICERS, STOCKHOLDERS, BENEFICIARIES OR PARTNERS. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Stock

Date of Contract: _____

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

_____

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

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

Signature: [signature]
(Applicant)

Sworn to and subscribed before me this 7th day of March 2007. Affiant is personally known to me or has produced _____ as identification.

[signature]
(Notary Public)

My Commission expires: 8/21/07

CAROLINA CALDERON
MY COMMISSION EXPIRES August 21, 2007
#DD 205765
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

*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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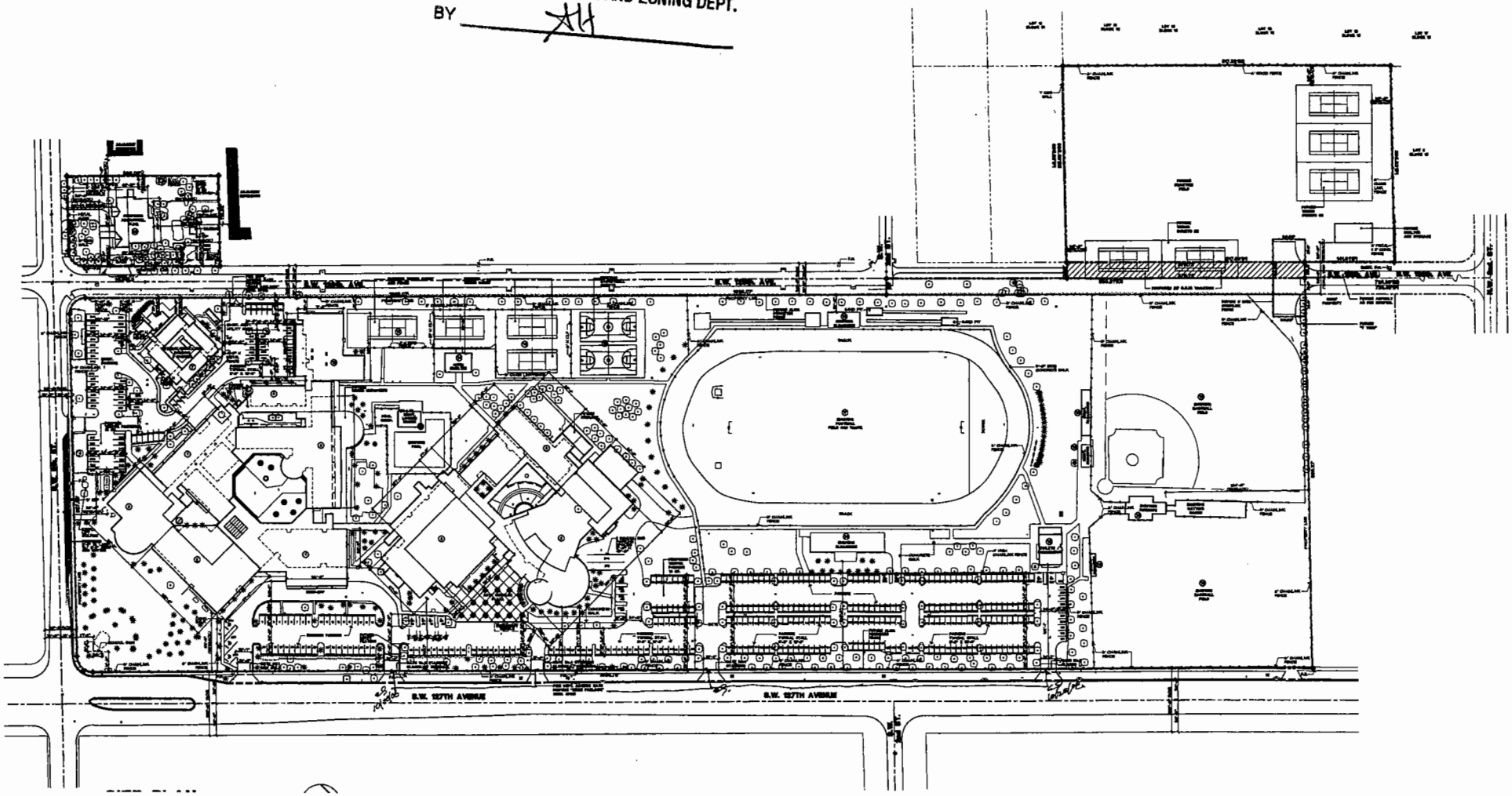
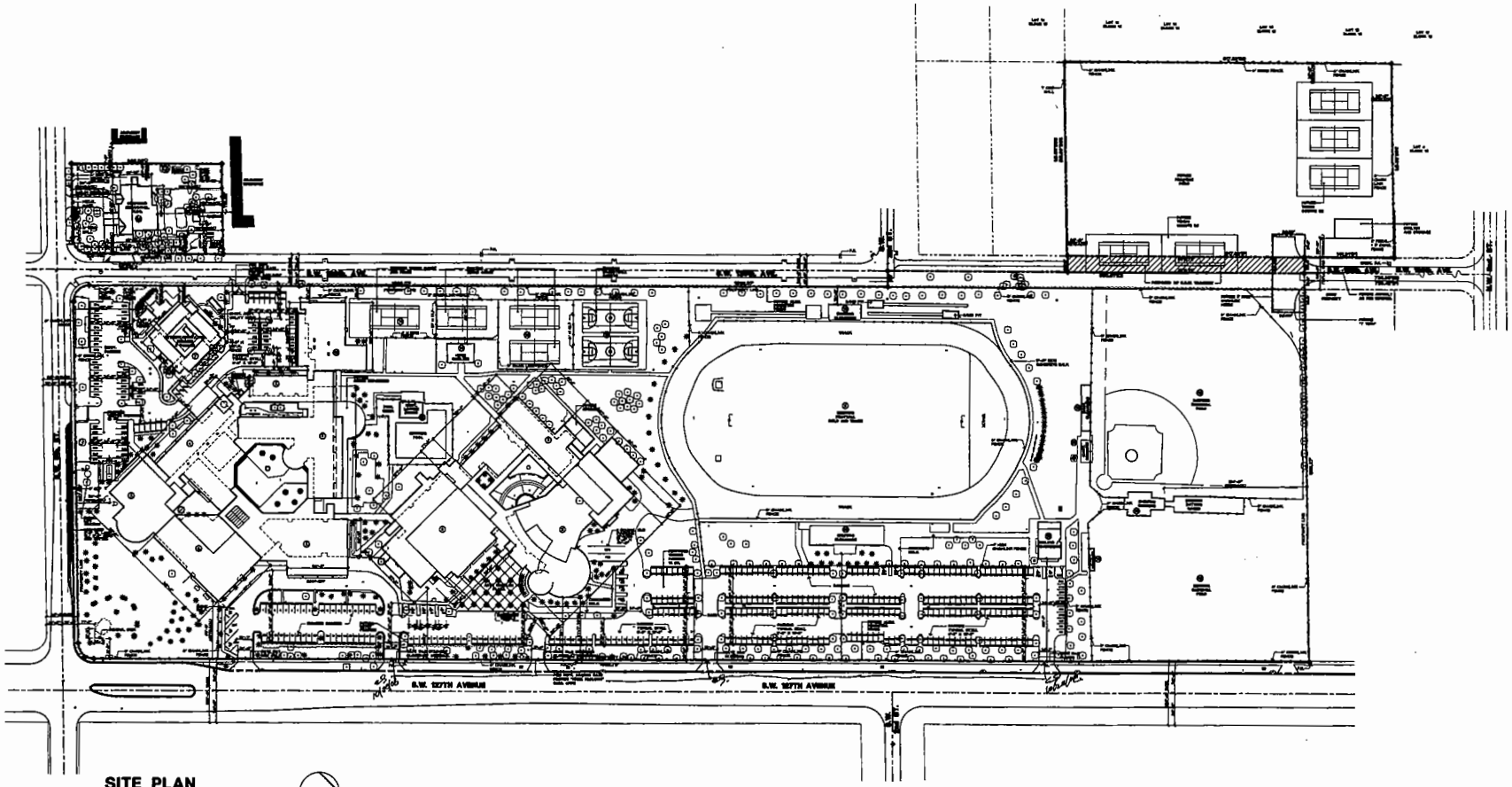
OCT 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



ENLARGED SITE PLAN



SITE PLAN

SCALE: 1" = 80'-0"

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 16'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 29'-3"
9. ART CENTER (1 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 50'-8"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 29'-10"
11. EXISTING TENNIS COURT AND FENCE
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TRACK
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-8"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 9'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 12'-0"

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OCT 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY XH

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208-166
OCT 21 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY XH

10/17/08

SANTOS / RAIMUNDEZ
Architects P.A.
3134 CORAL WAY MIAMI, FLORIDA 33145
(305) 445 5254 Lic. No. AA-P0002590

SITE PLAN

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

DRAWN	A.V./M.K
CHECKED	E.S.
DATE	08-08-08
PROJ. NO.	0727
REVISIONS	
1	08-08-08
2	10-01-08
3	10-17-08

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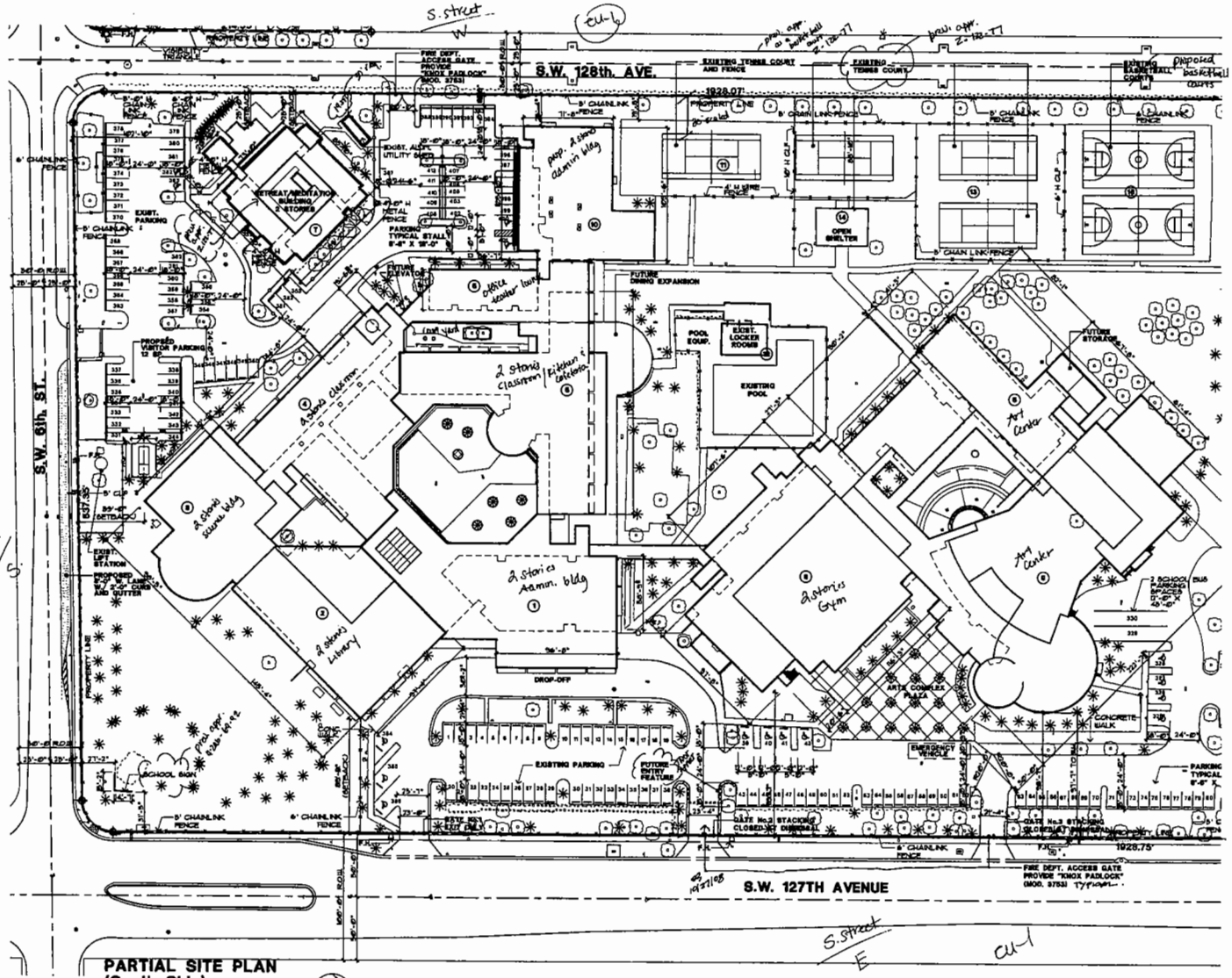


PARTIAL SITE PLAN (South Side)

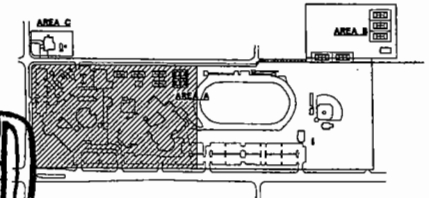
SCALE: 1" = 40'-0"

ZONING LEGEND / SITE DEVELOPMENT DATA

DEFINITION	REQUIRED/ ALLOWED	EXISTING / PROVIDED
ZONING DISTRICT	USE OF RU-4A IN THE EU-1 ZONE	EU-1 WITH RESOLUTION # Z-122-77
NET LAND AREA (LOT AREA)	1 ACRE MINIMUM	NET AREA A: 1,143,441.60 S.F. (26.25 ACRES) NET AREA B: 163,142.50 S.F. (3.63 ACRES) NET AREA C: 33,597.60 S.F. (0.77 ACRES) TOTAL: 1,354,183.50 S.F. (31.08 ACRES) PROPOSED RIGHT OF WAY DEDICATIONS: 9,245.81 S.F. (0.23 ACRES)
LOT COVERAGE	15% MAXIMUM OF TOTAL LOT AREA	173,183 S.F. 1,354,183.30 S.F. = 12.71%
HEIGHT (TO TOP OF ROOF)	35'-0" MINIMUM	60'-6"
SETBACK SOUTH (S.W. 6TH. ST.) NORTH PROPERTY LINE) EAST (S.W. 127TH. AVE.) WEST (S.W. 128TH. AVE.)	 25' 25' 25' 25'	 53'-0" 324'-0" 89'-8" 25'-0"
TYPE OF SCHOOL	PRIVATE JR. & SR. HIGH SCHOOL (7TH. TO 12TH. GRADE)	SAME
MAXIMUM NO. OF STUDENTS	1,000 (Z-122-77)	1,481 (603M.S.+878S.H.S.)
NO. OF TEACHERS / STAFF	40 (Z-122-77)	104
NO. OF CLASSROOMS	——	73
CLASSROM AREA :		
ELEMENTARY GRADES 1-6 30 S.F. X 214 (NUMBER OF CHILDREN)=10 CLASSROOMS	GRADE 6 = 6,420 S.F.	
JUNIOR HIGH AND SENIOR HIGH SCHOOL GRADES 7-12 25 S.F. X 1278 (NUMBER OF CHILDREN)=64 CLASSROOMS	GRADES 7-12 = 31,950 S.F. TOTAL: 38,370 S.F.	54,961 S.F.
TOTAL NON-CLASSROOM AREA		99,987 S.F.
OUTDOOR RECREATION SPACE :		
GRADE 6 500 S.F X 30 = 15,000 S.F. (FIRST 30 CHILDREN) 300 S.F. X 184 = 55,200 S.F. (REMAINING CHILDREN)	GRADE 6 = 70,200 S.F.	
GRADES 7-12 800 S.F. X 30 = 24,000 S.F. (REMAINING CHILDREN) 300 S.F. X 300 = 90000 S.F. (REMAINING CHILDREN) 150 S.F. X 948 = 142,200 S.F. (REMAINING CHILDREN)	GRADES 7-12 356,200 S.F. TOTAL = 326,400 S.F.	416,830 S.F.
GRASS AREA FOR ORGANIZED SPORTS / PLAY AREA IN S.F.		309,021 S.F.
LAWN AREA IN S.F. (LAWN SPORTS EXCLUDED)		518,494 S.F.
PARKING REQUIRED		
JUNIOR HIGH (GRADES 6,7,8)		
-PERSONNEL = -TRANSPORTATION VEHICLES =	69 7 76 4	
TOTAL PERSONNEL & TRANSP. VEHICLES =	73 73 (125) = 92	
	104 JR. HIGH SPACES	
HIGH SCHOOL (GRADES 9,10,11,12)		
-S.F. CLASSROOMS/ LABORATORIES =	32,164.00	
-S.F. LIBRARY =	7,876.00	
-S.F. ADMINISTRATIVE AREAS =	9,471.00	
-S.F. TOTAL =	49,531/200 = 48,531/200 = 248 SPACES	
-SLEEPING ROOMS =	20 / 3 = 6.66 6.66 (2) = 14 SPACES	
-S.F. OF SEATING AREA IN AUDITORIUM =	4,733.00 4,733.00 / 100 = 28 28 SPACES	
-EMPLOYEES (NON-TEACHERS) =	32 32 / 4 = 8 SPACES	
	298 HIGH SCHOOL SPACES	
TOTAL SPACES REQUIRED	402	
PARKING PROVIDED		414 SPACES
DAYS/ HOURS OF OPERATION		6:30 A.M. TO 12:00 A.M. - 7 DAYS.

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 18'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 29'-2"
9. ART CENTER (1 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ARY CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 60'-6"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 26'-10"
11. EXISTING TENNIS COURT AND FENCE
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TR
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-8"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 9'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 13'-0"



KEY PLAN

SCALE: N.T.S.

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3124 CORAL WAY MIAMI, FLORIDA 33145
(305) 445 6324 Lic. No. AA-P0000279

PARTIAL SITE PLAN

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

DRAWN A.V./M.K.
CHECKED E.S.
DATE 04-24-08
PROJ. NO. 0727
REVISIONS
1 06-02-08
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4 10-17-08

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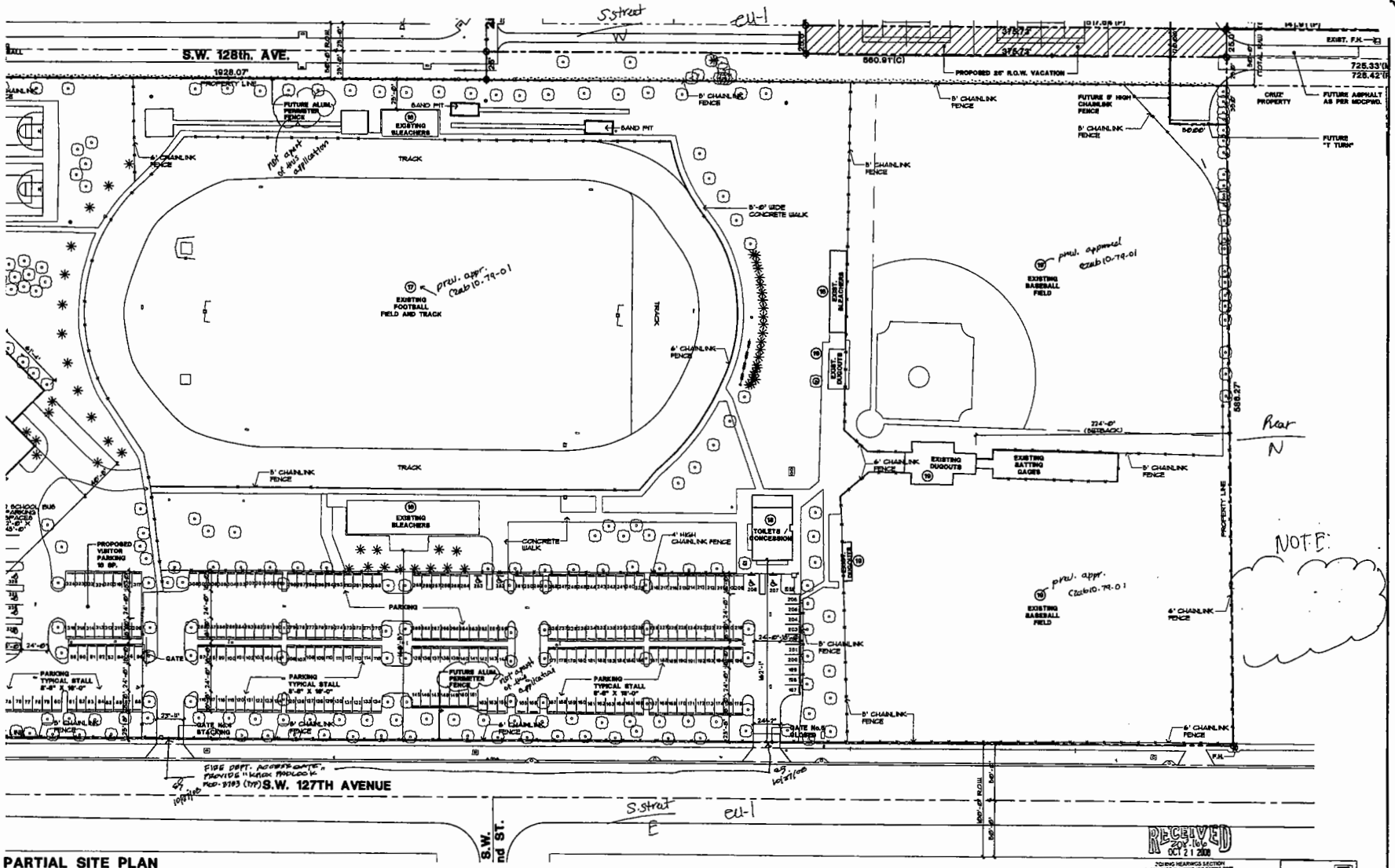
59



PARTIAL SITE PLAN (North Side)

SCALE: 1" = 40'-0"

ADDRESS

BELEN JESUIT PREPARATORY SCHOOL
5600 S.W. 127TH. AVENUE, MIAMI, FL 33184.

ZONING LEGEND NOTES

PARKING: ILLUMINATION AS REQUIRED BY

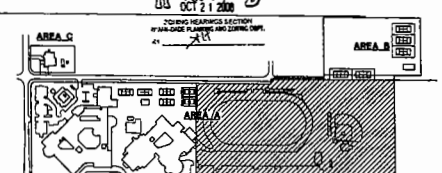
LEGAL DESCRIPTION

PARCEL 1
THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 50 FEET, LESS THE SOUTH 25 FEET AND LESS THE WEST 25 FEET.
AND LESS: THE AREA BOUNDED BY THE WEST LINE OF THE EAST 50 FEET OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 2, AND BOUNDED BY THE NORTH LINE OF THE SOUTH 25 FEET OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 2, AND BOUNDED BY A 25 FOOT RADIUS ARC CONCAVE TO THE NORTHWEST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.
AND LESS: THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 25 FEET OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 2, AND BOUNDED BY THE EAST LINE OF THE WEST 25 FEET OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 2, AND BOUNDED BY A 25 FOOT RADIUS ARC CONCAVE TO THE NORTHEAST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

PARCEL 3
THE SE 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 50 FEET AND LESS THE WEST 25 FEET, MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:
LOT 9, BLOCK 1, ROSADO SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 133, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ALSO TOGETHER WITH:
LOTS 5,6,7 AND 8, BLOCK 15, SWEETWATER ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 28, PAGE 56, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



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PARTIAL SITE PLAN

BELEN JESUIT PREPARATORY SCHOOL
MASTER PLAN
5600 S.W. 127th. AVE.
MIAMI, FLORIDA.

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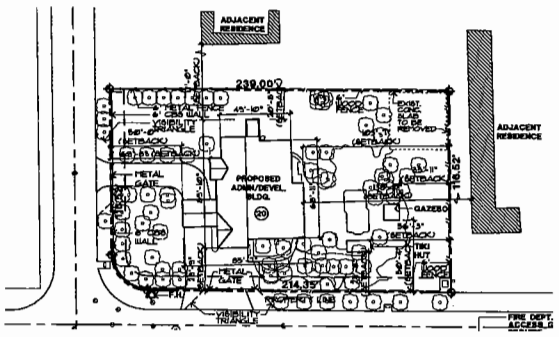


LEGAL DESCRIPTION

LOTS 1, BLOCK L ROSADO SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AREA C = 33,591.66 SQ. FT. (0.77 ACRES) MORE OR LESS.

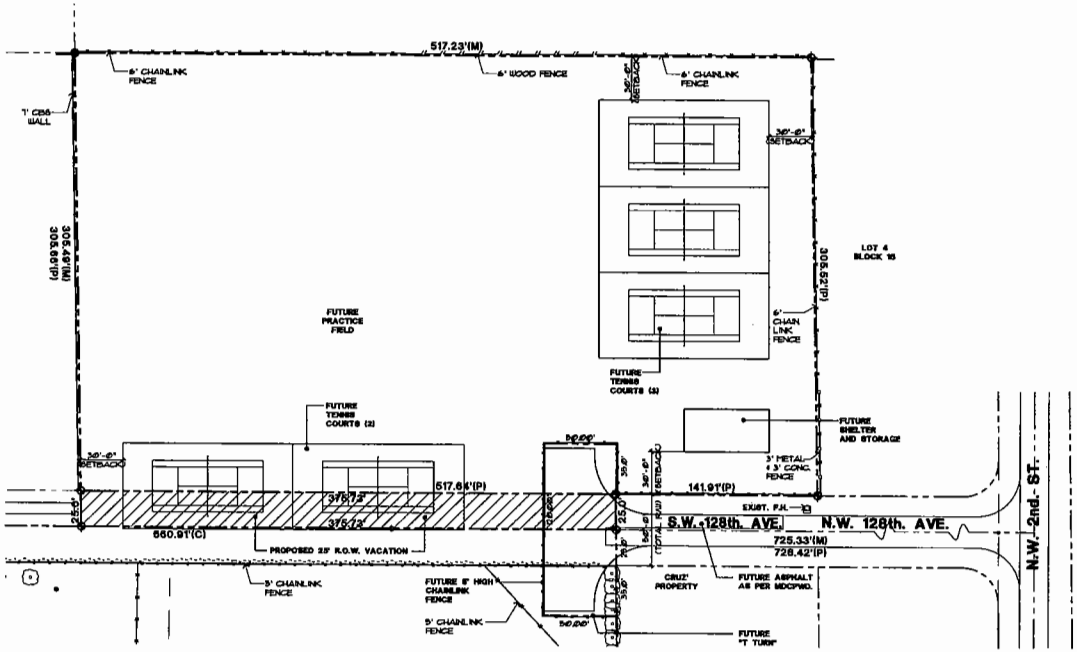
PARTIAL SITE PLAN (West Side)

SCALE: 1" = 40'-0"

LEGAL DESCRIPTION

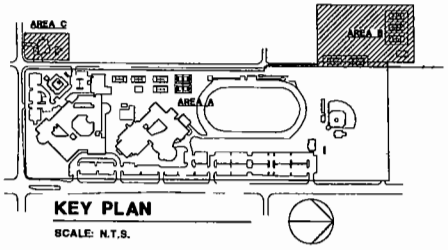
LOTS 5, 6, 7 & 8, BLOCK 15, SWEETWATER ESTATES PLAT BOOK 28, PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AREA B = 158,419.58 SQ. FT. (3.63 ACRES) MORE OR LESS.



LEGAL DESCRIPTION OF 25 FT R.O.W. VACATION

A PORTION OF THE PUBLIC RIGHT OF WAY OF S.W. 128TH AVENUE LOCATED IN SECTION 2, TOWNSHIP 54 SOUTH, RANGE 39 EAST AND DESCRIBED AS FOLLOWS: BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 5,6,7 AND 8, BLOCK 15 SWEETWATER ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,
ON THE NORTH BY A LINE PERPENDICULAR TO THE CENTER LINE OF S.W. 128TH AVENUE AS SHOWN IN SAID PLAT OF SWEETWATER ESTATES SUBDIVISION, AND 25 FEET EASTERLY (AS MEASURED PERPENDICULARLY) FROM THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 15,
ON THE EAST BY THE CENTER LINE OF S.W. 128TH AVENUE AS SHOWN IN SAID PLAT OF SWEETWATER ESTATES SUBDIVISION,
ON THE SOUTH BY A LINE PERPENDICULAR TO THE CENTER LINE OF SAID S.W. 128TH AVENUE AND 25 FEET EASTERLY, AS MEASURED PERPENDICULARLY, FROM THE SOUTHEAST CORNER OF SAID LOT 5, BLOCK 15.
SAID PORTION LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING ± 9,359 SQUARE FEET (+ 0.215 ACRES).



KEY PLAN

SCALE: N.T.S.

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PARTIAL SITE PLAN

BELEN JESUIT PREPARATORY SCHOOL
MASTER PLAN
8500 S.W. 127th. AVE.
MIAMI, FLORIDA.

DRAWN A.V./M.K
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61

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S.W. 6th. ST.

S.W. 127TH AVENUE

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PARTIAL SITE PLAN (South Side)

SCALE: 1" = 40'-0"

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 13'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 29'-3"
9. ART CENTER (1 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 60'-6"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 29'-10"
11. EXISTING TENNIS COURT AND FENCE
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TRACK
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-6"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 9'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 13'-0"

CARNIVAL NOTE:

CARNIVAL SHALL TAKE PLACE AT EXISTING SCHOOL. ALL EXISTING PARKING AREAS SHALL REMAIN IN USE AS PARKING FOR CARNIVAL (414 EXISTING SPACES). CARNIVAL HOURS OF OPERATION SHALL BE NON-CONCURRENT WITH ALL OTHER FUNCTIONS.

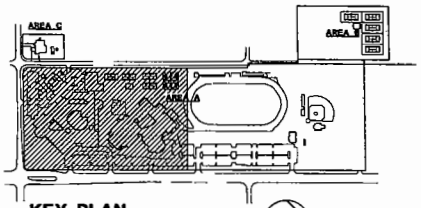
CARNIVAL PARKING / ATTENDEE CAPACITY:

PARKING SP. - 414 EXISTING SPACES
DEDICATED SP. - 400 EXISTING SPACES
TO CARNIVAL
NON-DEDICATED SP. - 14 SPACES

ATTENDEES
400 SP X 4/SP. = 1600 ATTENDEES

CARNIVAL LEGEND:

- A-1 ADULT RIDES
- K-1 KIDDIE RIDES
- 1A KIOSK
- GENERATORS
- V CENTER CONCESSION
- F FOOD BOOTHS
- S SODA BOOTHS



KEY PLAN

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PARTIAL SITE PLAN
ANNUAL CARNIVAL

BELEN JESUIT PREPARATORY SCHOOL
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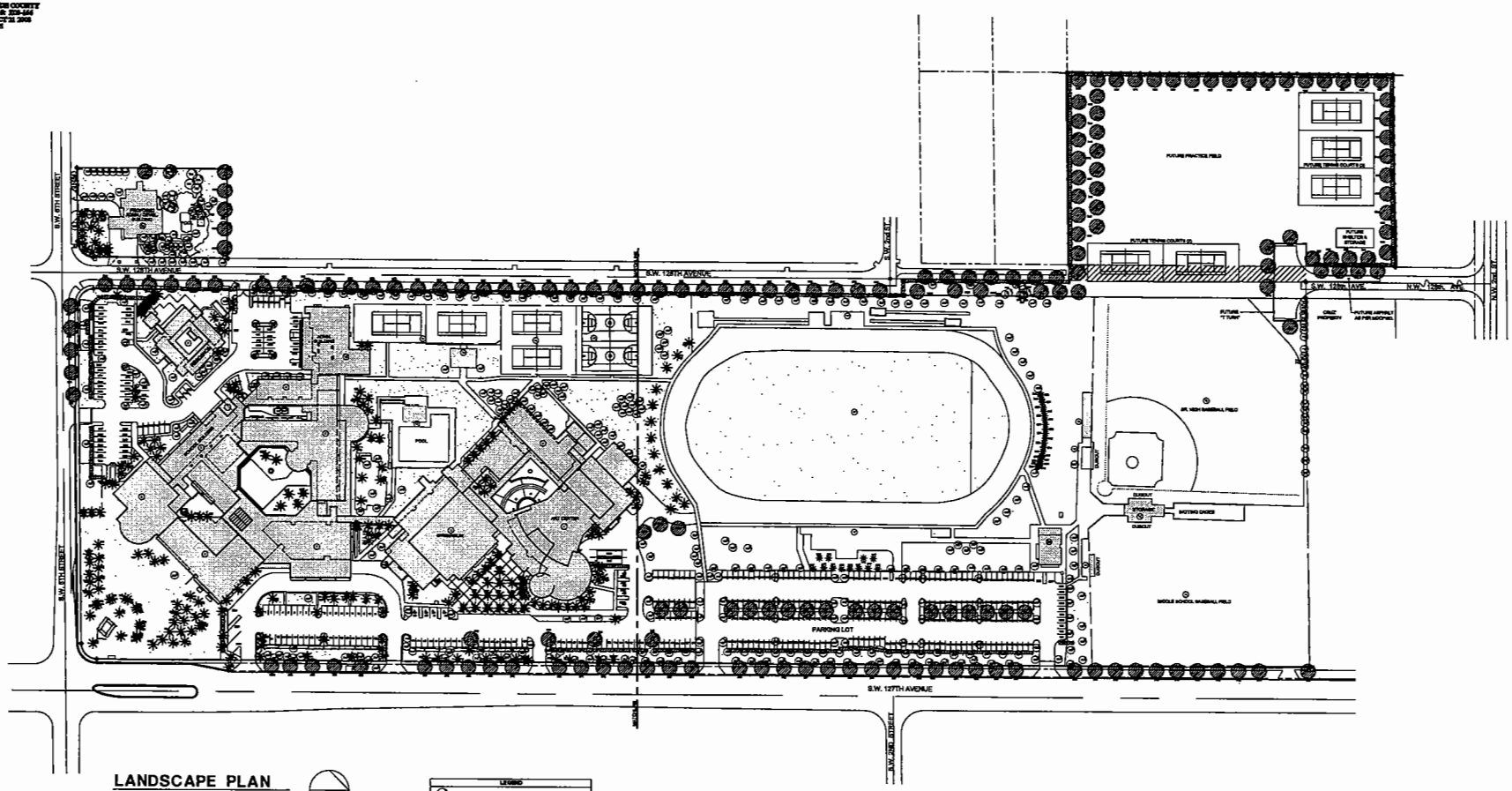

LANDSCAPE PLAN

SCALE: 1"= 80'-0"

LEGEND

LANDSCAPE PLAN NOTES

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OVERALL LANDSCAPE PLAN

BELEN JESUIT PREPARATORY SCHOOL
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500 S.W. 127th. AVE.
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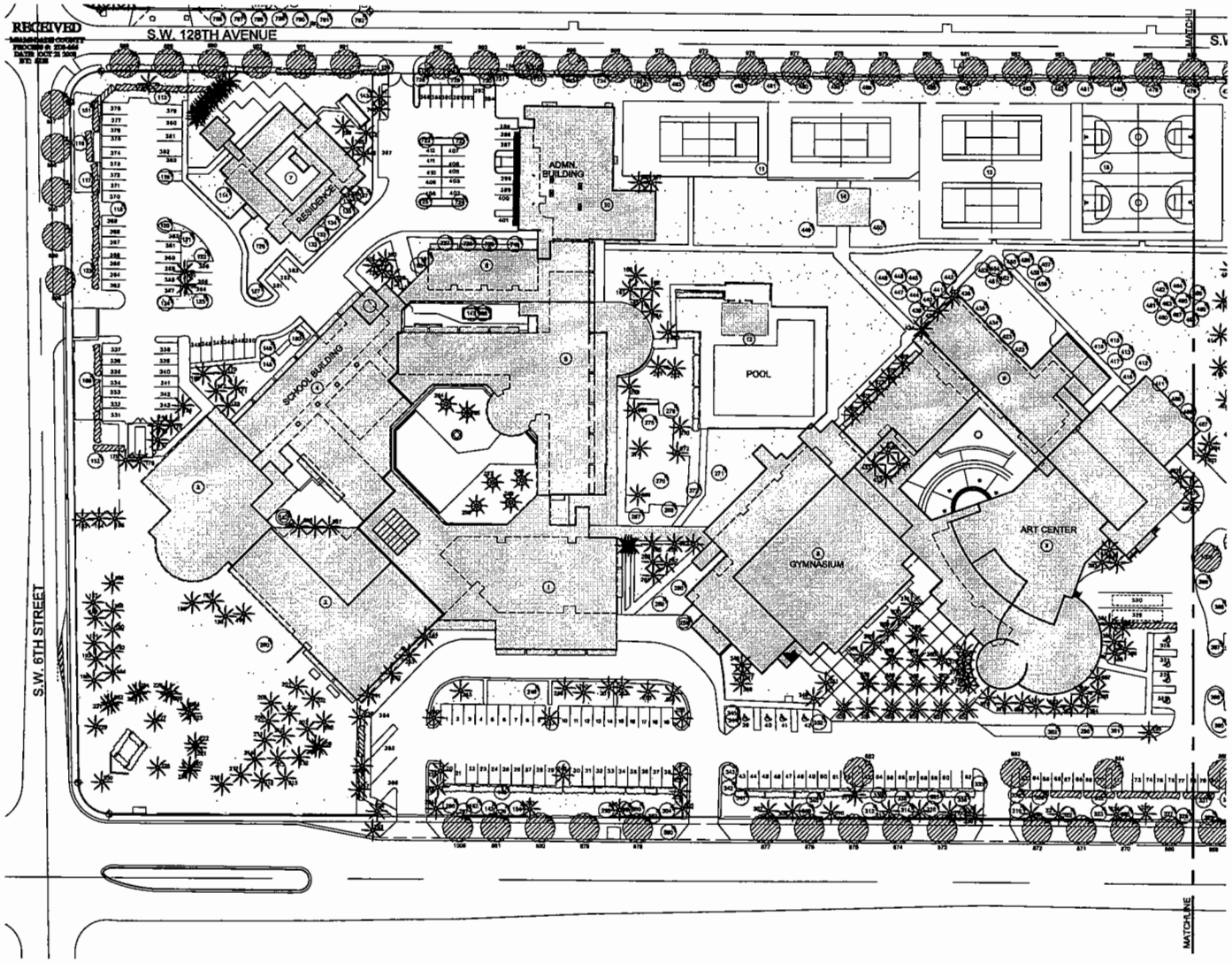

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 18'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 29'-2"
9. ART CENTER (1 & 2 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 50'-8"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 29'-10"
11. EXISTING TENNIS COURTS
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TRACK
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-8"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 8'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 12'-0"

LEGEND

- EXISTING
- EXISTING PALM TREES
- EXISTING SHRUB
- NEW TREE / PALM
- NEW SHRUB
- SODDED AREA

LANDSCAPE PLAN NOTES

- LOT TREES MUST BE 10'-0" IN HT. AT TIME OF PLANTING
- STREET TREES MUST BE 12'-0" IN HT. AT TIME OF PLANTING
- HEDGES MUST BE 30 IN. MIN. AT TIME OF PLANTING
- HEDGES MUST BE 30 IN. MAX. WHEN PLANTED WITHIN 10' ON EITHER SIDE OF DRIVEWAYS.

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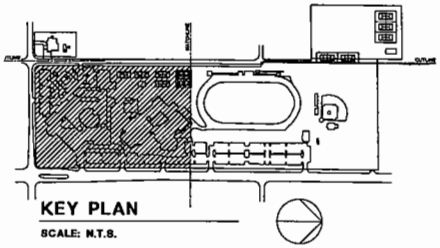

KEY PLAN
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OVERALL LANDSCAPE PLAN

BELEN JESUIT PREPARATORY SCHOOL
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6500 S.W. 128TH. AVE.
MIAMI, FLORIDA.

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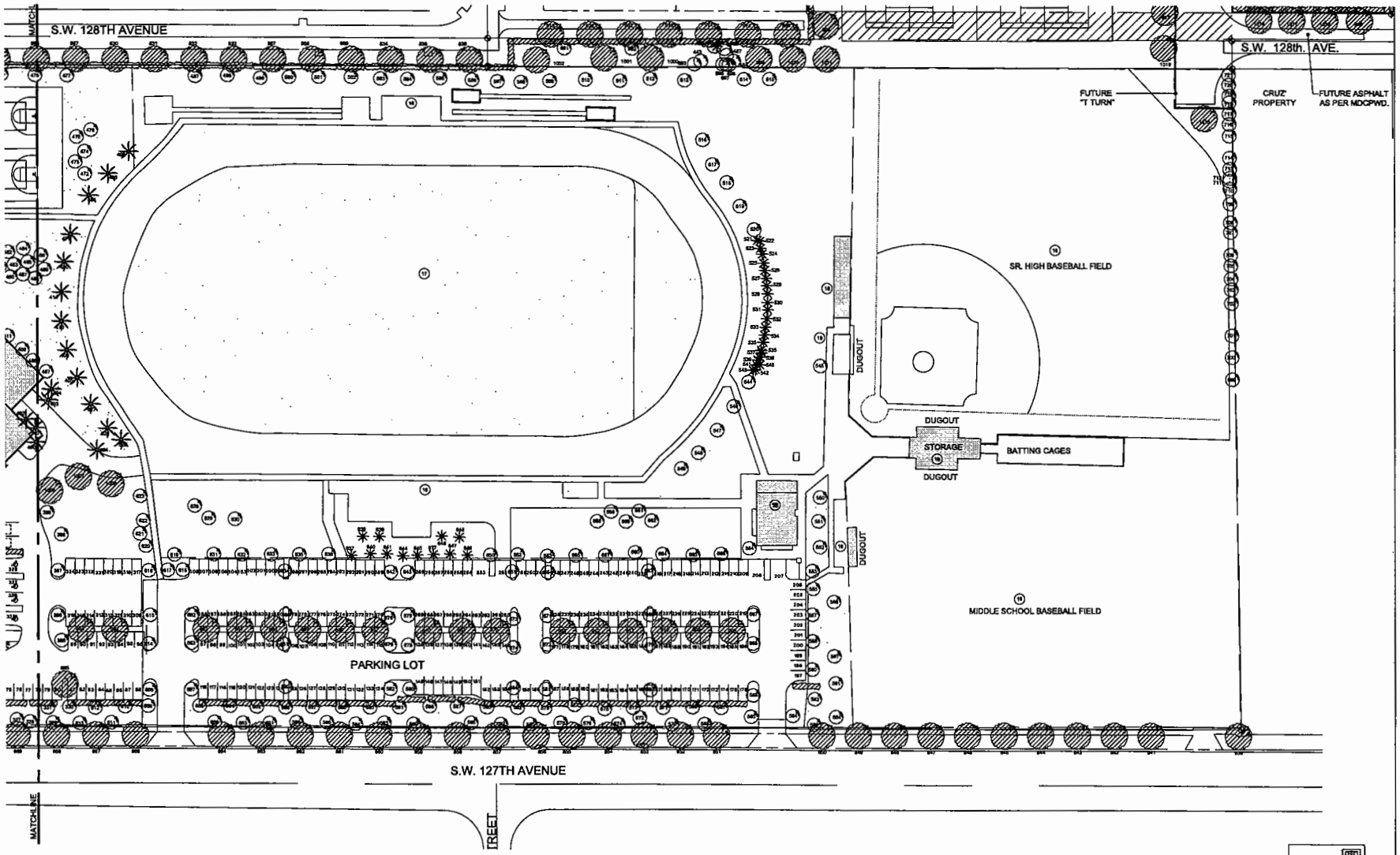

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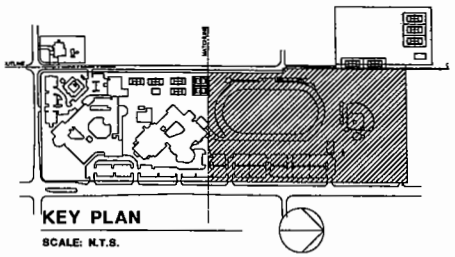

KEY PLAN
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Architects P.A.
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(305) 446 5224 Lic. No. AA-P00002599

OVERALL LANDSCAPE PLAN

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

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ZONING HEARINGS SECTION
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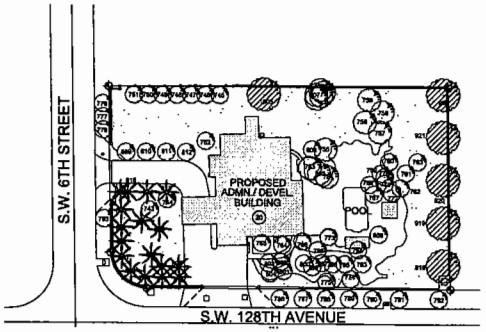
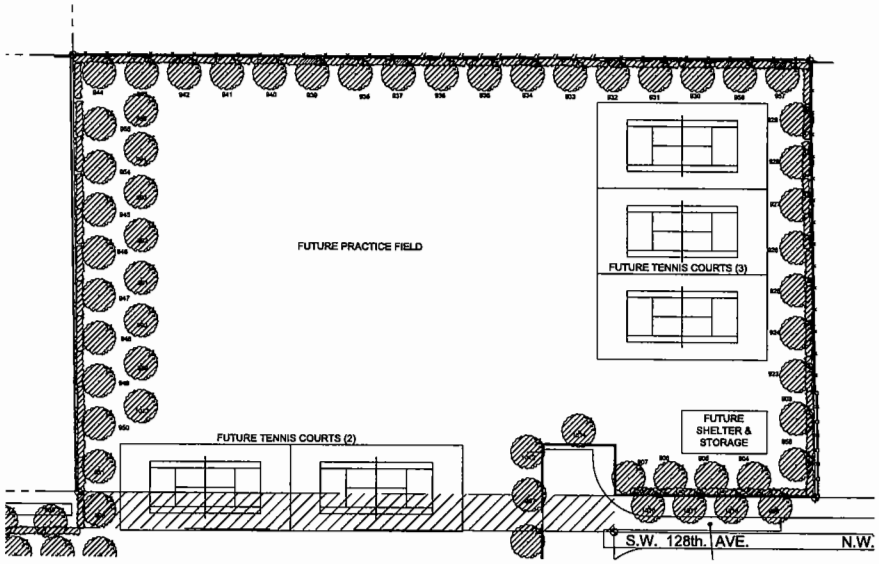
BY AH

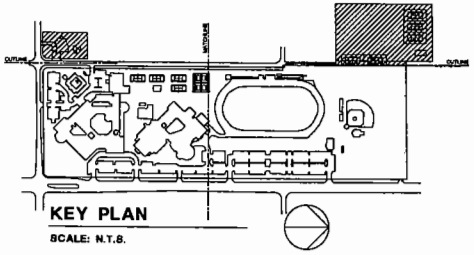
65



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



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



KEY PLAN
SCALE: N.T.S.

SANTOS / RAIMUNDEZ
Architects P.A.
3134 CORAL WAY MIAMI, FLORIDA 33145
(305) 446 6224 Lic. No. AA-P0002899

OVERALL LANDSCAPE PLAN

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

DRAWN	A.V./M.K.
CHECKED	E.S.
DATE	4-24-08
PROJ. NO.	0727
REVISIONS	
1	06-02-08 COMMENT
2	08-08-08 COMMENT
3	10-01-08
4	10-17-08 COMMENT

SHEET
LS-1C
OF
7

LANDSCAPE TABLE

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
[illegible]		X	CASUARINA			TO BE REMOVED		
2		X	CASUARINA			TO BE REMOVED		
3		X	CASUARINA			TO BE REMOVED		
4		X	BISHOPWOOD			TO BE REMOVED		
5		X	CASUARINA			TO BE REMOVED		
6		X	MALELEUCA			TO BE REMOVED		
7		X	BISHOPWOOD			TO BE REMOVED		
8		X	BISHOPWOOD			TO BE REMOVED		
9		X	BISHOPWOOD			TO BE REMOVED		
10		X	BISHOPWOOD			TO BE REMOVED		
11		X	BISHOPWOOD			TO BE REMOVED		
12		X	MALELEUCA			TO BE REMOVED		
13		X	MALELEUCA			TO BE REMOVED		
14		X	MALELEUCA			TO BE REMOVED		
15		X	MALELEUCA			TO BE REMOVED		
16		X	MALELEUCA			TO BE REMOVED		
17		X	MALELEUCA			TO BE REMOVED		
18		X	MALELEUCA			TO BE REMOVED		
19		X	MALELEUCA			TO BE REMOVED		
20		X	MALELEUCA			TO BE REMOVED		
21		X	BISHOPWOOD			TO BE REMOVED		
22		X	MALELEUCA			TO BE REMOVED		
23		X	MALELEUCA			TO BE REMOVED		
24		X	MALELEUCA			TO BE REMOVED		
25		X	MALELEUCA			TO BE REMOVED		
26		X	MALELEUCA			TO BE REMOVED		
27		X	BISHOPWOOD			TO BE REMOVED		
28		X	BISHOPWOOD			TO BE REMOVED		
29		X	BISHOPWOOD			TO BE REMOVED		
30		X	BISHOPWOOD			TO BE REMOVED		
31		X	BISHOPWOOD			TO BE REMOVED		
32		X	BISHOPWOOD			TO BE REMOVED		
33		X	MALELEUCA			TO BE REMOVED		
34		X	MALELEUCA			TO BE REMOVED		
35		X	MALELEUCA			TO BE REMOVED		
36		X	MALELEUCA			TO BE REMOVED		
37		X	MALELEUCA			TO BE REMOVED		
38		X	MALELEUCA			TO BE REMOVED		
39		X	MALELEUCA			TO BE REMOVED		
40		X	MALELEUCA			TO BE REMOVED		
41		X	BISHOPWOOD			TO BE REMOVED		
42		X	BISHOPWOOD			TO BE REMOVED		
43		X	MALELEUCA			TO BE REMOVED		
44		X	MALELEUCA			TO BE REMOVED		
45		X	BISHOPWOOD			TO BE REMOVED		
46		X	BISHOPWOOD			TO BE REMOVED		
47		X	CASUARINA			TO BE REMOVED		
48		X	CASUARINA			TO BE REMOVED		
49		X	CASUARINA			TO BE REMOVED		
50		X	CASUARINA			TO BE REMOVED		
51		X	CASUARINA			TO BE REMOVED		
52		X	CASUARINA			TO BE REMOVED		
53		X	CASUARINA			TO BE REMOVED		
54		X	CASUARINA			TO BE REMOVED		
55		X	CASUARINA			TO BE REMOVED		
56		X	MALELEUCA			TO BE REMOVED		
57		X	CASUARINA			TO BE REMOVED		
58		X	CASUARINA			TO BE REMOVED		
59		X	CASUARINA			TO BE REMOVED		
60		X	CASUARINA			TO BE REMOVED		
61		X	CASUARINA			TO BE REMOVED		
62		X	CASUARINA			TO BE REMOVED		
63		X	CASUARINA			TO BE REMOVED		
64		X	MALELEUCA			TO BE REMOVED		
65		X	CASUARINA			TO BE REMOVED		
66		X	MALELEUCA			TO BE REMOVED		
67		X	CASUARINA			TO BE REMOVED		
68		X	CASUARINA			TO BE REMOVED		
69		X	CASUARINA			TO BE REMOVED		
70		X	CASUARINA			TO BE REMOVED		
71		X	MALELEUCA			TO BE REMOVED		
72		X	MALELEUCA			TO BE REMOVED		
73		X	MALELEUCA			TO BE REMOVED		
74		X	MALELEUCA			TO BE REMOVED		
75		X	MALELEUCA			TO BE REMOVED		
76		X	MALELEUCA			TO BE REMOVED		
77		X	CASUARINA			TO BE REMOVED		
78		X	MALELEUCA			TO BE REMOVED		
79		X	CASUARINA			TO BE REMOVED		
80		X	CASUARINA			TO BE REMOVED		
81		X	MALELEUCA			TO BE REMOVED		
82		X	CASUARINA			TO BE REMOVED		
83		X	CASUARINA			TO BE REMOVED		
84		X	CASUARINA			TO BE REMOVED		
85		X	MALELEUCA			TO BE REMOVED		
86		X	CASUARINA			TO BE REMOVED		
87		X	CASUARINA			TO BE REMOVED		

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
88		X	CASUARINA			TO BE REMOVED		
89		X	CASUARINA			TO BE REMOVED		
90		X	CASUARINA			TO BE REMOVED		
91		X	MALELEUCA			TO BE REMOVED		
92		X	CASUARINA			TO BE REMOVED		
93		X	CASUARINA			TO BE REMOVED		
94		X	MALELEUCA			TO BE REMOVED		
95		X	MALELEUCA			TO BE REMOVED		
96		X	MALELEUCA			TO BE REMOVED		
97		X	CASUARINA			TO BE REMOVED		
98		X	BISHOPWOOD			TO BE REMOVED		
99		X	BISHOPWOOD			TO BE REMOVED		
100		X	BISHOPWOOD			TO BE REMOVED		
101		X	FICUS			TO BE REMOVED		
102		X	MALELEUCA			TO BE REMOVED		
103		X	BISHOPWOOD			TO BE REMOVED		
104		X	MALELEUCA			TO BE REMOVED		
105		X	BISHOPWOOD			TO BE REMOVED		
106		X	BISHOPWOOD			TO BE REMOVED		
107		X	BISHOPWOOD			TO BE REMOVED		
108		X	BISHOPWOOD			TO BE REMOVED		
109		X	CASUARINA			TO BE REMOVED		
110		X	CASUARINA			TO BE REMOVED		
111		X	CASUARINA			TO BE REMOVED		
112		X	APPLE CIDER		X	6	12	15
113		X	APPLE CIDER		X	7	13	14
114		X	DATE PALM CLU		X	12	4	4
115		X	PALM CLU		X	12	10	24
116		X	MAHOGANY	X		7	12	10
117		X	MAHOGANY	X		7	12	10
118		X	DOGWOOD	X		9	15	16
119		X	DOGWOOD	X		10	14	17
120		X	PALM		X	6	7	6
121		X	DOGWOOD	X		9	15	16
122		X	DOGWOOD	X		10	14	17
123		X	RUBBER	X		5	10	14
124		X	PALM		X	6	11	13
125		X	APPLE CIDER		X	8	12	15
126		X	DATE PALM CLU		X	12	4	4
127		X	DATE PALM CLU		X	11	5	6
128		X	PALM		X	8	8	10
129		X	PALM		X	7	9	11
130		X	PALM		X	5	7	9
131		X	PALM		X	8	9	11
132		X	DATE PALM CLU		X	12	4	4
133		X	DATE PALM CLU		X	11	3	6
134		X	DATE PALM CLU		X	13	5	4
135		X	DATE PALM CLU		X	11	4	3
136		X	BLACK OLIVE		X	7	9	6
137		X	DATE PALM CLU		X	15	10	6
138		X	BLACK OLIVE		X	6	10	3
139		X	SILVER TRUMP		X	7	13	14
140		X	SILVER TRUMP		X	5	11	13
141		X	SABAL PALM		X	10	13	30
142		X	SILVER TRUMP		X	6	12	15
143		X	MANGO TREE		X	5	9	10
144		X	COCONUT PALM		X	12	16	17
145		X	COCONUT PALM		X	10	14	15
146		X	COCONUT PALM		X	11	16	17
147		X	PALM		X	4	12	13
148		X	DOGWOOD	X		13	18	13
149		X	DOGWOOD	X		12	20	14
150		X	McARTHUR PALM		X	6	17	11
151		X	MAHOGANY	X		9	12	10
152		X	MAHOGANY	X		10	8	10
153		X	MAHOGANY	X		7	13	12
154		X	SILVER TRUMP		X	5	8	15
155			AUSTRALIAN PINE		X	18	30	18
156		X	AUSTRALIAN PINE		X	23	30	21
157		X	AUSTRALIAN PINE		X	26	40	30
158		X	AUSTRALIAN PINE		X	15	22	25
159		X	AUSTRALIAN PINE		X	14	29	32
160		X	COCONUT PALM		X	11	9	15
161		X	COCONUT PALM		X	9	11	13
162		X	COCONUT PALM		X	10	9	14
163		X	COCONUT PALM		X	11	11	15
164		X	COCONUT PALM		X	10	10	14
165		X	PALM		X	6	7	6
166		X	PALM		X	5	8	7
167		X	SILVER TRUMP		X	6	12	15
168		X	FICUS		X	26	29	24
169		X	COCONUT PALM		X	10	13	18
170		X	COCONUT PALM		X	13	15	17
171		X	COCONUT PALM		X	12	17	18
172		X	COCONUT PALM		X	12	17	16
173		X	COCONUT PALM		X	12	18	17
174		X	COCONUT PALM		X	11	13	16

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
175		X	COCONUT PALM		X	11	13	16
176		X	COCONUT PALM		X	12	15	17
177		X	COCONUT PALM		X	12	15	17
178		X	COCONUT PALM		X	12	15	17
179		X	COCONUT PALM		X	11	18	18
180		X	PLUM		X	13	28	13
181		X	McARTHUR PALM		X	5	18	12
182		X	BLACK OLIVE		X	13	30	26
183		X	COCONUT PALM		X	11	16	16
184		X	COCONUT PALM		X	11	15	16
185		X	COCONUT PALM		X	11	15	16
186		X	COCONUT PALM		X	10	13	15
187		X	COCONUT PALM		X	11	14	17
188		X	COCONUT PALM		X	11	14	17
189		X	COCONUT PALM		X	11	14	18
190		X	COCONUT PALM		X	11	14	17
191		X	COCONUT PALM		X	11	14	18
192		X	COCONUT PALM		X	11	14	18
193		X	COCONUT PALM		X	11	14	18
194		X	COCONUT PALM		X	11	14	18
195		X	COCONUT PALM		X	11	14	17
196		X	COCONUT PALM		X	12	15	16
197		X	COCONUT PALM		X	12	15	16
198		X	COCONUT PALM		X	12	15	17
199		X	COCONUT PALM		X	12	15	16
200		X	PALM		X	14	32	26
201		X	COCONUT PALM		X	10	15	17
202		X	COCONUT PALM		X	12	14	17
203		X	COCONUT PALM		X	10	16	15
204		X	COCONUT PALM		X	11	18	16
205		X	COCONUT PALM		X	10	18	15
206		X	COCONUT PALM		X	12	15	17
207		X	COCONUT PALM		X	12	15	16
208		X	COCONUT PALM		X	11	14	13
209		X	COCONUT PALM		X	10	16	16
210		X	COCONUT PALM		X	10	14	17
211		X	COCONUT PALM		X	12	15	15
212		X	COCONUT PALM		X	11	15	16
213		X	COCONUT PALM		X	10	14	15
214		X	COCONUT PALM		X	11	16	15
215		X	COCONUT PALM		X	12	14	16
216		X	COCONUT PALM		X	13	15	17
217		X	COCONUT PALM		X	10	15	17
218		X	COCONUT PALM		X	11	16	15
219		X	ROYAL PALM		X	16	22	16
220		X	ROYAL PALM		X	18	23	16
221		X	ROYAL PALM		X	18	22	16
222		X	ROYAL PALM		X	18	21	16
223		X	ROYAL PALM		X	18	22	16
224		X	ROYAL PALM		X	16	22	16
225		X	ROYAL PALM		X	16	20	16
226		X	ROYAL PALM		X	18	22	16
227		X	ROYAL PALM		X	20	25	16
228		X	ROYAL PALM		X	20	28	16
229		X	ROYAL PALM		X	17	34	16
230		X	ROYAL PALM		X	18	38	16
231		X	ROYAL PALM		X	14	22	16
232		X	ROYAL PALM		X	14	22	16
233		X	ROYAL PALM		X	14	20	18
234		X	ROYAL PALM		X	14	22	18
235		X	QUEEN PALM		X	8	10	25
236		X	QUEEN PALM		X	8	10	25
237		X	QUEEN PALM		X	8	10	25
238		X	QUEEN PALM		X	8	10	20
239		X	QUEEN PALM		X	8	10	20
240		X	QUEEN PALM		X	7	12	20
241		X	ALEXANDER PALM		X	5	10	25
242		X	ALEXANDER PALM		X	5	10	25
243		X	ALEXANDER PALM		X	5	10	25
244		X	ALEXANDER PALM		X	5	10	25
245		X	QUEEN PALM		X	7	12	20
246		X	BOTTLE PALM		X	10	16	16
247		X	QUEEN PALM		X	7	10	20
248		X	QUEEN PALM		X	7	10	20
249		X	COCONUT PALM		X	8	12	20
250		X	QUEEN PALM		X	8	8	20
251		X	COCONUT PALM		X	8	12	20
252		X	QUEEN PALM		X	7	12	20
253		X	COCONUT PALM		X	7	12	20
254		X	QUEEN PALM		X	7	12	20
255		X	COCONUT PALM		X	7	[illegible]	[illegible]
256		X	QUEEN PALM		X	8	12	35
257		X	QUEEN PALM		X	8	[illegible]	[illegible]
258		X	MAHOGANY	X		36	[illegible]	24
259		X	OAK	X		12	22	26
260		X	OAK	X		13	[illegible]	25
261		X	ROYAL PALM		X	18	30	18

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
262		X	ROYAL PALM		X	19	31	17
263		X	ROYAL PALM		X	17	29	19
264		X	PALM		X	7	12	13
265		X	PALM		X	8	12	11
266		X	PALM CLU (3)		X	16	15	16
267		X	MAHOGANY	X		12	18	23
268		X	GUMBO LIMBO	X		13	17	24
269		X	QUEEN PALM		X	12	18	17
270		X	GUMBO LIMBO	X		12	18	25
271		X	GUMBO LIMBO	X		14	20	20
272		X	QUEEN PALM		X	13	17	18
273		X	QUEEN PALM		X	12	16	17
274		X	QUEEN PALM		X	14	16	15
275		X	MAHOGANY	X		13	18	22
276		X	QUEEN PALM		X	13	18	16
277		X	SILVER TRUMP		X	8	10	20
278		X	MAHOGANY	X		12	17	23
279		X	COCONUT		X	11	16	18
280		X	COCONUT		X	10	14	17
281		X	COCONUT		X	12	16	17
282		X	COCONUT		X	10	17	15
283		X	COCONUT		X	10	10	14
284		X	QUEEN PALM		X	10	16	18
285		X	QUEEN PALM		X	10	17	15
286		X	PALM		X	10	18	18
287		X	QUEEN PALM		X	9	17	15
288		X	QUEEN PALM		X	11	15	18
289		X	QUEEN PALM		X	9	17	17
290		X	QUEEN PALM		X	10	16	16
291		X	QUEEN PALM		X	6	15	30
292		X	QUEEN PALM		X	8	10	25
293		X	QUEEN PALM		X	8	10	20
294		X	QUEEN PALM		X	8	10	20
295		X	PALM		X	11	15	13
296		X	SILVER TRUMP		X	6	8	20
297		X	SILVER TRUMP		X	6	8	20
298		X	SILVER TRUMP		X	6	14	15
299		X	PALM TREE		X	10	15	25
300		X	SILVER TRUMP		X	8	10	15
301		X	PALM		X	9	17	15
302		X	PALM		X	10	18	16
303		X	PALM TREE		X	9	12	30
304		X	SILVER TRUMP		X	6	8	20
305		X	QUEEN PALM		X	9	12	36
306		X	PALM		X	12	20	30
307		X	QUEEN PALM		X	12	20	30
308		X	QUEEN PALM		X	12	20	30
309		X	SILVER TRUMP		X	8	10	20
310		X	QUEEN PALM		X	12	20	30
311		X	SILVER TRUMP		X	8	8	20
312		X	SILVER TRUMP		X	8	10	30
313		X	QUEEN PALM		X	12	20	30
314		X	SILVER TRUMP		X	5	10	20
315		X	QUEEN PALM		X	12	20	30
316		X	QUEEN PALM		X	6	10	20
317		X	QUEEN PALM		X	12	20	30
318		X	QUEEN PALM		X	12	20	30
319		X	JACARANDA		X	6	16	13
320		X	QUEEN PALM		X	11	18	14
321		X	QUEEN PALM		X	12	17	15
322		X	JACARANDA		X	7	14	12
323		X	JACARANDA		X	5	16	14
324		X	QUEEN PALM		X	10	15	13
325		X	JACARANDA		X	7	16	12
326		X	QUEEN PALM		X	11	17	14
327		X	JACARANDA		X	8	14	12
328		X	JACARANDA		X	7	15	13
329		X	JACARANDA		X	6	15	13
330		X	BLACK OLIVE		X	8	14	15
331		X	BLACK OLIVE		X	9	13	14
332		X	BLACK OLIVE		X	7	15	16
333		X	BLACK OLIVE		X	8	15	14
334		X	BLACK OLIVE		X	8	13	15
335		X	OAK	X		6	6	20
336		X	BLACK OLIVE		X	6	7	21
337		X	BLACK OLIVE		X	8	9	20
338		X	BLACK OLIVE		X	7	8	19
339		X	BLACK OLIVE		X	6	7	21
340		X	BLACK OLIVE		X	8	8	19
341		X	BLACK OLIVE		X	6	9	20
342		X	BLACK OLIVE		X	3	5	8
343		X	OAK	[illegible]		4	4	9
344		X	OAK	[illegible]		5	8	8
345		X	OAK	[illegible]		6	6	9
346		X	ROYAL PALM		X	20	30	18
347		X	ROYAL PALM		X	19	29	17
348		X	ROYAL PALM		X	21	31	19

RECEIVED
MIAMI-DADE [illegible]
PROCESS# [illegible]
DATE SEP 02 2008
BY [illegible]

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Z08-166
SEP 02 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [signature]

SANTOS / RAIMUNDEZ
Architects P.A.
3134 CORAL WAY MIAMI, FLORIDA 33145
(305) 446 6224 Lic. No. AA-P0002699
[illegible]

LANDSCAPE TABLE

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

DRAWN A.V./M.K
CHECKED E.S.
DATE 04-24-08
PROJ. NO. 0727
REVISIONS
1 06-02-08 COMMENT
2 08-08-08 COMMENT

SHEET
LS-2A
OF
7

66

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
349		X	COCONUT PALM		X	12	16	19
350		X	COCONUT PALM		X	15	11	16
351		X	COCONUT PALM		X	13	15	18
352		X	OAK	X		4	4	4
353		X	ROYAL PALM TREE		X	16	17	26
354		X	ROYAL PALM TREE		X	15	18	24
355		X	ROYAL PALM TREE		X	17	18	26
356		X	ROYAL PALM TREE		X	15	17	26
357		X	ROYAL PALM TREE		X	16	18	25
358		X	ROYAL PALM TREE		X	17	15	24
359		X	ROYAL PALM TREE		X	18	15	26
360		X	ROYAL PALM TREE		X	15	15	24
361		X	ROYAL PALM TREE		X	17	16	28
362		X	ROYAL PALM TREE		X	18	14	25
363		X	ROYAL PALM TREE		X	16	15	24
364		X	ROYAL PALM TREE		X	17	15	26
365		X	ROYAL PALM TREE		X	16	14	25
366		X	ROYAL PALM TREE		X	14	14	20
367		X	COCONUT PALM		X	10	20	30
368		X	COCONUT PALM		X	11	19	31
369		X	COCONUT PALM		X	9	21	29
370		X	COCONUT PALM		X	10	20	30
371		X	COCONUT PALM		X	11	19	31
372		X	MAHOGANY	X		12	18	22
373		X	PALM		X	8	11	11
374		X	PALM		X	9	10	10
375		X	PALM		X	7	10	12
376		X	PALM		X	9	12	10
377		X	PALM		X	8	11	11
378		X	COCONUT PALM		X	12	15	18
379		X	COCONUT PALM		X	13	16	17
380		X	COCONUT PALM		X	11	15	19
381		X	COCONUT PALM		X	12	14	18
382		X	COCONUT PALM		X	13	16	17
383		X	COCONUT PALM		X	11	15	18
384		X	COCONUT PALM		X	12	16	19
385		X	COCONUT PALM		X	11	15	16
386		X	COCONUT PALM		X	12	14	16
387		X	COCONUT PALM		X	13	14	17
388		X	COCONUT PALM		X	12	16	18
389		X	COCONUT PALM		X	13	16	17
390		X	COCONUT PALM		X	12	14	16
391		X	COCONUT PALM		X	11	14	19
392		X	COCONUT PALM		X	12	16	16
393		X	SABAL PALM	X		11	17	12
394		X	SABAL PALM	X		10	13	12
395		X	OAK	X		5	10	12
396		X	OAK	X		6	9	11
397		X	OAK	X		6	11	13
398		X	OAK	X		5	10	11
399		X	OAK	X		5	11	12
400		X	SABAL PALM	X		12	13	12
401		X	SABAL PALM	X		11	14	11
402		X	SABAL PALM	X		13	12	13
403		X	SABAL PALM	X		11	14	11
404		X	SABAL PALM	X		12	13	12
405		X	SILVER PALM	X		15	16	14
406		X	SILVER PALM	X		15	16	16
407		X	DOGWOOD	X		10	14	13
408		X	DOGWOOD	X		8	16	11
409		X	DOGWOOD	X		10	14	13
410		X	SILVER PALM	X		15	17	15
411		X	DOGWOOD	X		9	15	12
412		X	DOGWOOD	X		8	16	11
413		X	DOGWOOD	X		9	17	12
414		X	SILVER PALM	X		15	17	15
415		X	DOGWOOD	X		8	16	12
416		X	DOGWOOD	X		7	17	11
417		X	DOGWOOD	X		9	19	13
418		X	DOGWOOD	X		8	17	12
419			DOGWOOD	TO BE REMOVED				
420			DOGWOOD	TO BE REMOVED				
421			DOGWOOD	TO BE REMOVED				
422		X	DOGWOOD	X		7	19	11
423		X	DOGWOOD	X		8	16	12
424		X	MONTGOMERY PALM		X	10	16	14
425		X	MONTGOMERY PALM		X	11	15	13
426		X	MONTGOMERY PALM		X	10	17	12
427		X	MONTGOMERY PALM		X	10	16	11
428		X	MONTGOMERY PALM		X	9	17	15
429		X	MONTGOMERY PALM		X	10	16	14
430		X	MONTGOMERY PALM		X	8	11	12
431		X	MONTGOMERY PALM		X	7	10	11
432		X	MONTGOMERY PALM		X	9	12	13
433		X	MONTGOMERY PALM		X	8	11	12
434		X	DOGWOOD	X		7	19	13
435		X	DOGWOOD	X		9	17	11

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
436		X	DOGWOOD	X		6	18	12
437		X	PALM		X	9	15	15
438		X	PALM		X	11	17	13
439		X	GUMBO LIMBO	X		9	16	12
440		X	GUMBO LIMBO	X		10	16	11
441		X	GUMBO LIMBO	X		8	17	13
442		X	GUMBO LIMBO	X		10	17	13
443		X	AUSTRALIAN PINE		X	18	30	24
444		X	GUMBO LIMBO	X		10	15	13
445		X	GUMBO LIMBO	X		10	15	11
446		X	GUMBO LIMBO	X		8	15	11
447		X	GUMBO LIMBO	X		10	14	12
448		X	GUMBO LIMBO	X		12	17	12
449		X	MAHOGANY	X		12	15	20
450		X	MAHOGANY	X		13	17	22
451		X	GUMBO LIMBO	X		9	16	12
452		X	GUMBO LIMBO	X		8	17	13
453		X	GUMBO LIMBO	X		9	15	11
454		X	GUMBO LIMBO	X		8	15	13
455		X	GUMBO LIMBO	X		9	15	11
456		X	GUMBO LIMBO	X		10	17	12
457		X	GUMBO LIMBO	X		10	15	13
458		X	GUMBO LIMBO	X		11	15	11
459		X	GUMBO LIMBO	X		10	17	13
460		X	GUMBO LIMBO	X		9	16	12
461		X	GUMBO LIMBO	X		8	15	11
462		X	GUMBO LIMBO	X		10	17	13
463		X	GUMBO LIMBO	X		9	15	12
464		X	GUMBO LIMBO	X		8	16	11
465		X	GUMBO LIMBO	X		10	15	13
466		X	GUMBO LIMBO	X		9	16	12
467		X	GUMBO LIMBO	X		10	17	11
468		X	GUMBO LIMBO	X		9	16	12
469		X	GUMBO LIMBO	X		10	15	13
470		X	SILVER PALM	X		18	16	18
471		X	SILVER PALM	X		19	17	15
472		X	GUMBO LIMBO	X		9	16	12
473		X	GUMBO LIMBO	X		10	17	13
474		X	GUMBO LIMBO	X		8	15	11
475		X	GUMBO LIMBO	X		10	16	13
476		X	GUMBO LIMBO	X		9	17	12
477		X	MAHOGANY	X		11	17	16
478		X	MAHOGANY	X		10	16	17
479		X	MAHOGANY	X		12	15	19
480		X	MAHOGANY	X		10	17	17
481		X	MAHOGANY	X		10	18	17
482		X	MAHOGANY	X		11	17	16
483		X	MAHOGANY	X		11	18	17
484		X	AUSTRALIAN PINE		X	17	31	23
485		X	MAHOGANY	X		10	16	19
486		X	MAHOGANY	X		12	16	17
487		X	AUSTRALIAN PINE		X	19	29	25
488		X	MAHOGANY	X		12	18	17
489		X	MAHOGANY	X		11	17	16
490		X	MAHOGANY	X		10	16	19
491		X	MAHOGANY	X		11	17	16
492		X	MAHOGANY	X		10	18	17
493		X	MAHOGANY	X		12	16	12
494		X	SILVER PALM	X		16	16	16
495		X	SILVER PALM	X		19	17	15
496		X	SILVER PALM	X		15	17	16
497		X	MAHOGANY	X		10	10	8
498		X	MAHOGANY	X		11	16	16
499		X	MAHOGANY	X		12	17	19
500		X	MAHOGANY	X		10	15	17
501		X	MAHOGANY	X		11	17	16
502		X	MAHOGANY	X		12	15	19
503		X	MAHOGANY	X		11	16	16
504		X	MAHOGANY	X		4	10	6
505		X	MAHOGANY	X		5	9	6
506		X	MAHOGANY	X		3	9	4
507		X	MAHOGANY	X		5	11	6
508		X	MAHOGANY	X		10	14	12
509		X	MAHOGANY	X		12	16	14
510		X	MAHOGANY	X		10	14	13
511		X	MAHOGANY	X		11	15	12
512		X	MAHOGANY	X		11	15	13
513		X	MAHOGANY	X		8	12	14
514		X	JACARANDA		X	9	14	15
515		X	JACARANDA		X	10	15	16
516		X	JACARANDA		X	9	14	15
517		X	JACARANDA		X	10	14	16
518		X	JACARANDA		X	10	15	14
519		X	JACARANDA		X	8	13	16
520		X	JACARANDA		X	8	15	14
521		X	SABAL PALM	X		10	7	7
522		X	SABAL PALM	X		11	8	8

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
523		X	SABAL PALM	X		[illegible]	[illegible]	[illegible]
524		X	SABAL PALM	X		11	[illegible]	[illegible]
525		X	SABAL PALM	X		10	6	7
526		X	SABAL PALM	X		11	6	6
527		X	SABAL PALM	X		10	7	7
528		X	SABAL PALM	X		11	12	12
529		X	SABAL PALM	X		10	12	11
530		X	SABAL PALM	X		11	12	12
531		X	SABAL PALM	X		10	13	11
532		X	SABAL PALM	X		12	12	12
533		X	SABAL PALM	X		10	13	11
534		X	SABAL PALM	X		10	12	11
535		X	SABAL PALM	X		11	13	12
536		X	SABAL PALM	X		10	13	11
537		X	SABAL PALM	X		11	12	12
538		X	SABAL PALM	X		10	7	7
539		X	SABAL PALM	X		15	10	30
540		X	SABAL PALM	X		11	8	8
541		X	SABAL PALM	X		9	8	6
542		X	SABAL PALM	X		10	6	7
543		X	SABAL PALM	X		9	8	8
544		X	SABAL PALM	X		10	7	7
545		X	JACARANDA		X	9	15	17
546		X	JACARANDA		X	9	17	18
547		X	JACARANDA		X	10	16	19
548		X	JACARANDA		X	9	16	18
549		X	JACARANDA		X	10	16	19
550		X	BLACK OLIVE		X	9	12	13
551		X	BLACK OLIVE		X	10	11	14
552		X	BLACK OLIVE		X	10	12	12
553		X	BLACK OLIVE		X	10	12	14
554		X	BLACK OLIVE		X	7	12	12
555		X	BLACK OLIVE		X	9	13	14
556		X	JACARANDA		X	11	21	22
557		X	BLACK OLIVE		X	10	12	13
558		X	BLACK OLIVE		X	9	11	12
559		X	JACARANDA		X	10	20	21
560		X	BLACK OLIVE		X	9	12	12
561		X	JACARANDA		X	12	22	23
562		X	BLACK OLIVE		X	10	11	12
563		X	MAHOGANY	X		11	11	10
564		X	BLACK OLIVE		X	7	13	13
565		X	BLACK OLIVE		X	8	12	14
566		X	OAK	X		5	10	8
567		X	BLACK OLIVE		X	8	14	12
568		X	JACARANDA		X	9	13	12
569		X	BLACK OLIVE		X	7	12	14
570		X	MAHOGANY	X		13	18	20
571		X	BLACK OLIVE		X	8	12	14
572		X	MAHOGANY	X		12	17	19
573		X	BLACK OLIVE		X	7	13	13
574		X	JACARANDA		X	7	15	12
575		X	BLACK OLIVE		X	8	13	12
576		X	JACARANDA		X	8	16	11
577		X	BLACK OLIVE		X	6	13	12
578		X	JACARANDA		X	8	16	13
579		X	BLACK OLIVE		X	8	12	14
580		X	JACARANDA		X	7	15	12
581		X	OAK	X		7	11	9
582		X	BLACK OLIVE		X	7	13	13
583		X	JACARANDA		X	7	15	12
584		X	OAK	X		5	9	11
585		X	BLACK OLIVE		X	6	12	14
586		X	JACARANDA		X	8	16	12
587		X	BLACK OLIVE		X	6	13	12
588		X	BLACK OLIVE		X	8	14	15
589		X	JACARANDA		X	6	15	13
590		X	OAK	X		8	10	11
591		X	BLACK OLIVE		X	7	13	18
592		X	OAK	X		8	11	11
593		X	JACARANDA		X	6	16	14
594		X	JACARANDA		X	5	14	12
595		X	BLACK OLIVE		X	9	16	16
596		X	JACARANDA		X	8	14	12
597		X	BLACK OLIVE		X	8	14	15
598		X	JACARANDA		X	7	15	12
599		X	BLACK OLIVE		X	8	13	14
600		X	OAK	X		6	10	10
601		X	JACARANDA		X	7	13	15
602		X	BLACK OLIVE		X	7	15	14
603		X	JACARANDA		X	6	15	13
604		X	BLACK OLIVE		X	9	13	16
605		X	JACARANDA		X	5	14	12
606		X	BLACK OLIVE		X	9	13	15
607		X	OAK	X		7	12	11
608		X	BLACK OLIVE		X	7	12	11
609		X	BLACK OLIVE		X	9	13	16

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
610		X	BLACK OLIVE		X	9	15	14
611		X	JACARANDA		X	7	14	12
612		X	BLACK OLIVE		X	9	15	16
613		X	JACARANDA		X	6	15	50
614		X	OAK	X		6	11	8
615		X	OAK	X		8	10	9
616		X	OAK	X		6	11	10
617		X	OAK	X		6	12	10
618		X	OAK	X		6	12	10
619		X	BLACK OLIVE		X	6	11	11
620		X	OAK	X		7	12	11
621		X	OAK	X		7	12	11
622		X	OAK	X		6	10	10
623		X	OAK	X		6	11	10
624		X	SILVER PALM	X		15	17	15
625		X	SILVER PALM	X		16	18	14
626		X	SILVER PALM	X		16	18	15
627		X	SILVER PALM	X		16	18	14
628		X	JACARANDA		X	10	17	16
629		X	JACARANDA		X	11	18	15
630		X	JACARANDA		X	9	18	17
631		X	BLACK OLIVE		X	7	11	12
632		X	BLACK OLIVE		X	5	12	10
633		X	BLACK OLIVE		X	7	12	12
634		X	OAK	X		6	10	10
635		X	BLACK OLIVE		X	5	11	10
636		X	BLACK OLIVE		X	6	11	11
637		X	SILVER PALM	X		16	14	12
638		X	SILVER PALM	X		15	13	11
639		X	SILVER PALM	X		17	15	13
640		X	SILVER PALM	X		15	15	11
641		X	SILVER PALM	X		17	15	13
642		X	OAK	X		5	11	10
643		X	OAK	X		6	12	10
644		X	SILVER PALM	X		16	14	12
645		X	SILVER PALM	X		15	15	13
646		X	SILVER PALM	X		16	15	12
647		X	SILVER PALM	X		15	13	11
648		X	SILVER PALM	X		17	13	12
649		X	SILVER PALM	X		16	14	12
650		X	BLACK OLIVE		X	7	12	12
651		X	OAK	X		6	10	10
652		X	BLACK OLIVE		X	8	13	11
653		X	BLACK OLIVE		X	6	11	13
654		X	OAK	X		7	11	9
655		X	BLACK OLIVE		X	8	11	11
656		X	JACARANDA		X	9	16	20
657		X	BLACK OLIVE		X	8	13	11
658		X	JACARANDA		X	10	17	21
659		X	JACARANDA		X	8	19	18
660		X	BLACK OLIVE		X	8	13	11
661		X	JACARANDA		X	10	19	21
662		X	JACARANDA		X	8	17	19
663		X	OAK	X		8	10	9
664		X	BLACK OLIVE		X	6	13	11
665		X	BLACK OLIVE		X	7	12	13
666		X	BLACK OLIVE		X	9	12	11
667		X	OAK	X		5	10	10
668		X	OAK	X		5	10	10
669		X	OAK	X		6	10	10
670		X	OAK	X		6	10	10
671		X	OAK	X		7	11	9
672		X	OAK	X		6	11	10
673		X	OAK	X		7	11	9
674		X	OAK	X		6	10	10
675		X	OAK	X		6	12	10
676		X	OAK	X		6	12	10
677		X	SILVER PALM	X		15	14	12
678		X	OAK	X		6	12	10
679		X	OAK	X		5	12	10
680		X	OAK	X		8	10	10
681		X	OAK	X		6	10	4
682		X	OAK	X		6	11	11
683		X	OAK	X		6	12	11
684		X	JACARANDA		X	11	21	22
685		X	OAK	X		8	10	10
686		X	PALM		X	4	12	12
687		X	PALM CLU		X	12	10	12
688		X	PALM CLU		X	15	11	13
689		X	PALM CLU		X	13	9	11
690		X	ROYAL PALM		X	8	10	20
691		X	COCONUT		X	14	12	12
692		X	COCONUT		X	10	5	10
693		X	PINE TREE		X	28	30	40
694		X	COCONUT		X	10	6	10
695		X	COCONUT		X	10	8	10
696		X	PINE TREE		X	10	15	35

RECEIVED 208-166
SEP 02 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

SANTOS / RAIMUNDEZ Architects P.A.
3134 CORAL WAY MIAMI, FLORIDA 33145
(305) 446 6224 Lic. No. AA-P0002690

LANDSCAPE TABLE

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SHEET LS-2B OF 7

67

RECEIVED
MIAMI-DADE ... PROCESS #: 208-166
DATE: OCT 21 2008
BY: ...

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
[illegible]	X	X	PINE TREE		X	10	15	35
698	X	X	PINE TREE		X	10	15	35
699	X	X	DOGWOOD	X		7	14	7
700	X	X	DOGWOOD	X		5	12	8
701	X	X	DOGWOOD	X		9	22	12
702	X	X	DOGWOOD	X		10	23	14
703	X	X	DOGWOOD	X		10	21	14
704	X	X	DOGWOOD	X		10	22	12
705	X	X	DOGWOOD	X		8	12	10
706	X	X	DOGWOOD	X		10	24	15
707	X	X	DOGWOOD	X		9	19	12
708	X	X	DOGWOOD	X		7	21	13
709	X	X	DOGWOOD	X		3	9	3
710	X	X	DOGWOOD	X		7	19	12
711	X	X	DOGWOOD	X		10	21	14
712	X	X	DOGWOOD	X		8	21	10
713	X	X	DOGWOOD	X		8	18	12
714	X	X	DOGWOOD	X		11	12	12
715	X	X	DOGWOOD	X		7	14	12
716	X	X	DOGWOOD	X		8	13	10
717	X	X	DOGWOOD	X		10	17	12
718	X	X	DOGWOOD	X		5	13	10
719	X	X	DOGWOOD	X		3	10	10
720	X	X	DOGWOOD	X		3	11	8
721	X	X	DOGWOOD	X		3	10	6
722	X	X	DOGWOOD	X		17	15	13
723	X	X	DOGWOOD	X		15	14	18
724	X	X	DOGWOOD	X		15	16	14
725	X	X	DOGWOOD	X		17	14	15
726	X	X	COCONUT PALM		X	17	15	15
727	X	X	COCONUT PALM		X	18	16	14
728	X	X	DOGWOOD	X		16	14	18
729	X	X	DOGWOOD	X		6	20	12
730	X	X	DOGWOOD	X		6	19	11
731	X	X	MAHOGANY	X		7	21	13
732	X	X	MAHOGANY	X		6	19	12
733	X	X	MAHOGANY	X		6	20	11
734	X	X	MAHOGANY	X		7	21	13
735	X	X	MAHOGANY	X		6	19	12
736	X	X	MAHOGANY	X		8	20	11
737	X	X	COCONUT		X	7	21	13
738	X	X	COCONUT		X	10	20	35
739	X	X	COCONUT		X	11	21	36
740	X	X	COCONUT		X	9	19	34
741	X	X	COCONUT		X	9	20	35
742	X	X	COCONUT		X	11	21	35
743	X	X	COCONUT		X	10	19	34
744	X	X	SABAL PALM	X		18	12	20
745	X	X	PALM		X	10	12	25
746	X	X	PALM		X	9	13	24
747	X	X	PALM CLUSTER		X	8	10	20
748	X	X	PALM CLUSTER		X	5	9	19
749	X	X	PALM CLUSTER		X	6	10	20
750	X	X	PALM CLUSTER		X	7	11	21
751	X	X	PALM		X	8	12	20
752	X	X	CANARY PALM		X	22	12	15
753	X	X	COCONUT		X	14	10	15
754	X	X	PALM		X	10	10	15
755	X	X	PALM		X	9	11	18
756	X	X	PALM		X	11	12	14
757	X	X	PALM		X	10	10	15
758	X	X	PALM		X	9	12	18
759	X	X	PALM		X	11	9	14
760	X	X	CANARY PALM		X	20	12	10
761	X	X	PALM		X	10	12	20
762	X	X	CANARY PALM		X	20	10	10
763	X	X	CANARY PALM		X	23	12	12
764	X	X	COCONUT		X	8	15	15
765	X	X	COCONUT		X	9	14	16
766	X	X	COCONUT		X	18	15	20
767	X	X	COCONUT		X	10	15	20
768	X	X	COCONUT		X	11	16	19
769	X	X	COCONUT		X	9	14	20
770	X	X	COCONUT		X	11	15	21
771	X	X	COCONUT		X	9	14	19
772	X	X	COCONUT		X	11	16	21
773	X	X	DATE PALM	X		14	12	20
774	X	X	CANARY PALM		X	20	10	10
775	X	X	PALM	X		14	10	15
776	X	X	CANARY PALM		X	14	5	6
777	X	X	CANARY PALM		X	15	6	7
778	X	X	CANARY PALM		X	13	4	9
779	X	X	CANARY PALM	TO BE REMOVED				
780	X	X	CANARY PALM	TO BE REMOVED				
781	X	X	CANARY PALM	TO BE REMOVED				
782	X	X	CANARY PALM	TO BE REMOVED				
783	X	X	CANARY PALM		X	13	11	11

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
784		X	CANARY PALM	TO BE REMOVED				
785		X	CANARY PALM	TO BE REMOVED				
786		X	CANARY PALM		X	17	9	11
787		X	CANARY PALM		X	16	7	9
788		X	CANARY PALM		X	15	8	11
789		X	CANARY PALM		X	16	9	11
790		X	CANARY PALM		X	17	8	9
791		X	CANARY PALM		X	15	7	10
792		X	SILVER PALM	X		16	9	10
793		X	DATE PALM		X	10	5	9
794		X	FISH TAIL PALM CLU		X	18	13	10
795		X	DATE PALM		X	10	5	10
796		X	DATE PALM		X	10	5	10
797		X	BOTTLE PALM		X	10	5	8
798		X	BOTTLE PALM		X	11	6	8
799		X	BOTTLE PALM		X	12	5	8
800		X	BOTTLE PALM		X	10	6	8
801		X	BOTTLE PALM		X	11	6	8
802		X	BOTTLE PALM		X	10	5	8
803		X	BOTTLE PALM		X	11	6	8
804		X	BOTTLE PALM		X	10	5	9
805		X	ROYAL PALM		X	12	13	15
806		X	ROYAL PALM		X	13	12	14
807		X	BAMBOO CLUSTER		X	7	32	24
808		X	DATE PALM		X	12	10	12
809		X	SILVER PALM	X		17	15	15
810		X	SILVER PALM	X		18	14	18
811		X	SILVER PALM	X		16	16	14
812		X	SILVER PALM	X		17	14	15
813		X	SILVER PALM	X		17	15	15
814		X	CANARY PALM		X	18	16	14
815		X	SILVER PALM	X		18	14	18
816		X	ALEXANDER PALM CLU		X	6	20	12
817		X	ALEXANDER PALM CLU		X	5	19	11
818		X	ALEXANDER PALM CLU		X	7	21	13
819		X	ALEXANDER PALM CLU		X	6	19	12
820		X	ALEXANDER PALM CLU		X	5	20	11
821		X	ALEXANDER PALM CLU		X	7	21	13
822		X	ALEXANDER PALM CLU		X	6	19	12
823		X	ALEXANDER PALM CLU		X	5	20	11
824		X	ALEXANDER PALM CLU		X	7	21	13
825		X	COCONUT PALM		X	10	20	35
826		X	COCONUT PALM		X	11	21	36
827		X	COCONUT PALM		X	9	19	34
828		X	COCONUT PALM		X	9	20	35
829		X	COCONUT PALM		X	11	21	36
830	X		GEIGER TREE	X				
831	X		GEIGER TREE	X				
832	X		GEIGER TREE	X				
833	X		SILVER BUTTONWOOD	X				
834	X		SILVER BUTTONWOOD	X				
835	X		SILVER BUTTONWOOD	X				
836	X		SILVER BUTTONWOOD	X				
837	X		GUMBO LIMBO	X				
838	X		BLACK IRONWOOD	X				
839	X		GUMBO LIMBO	X				
840	X		GUMBO LIMBO	X				
841	X		SILVER BUTTONWOOD	X				
842	X		SILVER BUTTONWOOD	X				
843	X		SILVER BUTTONWOOD	X				
844	X		SILVER BUTTONWOOD	X				
845	X		SILVER BUTTONWOOD	X				
846	X		GEIGER TREE	X				
847	X		GEIGER TREE	X				
848	X		GEIGER TREE	X				
849	X		BLACK IRONWOOD	X				
850	X		BLACK IRONWOOD	X				
851	X		BLACK IRONWOOD	X				
852	X		BLACK IRONWOOD	X				
853	X		BLACK IRONWOOD	X				
854	X		BLACK IRONWOOD	X				
855	X		BLACK IRONWOOD	X				
856	X		SILVER BUTTONWOOD	X				
857	X		SILVER BUTTONWOOD	X				
858	X		SILVER BUTTONWOOD	X				
859	X		SILVER BUTTONWOOD	X				
860	X		SILVER BUTTONWOOD	X				
861	X		BLACK IRONWOOD	X				
862	X		BLACK IRONWOOD	X				
863	X		BLACK IRONWOOD	X				
864	X		BLACK IRONWOOD	X				
865	X		SILVER BUTTONWOOD	X				
866	X		SILVER BUTTONWOOD	X				
867	X		SILVER BUTTONWOOD	X				
868	X		SILVER BUTTONWOOD	X				
869	X		SILVER BUTTONWOOD	X				
870	X		SILVER BUTTONWOOD	X				

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
871	X		SILVER BUTTONWOOD	X				
872	X		SILVER BUTTONWOOD	X				
873	X		BLACK IRONWOOD	X				
874	X		BLACK IRONWOOD	X				
875	X		BLACK IRONWOOD	X				
876	X		BLACK IRONWOOD	X				
877	X		BLACK IRONWOOD	X				
878	X		SILVER BUTTONWOOD	X				
879	X		SILVER BUTTONWOOD	X				
880	X		SILVER BUTTONWOOD	X				
881	X		SILVER BUTTONWOOD	X				
882	X		LIVE OAK	X				
883	X		LIVE OAK	X				
884	X		LIVE OAK	X				
885	X		LIVE OAK	X				
886	X		GEIGER TREE	X				
887	X		GEIGER TREE	X				
888	X		GEIGER TREE	X				
889	X		GEIGER TREE	X				
890	X		GEIGER TREE	X				
891	X		BLACK IRONWOOD	X				
892	X		BLACK IRONWOOD	X				
893	X		BLACK IRONWOOD	X				
894	X		BLACK IRONWOOD	X				
895	X		BLACK IRONWOOD	X				
896	X		BLACK IRONWOOD	X				
897	X		GEIGER TREE	X		NOT USED		
898	X		GEIGER TREE	X				
899	X		GEIGER TREE	X				
900	X		GEIGER TREE	X				
901	X		GEIGER TREE	X				
902	X		GEIGER TREE	X				
903	X		GEIGER TREE	X				
904	X		GEIGER TREE	X				
905	X		GEIGER TREE	X				
906	X		GEIGER TREE	X				
907	X		GEIGER TREE	X				
908	X		LIVE OAK	X				
909	X		LIVE OAK	X				
910	X		LIVE OAK	X				
911	X		LIVE OAK	X				
912	X		LIVE OAK	X				
913	X		SILVER BUTTONWOOD	X				
914	X		GEIGER TREE	X		NOT USED		
915	X		GEIGER TREE	X		NOT USED		
916	X		GEIGER TREE	X		NOT USED		
917	X		GEIGER TREE	X		NOT USED		
918	X		GEIGER TREE	X				
919	X		GEIGER TREE	X				
920	X		GEIGER TREE	X				
921	X		GEIGER TREE	X				
922	X		SILVER BUTTONWOOD	X				
923	X		LIVE OAK	X				
924	X		LIVE OAK	X				
925	X		LIVE OAK	X				
926	X		LIVE OAK	X				
927	X		LIVE OAK	X				
928	X		LIVE OAK	X				
929	X		LIVE OAK	X				
930	X		LIVE OAK	X				
931	X		LIVE OAK	X				
932	X		LIVE OAK	X				
933	X		LIVE OAK	X				
934	X		LIVE OAK	X				
935	X		LIVE OAK	X				
936	X		LIVE OAK	X				
937	X		LIVE OAK	X				
938	X		LIVE OAK	X				
939	X		LIVE OAK	X				
940	X		LIVE OAK	X				
941	X		LIVE OAK	X				
942	X		LIVE OAK	X				
943	X		LIVE OAK	X				
944	X		LIVE OAK	X				
945	X		LIVE OAK	X				
946	X		LIVE OAK	X				
947	X		LIVE OAK	X				
948	X		LIVE OAK	X				
949	X		LIVE OAK	X				
950	X		LIVE OAK	X				
951	X		LIVE OAK	X				
952	X		SILVER BUTTONWOOD	X				
953	X		GUMBO LIMBO	X				
954	X		LIVE OAK	X				
955	X		LIVE OAK	X				
956	X		LIVE OAK	X				
957	X		LIVE OAK	X				

LANDSCAPE TABLE CON'T

SYMBOL	NEW	EXIST.	COMMON PLANT NAME	NATIVE YES	NATIVE NO	CALIPER (IN.)	CANOPY DIAMETER	HEIGHT
958	X		LIVE OAK	X				
959	X		GUMBO LIMBO	X				
960	X		GUMBO LIMBO	X				
961	X		GUMBO LIMBO	X				
962	X		GUMBO LIMBO	X				
963	X		GUMBO LIMBO	X				
964	X		GUMBO LIMBO	X				
965	X		GEIGER TREE	X				
966	X		SILVER BUTTONWOOD	X				
967	X		SILVER BUTTONWOOD	X				
968	X		SILVER BUTTONWOOD	X				
969	X		SILVER BUTTONWOOD	X				
970	X		SILVER BUTTONWOOD	X				
971	X		SILVER BUTTONWOOD	X				
972	X		GEIGER TREE	X				
973	X		GEIGER TREE	X				
974	X		SILVER BUTTONWOOD	X				
975	X		GUMBO LIMBO	X				
976	X		GEIGER TREE	X				
977	X		GEIGER TREE	X				
978	X		GEIGER TREE	X				
979	X		GEIGER TREE	X				
980	X		GEIGER TREE	X				
981	X		GEIGER TREE	X				
982	X		GEIGER TREE	X				
983	X		GEIGER TREE	X				
984	X		GEIGER TREE	X				
985	X		GEIGER TREE	X				
986	X		GEIGER TREE	X				
987	X		GEIGER TREE	X				
988	X		GUMBO LIMBO	X				
989-998	X		LIVE OAK	X				
998-1003	X		GEIGER TREE	X				
1004	X		GEIGER TREE	X		NOT USED		
1005	X		GEIGER TREE	X		NOT USED		
1006-1008	X		GEIGER TREE	X				
1009-1010	X		SILVER BUTTONWOOD	X				
1011-1019	X		LIVE OAK	X				

LANDSCAPE LEGEND

ZONING DISTRICT: EU-1 WITH RESOLUTION — NET LOT AREA: 31.08 ACRES 1,354,189.30 S.F.

DEFINITION	REQUIRED	PROVIDED
• OPEN SPACE		
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN: NET LOT AREA: 1,354,189.3 SF X%: X S.F.	203,128.40 S.F.	1,162,006.30 S.F.
B. SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A, AS INDICATED ON SITE PLAN: THE NUMBER OF PARKING SPACES X 10 S.F. PER PARKING SPACE:	4,140 S.F.	4,140 S.F.
C. TOTAL SQUARE FEET OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33 = A+B:	207,268.40 S.F.	1,166,146.30 S.F.
• LAWN AREA CALCULATION		
A. TOTAL SQUARE FEET OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33:	207,028.40 S.F.	
B. MAXIMUM LAWN AREA (ST.AUGUSTINE SOD) PERMITTED = X X x X S.F.	82,811.36 S.F.	815,494 S.F.
• TREES		
A. THE NUMBER OF TREES REQUIRED PER NET LOT ACRE LESS THE EXISTING NUMBER OF TREES THAT MEET MINIMUM REQUIREMENTS	28	
= 28 TREES X 31.08 AC.:	870	
B. 30% PALM TREES ALLOWED (TWO PALMS=ONE TREE) PALMS PROVIDED	281	188
C. PERCENTAGE OF NATIVE TREES REQUIRED = THE NUMBER OF TREES PROVIDED X 30%:	281	415
D. STREET TREES (MAX. AVERAGE SPACING OF 35' O.C.): 4,218.25 LINEAR FEET ALONG STREET / 35 =	120	113
E. STREET TREES LOCATED DIRECTLY BENEATH POWER LINES (MAXIMUM AVERAGE SPACING OF 25' O.C.): 4,218.25 LINEAR FEET ALONG STREET / 25 =	N/A	
F. TOTAL NUMBER OF TREES PROVIDED =	870	714
• SHRUBS		
A. THE TOTAL NUMBER OF TREES REQUIRED X 10 = THE NUMBER OF SHRUBS REQUIRED	8,700	4,494
B. THE NUMBER OF SHRUBS REQUIRED BY X 30% = THE NUMBER OF NATIVE SHRUBS REQUIRED	2,610	2,881
• IRRIGATION PLAN: REQUIRED BY CHAPTER 33 ... IRRIGATION OR XERISCAPE PROVIDED		AUTO IRRIGATION

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SANTOS / RAIMUNDEZ
Architects P.A.
3134 CORAL WAY MIAMI, FLORIDA 33145
(305) 448 8224 Lic. No. AA-P0002699

LANDSCAPE TABLE

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

DRAWN A.V./M.K
CHECKED E.S.
DATE 04-24-08
PROJ. NO. 0727
REVISIONS
1 06-02-08
2 08-08-08
3 10-01-08
4 10-17-08

SHEET
LS-2C
OF
7

68

69

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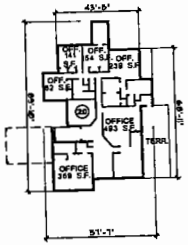
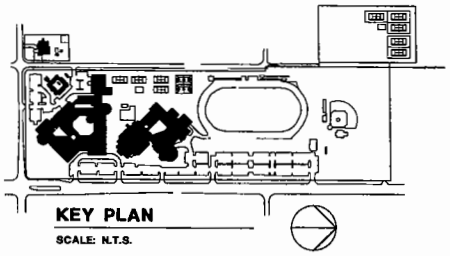


BUILDING 20

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 18'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 28'-2"
9. ART CENTER (1 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 30'-8"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 29'-10"
11. EXISTING TENNIS COURTS
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TRACK
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-8"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 9'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 12'-0"



KEY PLAN

SCALE: N.T.S.

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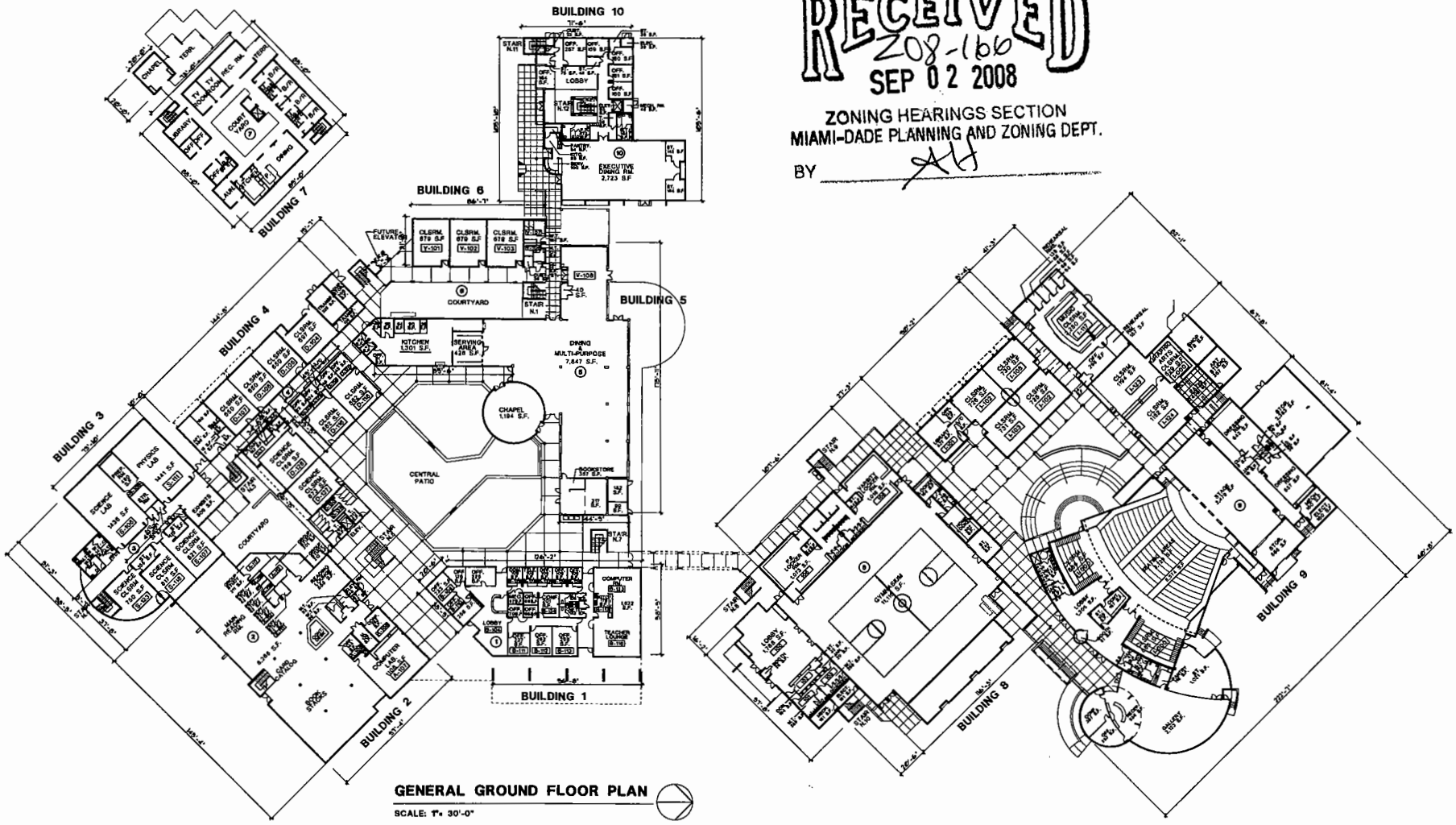
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



GENERAL GROUND FLOOR PLAN

SCALE: 1"= 30'-0"

SANTOS / RAIMUNDEZ
Architects P.A.
3156 CORAL WAY MIAMI, FLORIDA 33145
(305) 445-8448 FAX: 445-8486 LIC. No. AA-0000616

GENERAL GROUND FLOOR PLAN

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

DRAWN	A.V./M.K
CHECKED	E.S.
DATE	04-24-08
PROJ. NO.	0727
REVISIONS	
1	06-02-08
2	06-09-08

SHEET
A-4
OF
6

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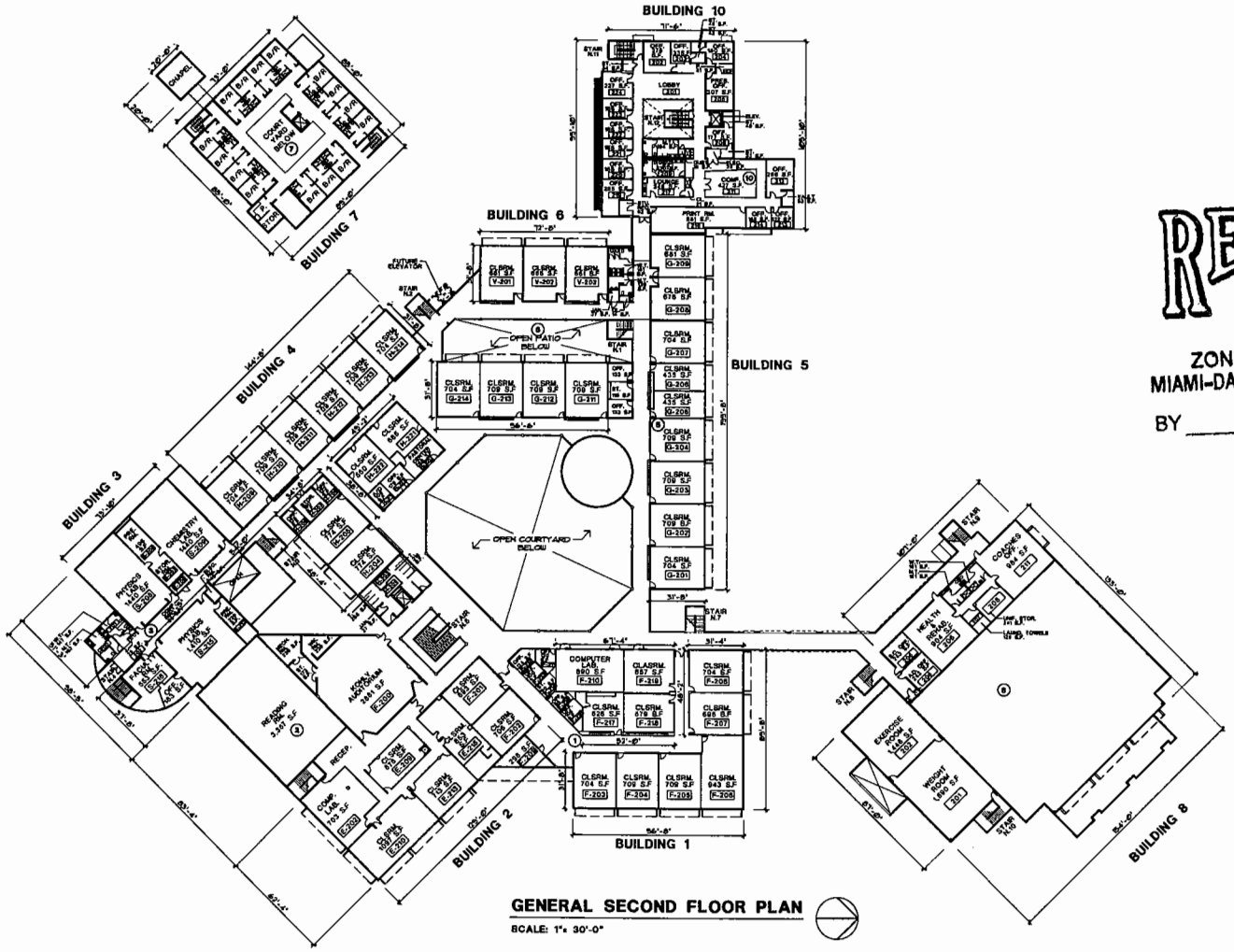
MIAMI-DADE COUNTY
PROCESS # 2008-166
DATE: SEP 02 2008
BY: KEN



GENERAL SECOND FLOOR PLAN

SCALE: 1" = 30'-0"

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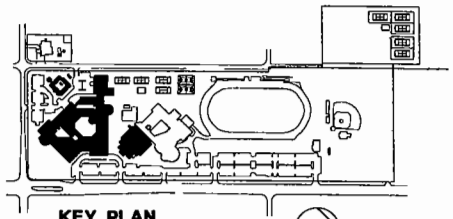
BY

BUILDINGS

1. EXISTING ADMINISTRATION BUILDING (2 STORIES)
   1ST. FLOOR: EXISTING ADMINISTRATIVE OFFICES (FUTURE STUDENT SERVICES)
   2ND. FLOOR: CLASSROOMS / LABS
   BUILDING HEIGHT: 24'-0"
2. LIBRARY (2 STORIES)
   1ST. FLOOR: LIBRARY
   2ND. FLOOR: AUDIO VISUAL CLASSROOM
   BUILDING HEIGHT: 24'-0"
3. SCIENCE BUILDING (2 STORIES)
   1ST. AND 2ND. FLOOR: CLASSROOMS AND LABS.
   BUILDING HEIGHT: 24'-0"
4. CLASSROOMS
   1ST. AND 2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
5. 1ST FLOOR: DINING / KITCHEN / CHAPEL
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
6. 1ST FLOOR: OFFICES / TEACHER'S LOUNGE
   2ND. FLOOR: CLASSROOMS
   BUILDING HEIGHT: 24'-0"
7. RETREAT / MEDITATION BUILDING (2 STORIES)
   BUILDING HEIGHT: 16'-4"
8. GYMNASIUM (2 STORIES)
   1ST. FLOOR: LOBBY / BASKETBALL COURT / LOCKERS
   2ND. FLOOR: COACHES' OFFICE / EXERCISE ROOM
   BUILDING HEIGHT: 28'-2"
9. ART CENTER (1 STORY)
   1ST. FLOOR: AUDITORIUM / ART GALLERY / ART CLASSROOMS / ART LABS / MUSIC LAB
   BUILDING HEIGHT: 50'-8"
10. ADMINISTRATION BUILDING (2 STORIES)
    1ST. AND 2ND. FLOOR: OFFICES
    BUILDING HEIGHT: 26'-10"
11. EXISTING TENNIS COURTS
12. EXISTING LOCKER ROOMS
13. EXISTING TENNIS COURTS
14. EXISTING SHELTER
15. EXISTING BASKETBALL COURTS
16. EXISTING BLEACHERS
17. EXISTING FOOTBALL FIELD AND TRACK
18. TOILETS / CONCESSION STAND
    BUILDING HEIGHT: 10'-6"
19. EXISTING BASEBALL FIELDS / DUGOUTS
    BUILDING HEIGHT: 9'-0"
20. PROPOSED ADMINISTRATION / DEVELOPMENT BLDG.
    BUILDING HEIGHT: 12'-0"



KEY PLAN

SCALE: N.T.S.

SANTOS / RAIMUNDEZ
Architects P.A.
3154 CORAL WAY MIAMI, FLORIDA 33145
(305) 448 8924 LIC. NO. AA-P0002899

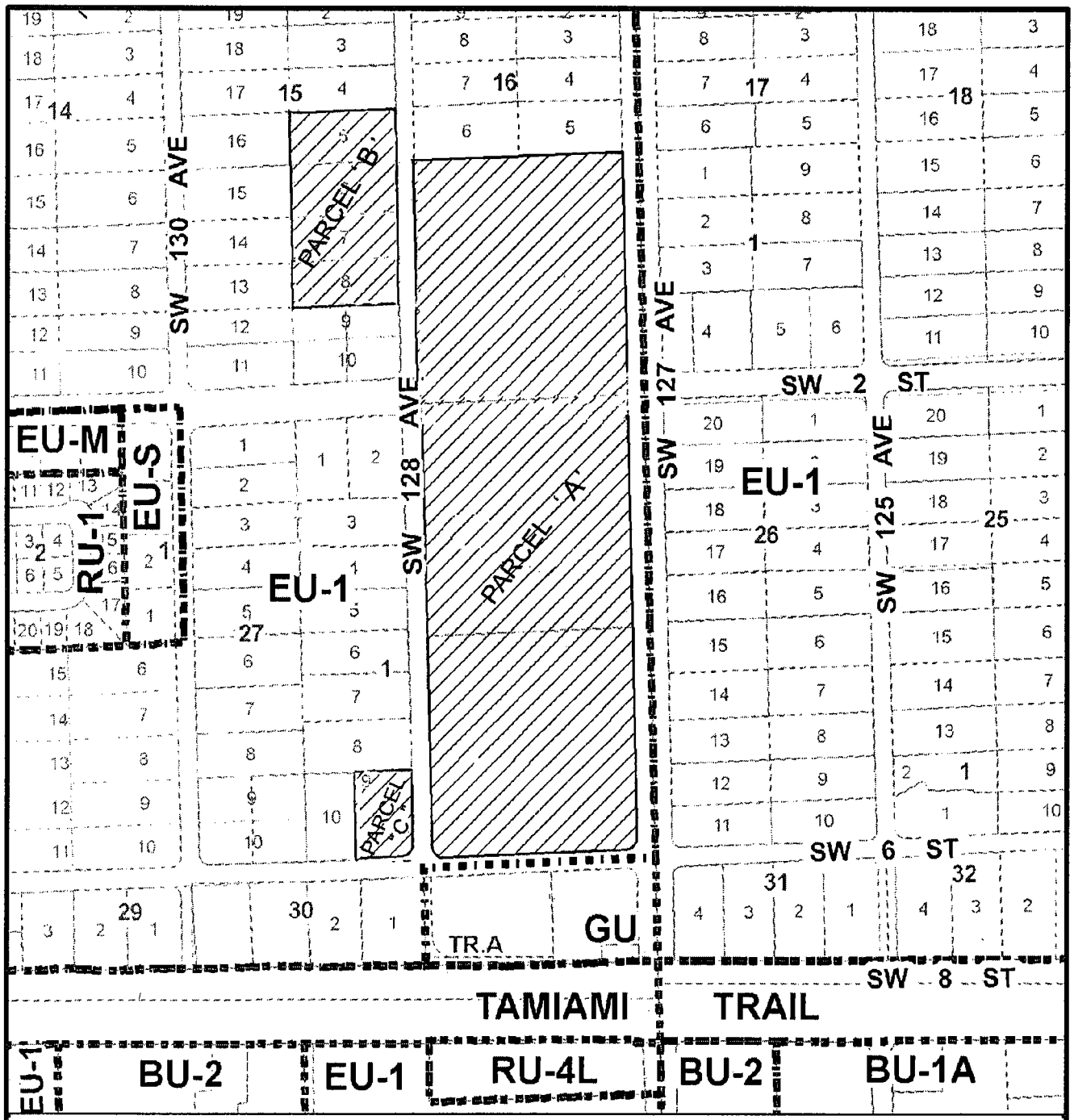
GENERAL SECOND FLOOR PLAN

BELEN JESUIT PREPARATORY SCHOOL
MASTER PLAN
9000 S.W. 127th AVE.
MIAMI, FLORIDA.

DRAWN	A.V./M.K
CHECKED	E.S.
DATE	04-24-08
PROJ. NO.	0727
REVISIONS	
1	06-02-08
2	06-08-08

SHEET A-5 OF 6

70



MIAMI-DADE COUNTY

HEARING MAP

Section: 02 Township: 54 Range: 39

Applicant: BELEN SCHOOL INC.

Zoning Board: C10

Commission District: 12

Drafter ID: JEFFER

Scale: NTS

---------- Zoning

Process Number

08-166

SUBJECT PROPERTY

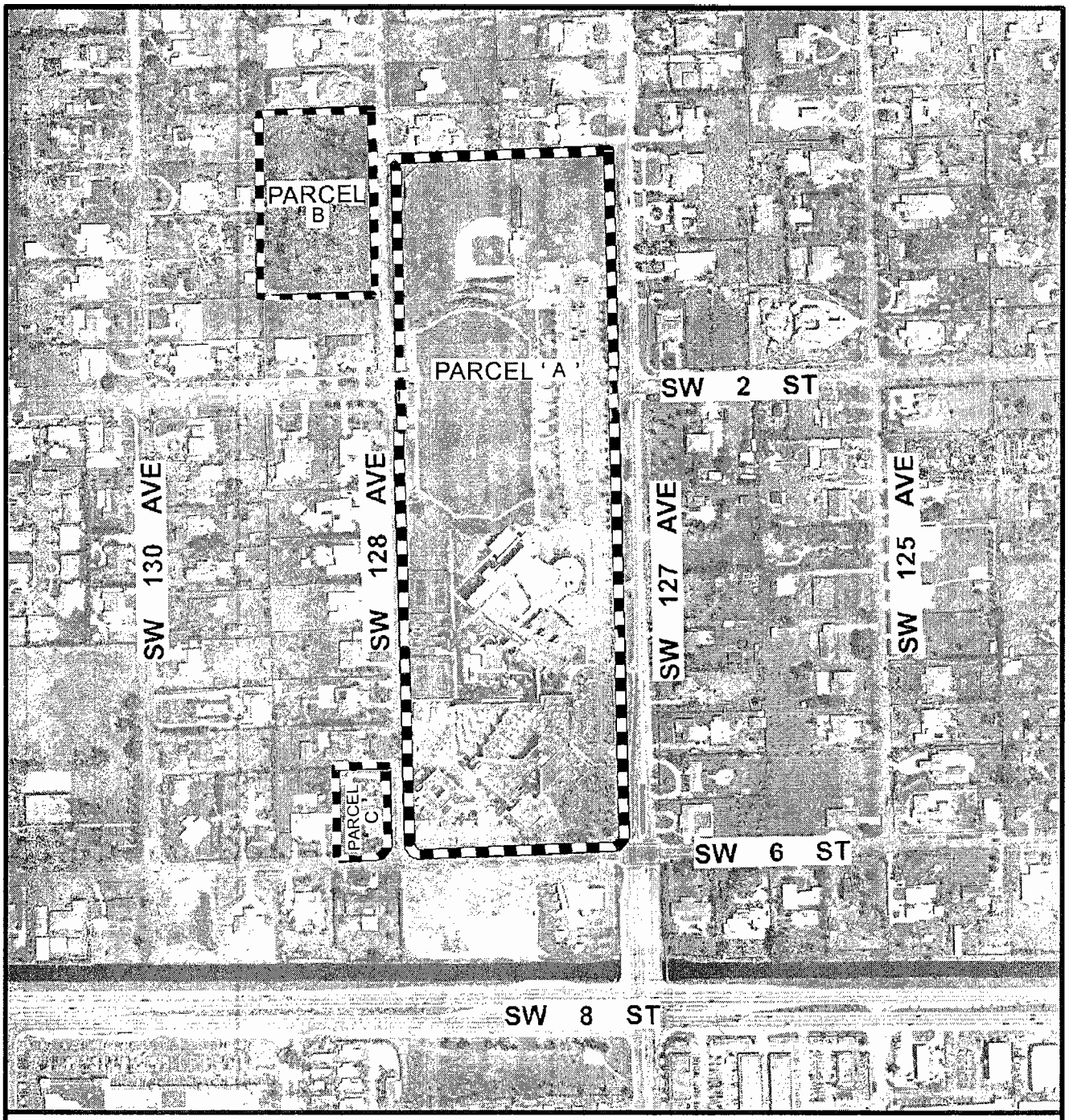
RADIUS: 2640'

MIAMI-DADE COUNTY

SKECTH CREATED ON 09/05/08

REVISION	DATE	BY

71



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 02 Township: 54 Range: 39

Applicant: BELEN SCHOOL INC.

Zoning Board: C10

Commission District: 12

Drafter ID: JEFFER

Scale: NTS

---------- Zoning

Process Number

08-166

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKECTH CREATEDON: 09/05/08

4. MADISON HOLMES
(Applicant)

09-5-CC-4 (05-334)
BCC/District 9
Hearing Date: 5/21/09

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
2007	Director of Dept. of Planning & Zoning	Zone Change from GU, AU, RU-1, RU-2, RU-3M, RU-4, RU-4L, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-C & GP to (PECUC)	BCC	Approved

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

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

APPLICANT: Madison Holmes **PH:** Z05-334 (09-5-CC-1)

SECTION: 32-55-40 **DATE:** May 21, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 4

==========

A. INTRODUCTION

o REQUESTS:

In accordance with Section 33-314(c)(14), this application was heard by the Community Zoning Appeals Board #14 on February 11, 2009, in order for the Board to make a "recommendation" to the Board of County Commissioners:

(1) Applicant is requesting to permit a duplex setback 27.4' (10' or 15' required) from the front (north) property line setback and setback 6.2' (20' required) from the rear (south) property line.

(2) Applicant is requesting to permit a shed spaced 7.5' (10' required) from the residence.

(3) Applicant is requesting to waive the Edge Subdistrict regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces.

(4) Applicant is requesting to waive the Standard Urban Centers regulations requiring the front setback to be landscaped.

(5) Applicant is requesting to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof.

(6) Applicant is requesting to permit the chain link fence with a minimum height of 4' (5' high minimum required) behind the build-to line.

(7) Applicant is requesting to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street.

(8) Applicant is requesting to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front 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 "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  This application will allow additions to an existing duplex residence. The requests are being sought because the existing building and addition on the site do not meet the new zoning regulations for the Perrine Community Urban Center District (PECUC). These requests include the following: to permit an existing building to setback more than required from the front property line and less than required from the rear property line; to permit an accessory building with reduced spacing from the main building; to waive the Edge Subdistrict regulations requiring enclosed parking; to waive the regulations requiring landscaping of the front setback area, to permit a chain link in front of the build-to line with a reduced height (not permitted). Additionally, the applicant seeks to waive the regulations requiring a landscaped strip, curb and gutter, and parking lane along the abutting right-of-way and requiring architectural elements on the building elevation facing the front (north) property line.

- **LOCATION:** 10272-10274 SW 178 Street, Miami-Dade County, Florida.

- **SIZE:** 50' x 100.01'

ZONING HEARINGS HISTORY:

In October 2007, pursuant to Resolution #Z-52-07, the subject property, which was previously zoned, RU-2, Two-Family Residential District, was a part of an application filed by the Department of Planning and Zoning of 866-acres of land that was approved for a district boundary change from multiple zones to PECUC (Perrine Community Urban Center) District.

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 **Community 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 this specific Urban Center shall conform with the guidelines provided in Section 33-284.99.7, PECUC District Requirements, of the Miami-Dade County Zoning Code.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
PECUC/ R; 6 to 18 dua; duplex residence	Community Urban Center

Surrounding Properties:

NORTH:	PECUC/ R; 6 to 18 dua; duplex and single-family residences	Community Urban Center
SOUTH:	PECUC/ R; 6 to 18 dua: single-family residence	Community Urban Center
EAST:	PECUC/ R; 6 to 18 dua; single-family residence	Community Urban Center
WEST:	PECUC/ R; 6 to 18 dua; single-family residence	Community Urban Center

The subject parcel is located at 10272-10274 SW 178 Street. The area where the subject property lies is within the Perrine Community Urban Center, which is currently being developed as a compact, mixed-use community. The area surrounding the subject property is made up of a mix of single-family and duplex residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(No site plan submitted)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Unacceptable**
Open Space:	**Unacceptable**
Buffering:	**Unacceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Unacceptable**
Visibility/Visual Screening:	**Unacceptable**
Urban Design:	**Unacceptable**

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 33-311(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 objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

Section 33-314(C)(14) of the Zoning Code states that applications for development approval or modifications thereof for projects located within the Core sub-district of the Urban Center zoning districts must be heard before the Board of County Commissioners (BCC) after a recommendation is made by the Community Zoning Appeals Board (CZAB) having jurisdiction in that area. This application was heard by the CZAB #14 on February 11, 2009, which recommended to this Board that the application be approved subject to conditions, pursuant to Resolution #CZAB14-3-09.

The subject property is located at 10272-10274 SW 178 Street, approximately **3.5 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property is surrounded by a mix of single-family and duplex residences and vacant lots. The subject property, which was previously zoned RU-2, Two-Family Residential District, was a part of a section of land that was rezoned from multiple zones to PECUC (Perrine Community Urban Center) District. The application seeks to legalize an existing duplex residence and its existing additions, both of which do not meet the new zoning regulations for the PECUC.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application and indicates that no new additional daily peak hour vehicle trips would be generated, therefore no vehicle trips have been assigned. The Miami-Dade Fire Rescue Department **(MDFRD)** also **does not object** to this application and they indicate that the estimated response time is **6.01 minutes**.

The approval of this application will permit an existing duplex and additions on the subject property. The subject property lies within the **Perrine Community Urban Center** (PECUC) District as designated in the Land Use Plan (LUP) map of the Comprehensive Development

Master Plan (CDMP). All of the parcels within the boundaries of the approved PECUC Ordinance, are regulated by plans and descriptive standards described in Ordinance #06-127. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment.

The subject 50' x 100.01' (0.12)-acre property lies within the Edge Sub-District of the PECUC and is designated as Residential (R) under the PECUC's regulating plans. The R zone allows residential uses ranging in density from a minimum of 6, to a maximum of 18 units per net acre, which allows a maximum of 2 units on the subject site. The applicant seeks to permit the continued use of the existing duplex residence and additions which were constructed without building permits. Staff does not support this application since it contains several variances of the PECUC regulations, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Perrine in southern Miami-Dade County. Therefore, staff opines that approval of the application would be **incompatible** with the future development of the area.

When requests #1 through #8 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would as previously mentioned, be **incompatible** with the future development of the area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. In staff's opinion, this application is not in keeping with the planned development of the area under the PECUC guidelines, could set a precedent for similar requests of this type in the area, and would not allow this community to be developed as envisioned. Staff opines that these requests do not maintain the basic intent and purpose of the zoning regulations will not be compatible with the surrounding land uses and will be detrimental to the community. Therefore, this application should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #1 and #8 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed in accordance with the PECUC district regulations and the applicant has not proven that compliance with same would result in an unnecessary hardship. Therefore, these requests cannot be approved under Section 33-311(A)(4)(c) (ANUV) and should be denied without prejudice under same.

Notwithstanding staff's objection to the requests included herein, this application was heard by the CZAB #14 on February 11, 2009, at which time they recommended to this Board that the application be approved subject to conditions, (see attached exhibit A).

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 06/09/06
DATE TYPED: 01/16/09
DATE REVISED: 01/21/09, 01/28/09, 02/04/09, 03/24/09, 04/29/09, 04/30/09, 05/13/09
DATE FINALIZED: 05/13/09
MCL:MTF:NN:JV:CH

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

EXHIBIT "A"

RESOLUTION NO. CZAB14-3-09

WHEREAS, MADISON HOLMES applied for the following:

(1) Applicant is requesting to permit a duplex setback 27.4' (10' or 15' required) from the front (north) property line and setback 6.2' (20' required) from the rear (south) property line.

(2) Applicant is requesting to permit a shed spaced 7.5' (10' required) from the residence.

(3) Applicant is requesting to waive the Edge Subdistrict Regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces.

(4) Applicant is requesting to waive the Standard Urban Centers regulations requiring the front setback to be landscaped.

(5) Applicant is requesting to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof.

(6) Applicant is requesting to permit the chain link fence with a minimum height of 4' (5' high minimum required) behind the build-to line.

(7) Applicant is requesting to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street.

(8) Applicant is requesting to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front 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 "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 50' of the north 130' of the north ½ of the west ½ of the NW ¼ of the SE ¼ of the NE ¼ of SW ¼, less the north 30' for road, all in Section 32, Township 55 South, Range 40 East.

LOCATION: 10272 – 10274 S.W. 178 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the request to permit a duplex setback 27.4′ from the front (north) property line and setback 6.2′ from the rear (south) property line (Item #1), to permit a shed spaced 7.5′ from the residence (Item #2) to waive the Edge Subdistrict Regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces (Item #3), to waive the Standard Urban Centers regulations requiring the front setback to be landscaped (Item #4), to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof (Item #5), to permit the chain link fence with a minimum height of 4′ behind the build-to line (Item #6), to waive the Standard Urban Centers regulations requiring a 6′ wide landscaped strip, 2′ curb and gutter and 7′ wide parking lane on the south half of S.W. 178 Street (Item #7), and to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line (Item #8) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the continuation of this application shall be heard before the Board of County Commissioners for final deliberation, and

WHEREAS, a motion to approve Items #1 through #8 was offered by Wilbur B. Bell, seconded by Nehemiah Davis, and upon a poll of the members present, the vote was as follows:

Wilbur B. Bell	aye	Patrice Michel	absent
Nehemiah Davis	aye	Michael Rodriguez	aye
Curtis Lawrence	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14 that the request to permit a duplex setback 27.4' from the front (north) property line and setback 6.2' from the rear (south) property line (Item #1), to permit a shed spaced 7.5' from the residence (Item #2) to waive the Edge Subdistrict Regulations requiring parking to be in the form of a garage or carport; to permit parking in the form of 4 paved parking spaces (Item #3), to waive the Standard Urban Centers regulations requiring the front setback to be landscaped (Item #4), to waive the Standard Urban Centers regulations requiring masonry, wood, aluminum or wrought iron walls or fences in front of the build-to line; to permit a chain link fence in lieu thereof (Item #5), to permit the chain link fence with a minimum height of 4' behind the build-to line (Item #6), to waive the Standard Urban Centers regulations requiring a 6' wide landscaped strip, 2' curb and gutter and 7' wide parking lane on the south half of S.W. 178 Street (Item #7), and to waive the Standard Urban Centers regulations requiring the duplex residence to have the following architectural elements, all vertically proportioned doors and windows, recessed verandas and projecting porches on the building elevation facing the front property line (Item #8) be and the same are hereby approved, 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 and/or Certificate of Completion; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "entitled "Holmes Duplex," as prepared by Marvin Jackson, consisting of 2 sheets dated stamped received 10/30/08, except as amended to show the closure of the entrance door on the east side of the addition. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the applicants close off the door along the east side of the addition.

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

5. That the applicants submit a Declaration of Use Agreement in recordable form which is acceptable to the Director that restricts this property to a two family use only.

6. That the applicants apply for and secure building permits for all non-permitted additions and structures on the property from the Building Department within 90 days of the expiration of the appeal period for this public hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning.

BE IT FURTHER RESOLVED, that the continuation of this application shall be heard before the Board of County Commissioners for final deliberation.

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

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

PASSED AND ADOPTED this 11th day of February, 2009.

Hearing No. 09-2-CZ14-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF MARCH, 2009.

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 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-4-09 adopted by said Community Zoning Appeals Board at its meeting held on the 11th day of February, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 2nd day of March, 2009.

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

SEAL

Memorandum

MIAMI-DADE COUNTY

Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: C-14 #Z2005000334
Madison Holmes
10272 and 10274 SW 178th Street
Non-Use Variance of Setback Requirements to Permit an Existing Addition to a Duplex
(RU-2) (.114 Ac.)
32-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. 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 reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan (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 and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

REVISION 2

Memorandum

Date: 21-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2005000334

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2005000334
located at 10272 AND 10274 S.W. 178 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2175 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services:

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

Station 50 - Perrine - 9798 Hibiscus St.
Rescue

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 12/18/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

MADISON HOLMES

APPLICANT

10272 AND 10274 S.W. 178 STREET,
MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2005000334

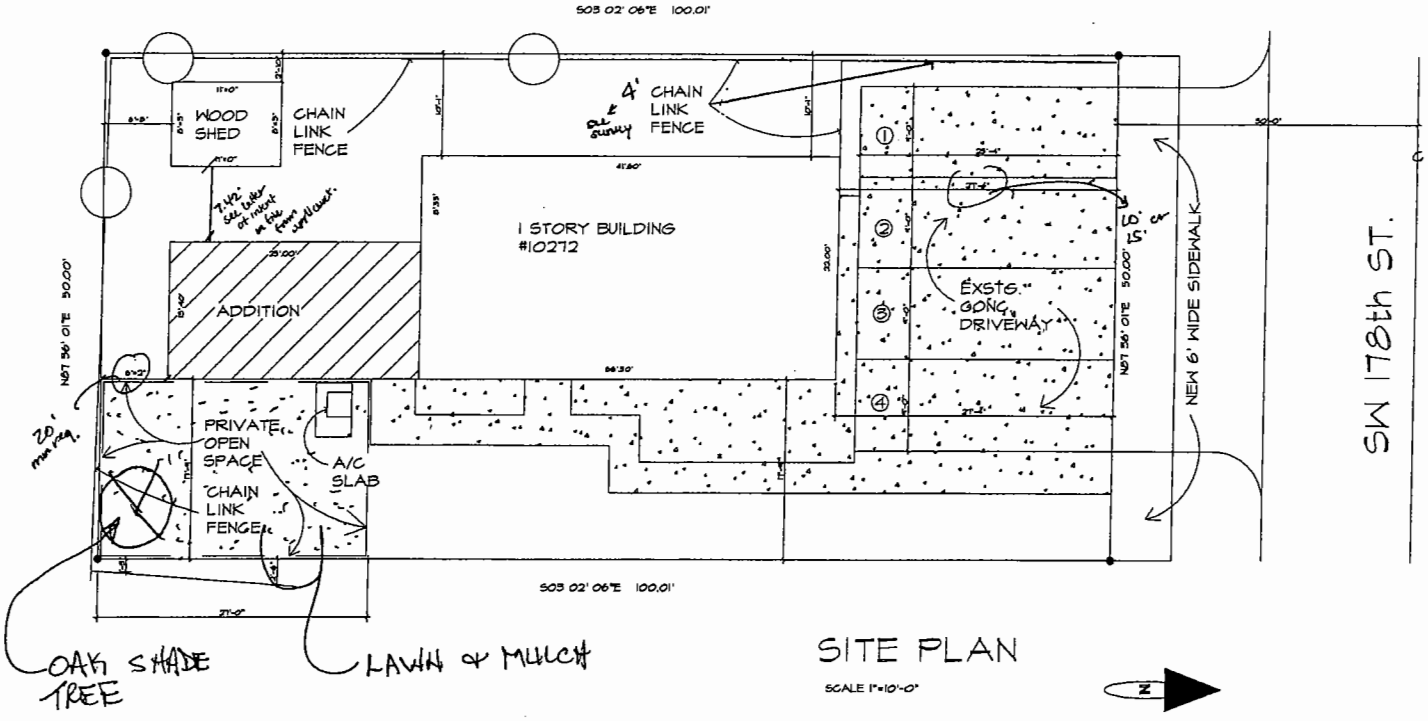
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

12-18-08 No violations Observed at this property.

Jose Lopez

RECEIVED
205-334
OCT 30 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



LEGAL DESCRIPTION

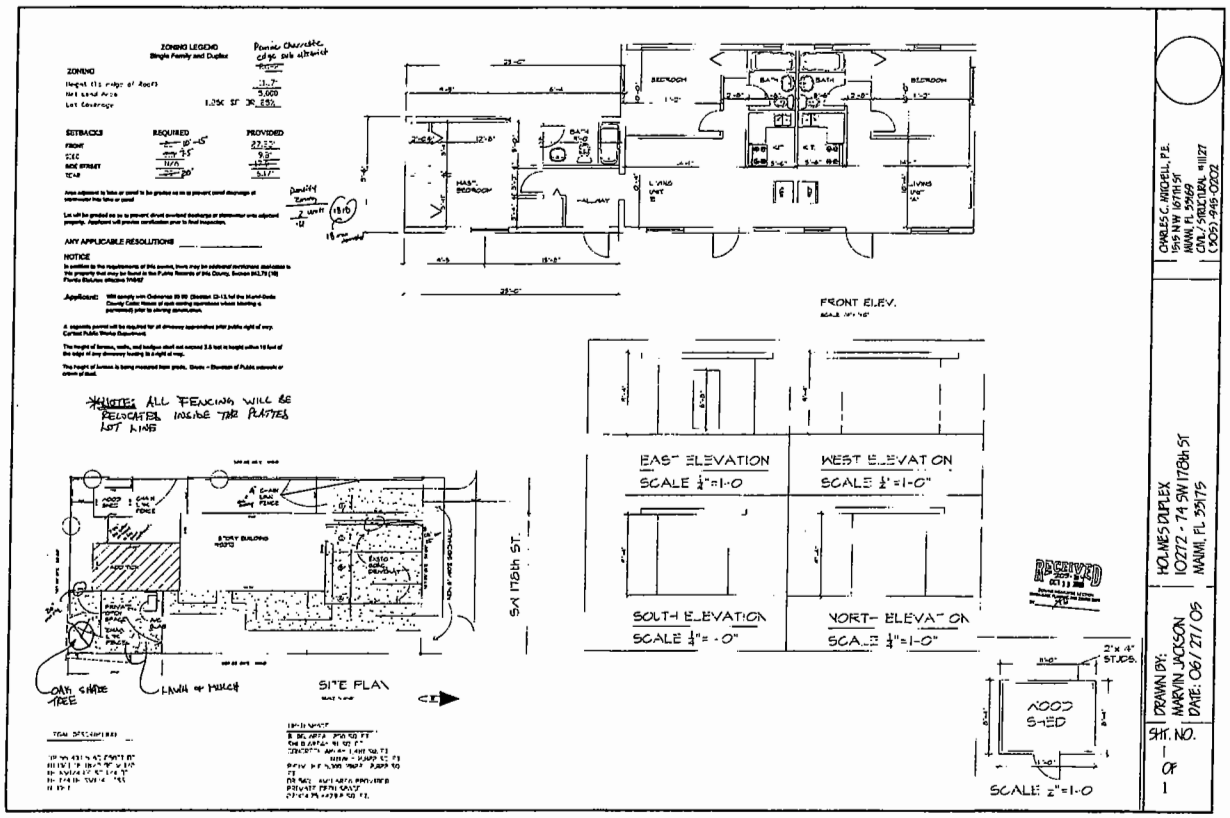
32 55 40.115 AC E50FT OF N130FT OF N1/2 OF W 1/2 OF NW1/4 OF SE 1/4 OF NE 1/4 OF SW1/4 , ESS N 30FT

OPEN SPACE

BLDG. AREA=1250 SQ. FT.
SHED AREA= 91 SQ. FT.
CONCRETE AREA= 1,481 SQ. FT.
TOTAL = 2,822 SQ. FT.
PROVIDED 5,000-2822= 2,822 SQ. FT.
OR 56% LAWN AREA PROVIDED
PRIVATE OPEN SPACE
27'X14.75'=479.2 SQ. FT.

ENLARGED SITE PLAN

RECEIVED
MIAMI-DADE COUNTY
PLANNING & ZONING
NOV 10 2008
PH 1 [illegible]



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205-334
OCT 30 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

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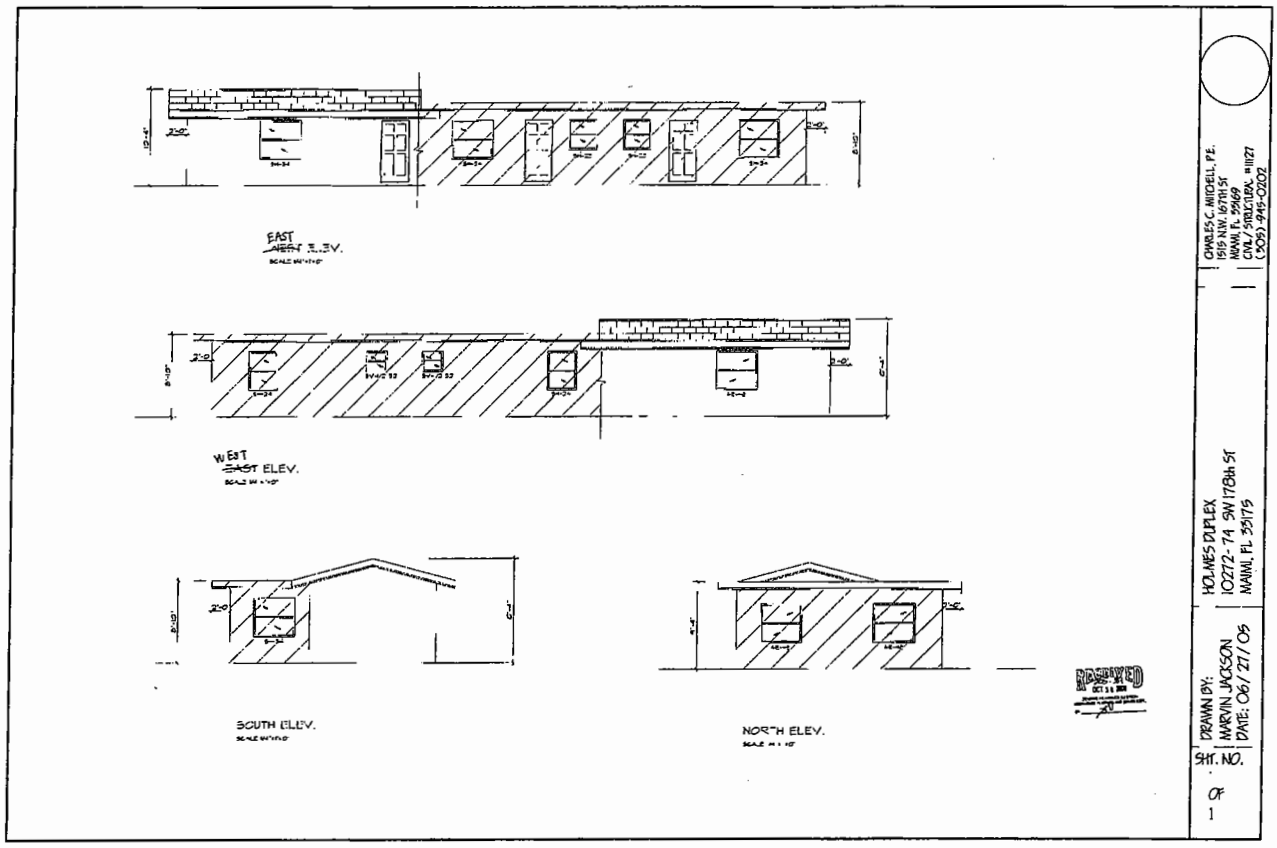

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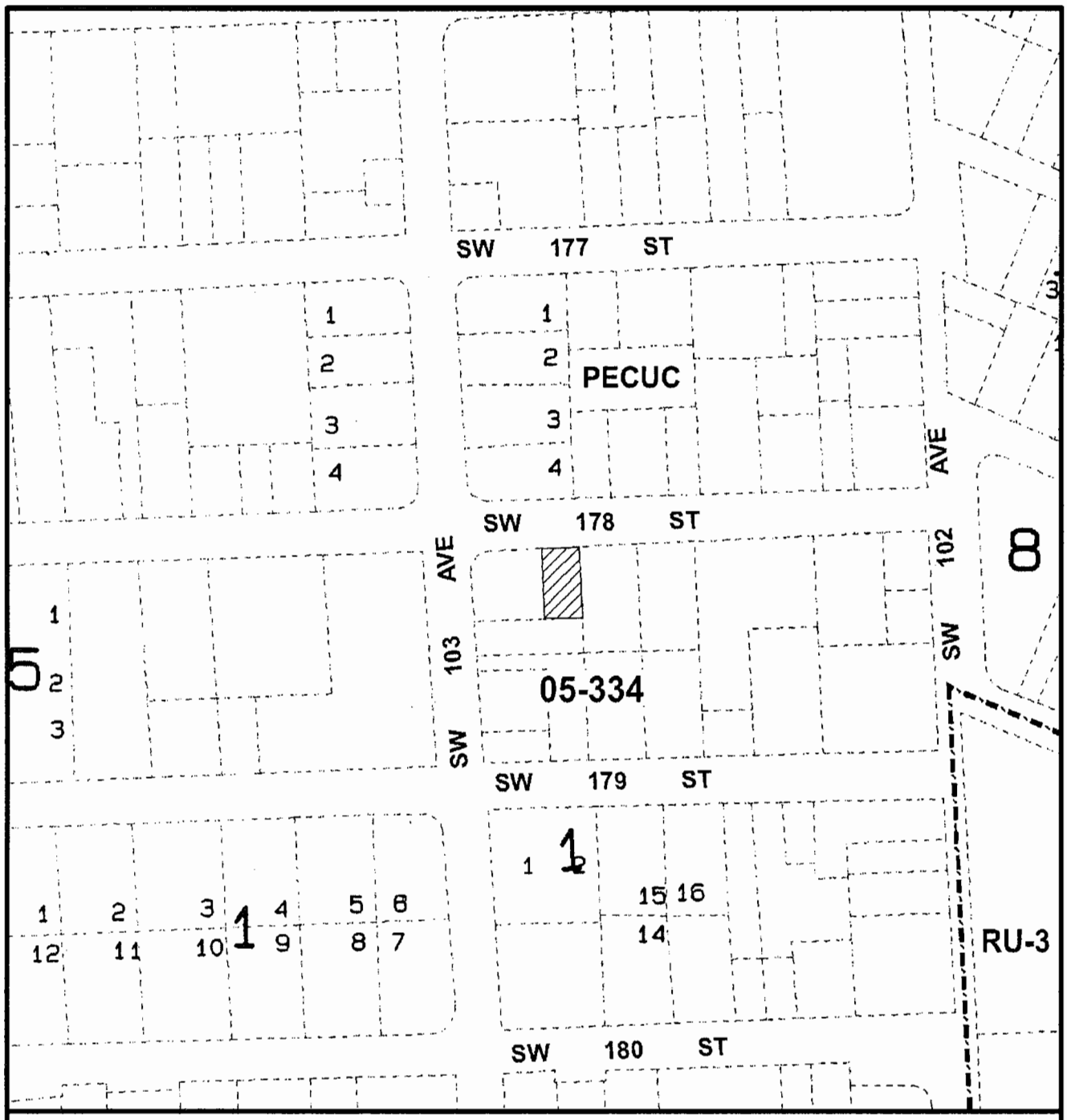


MIAMI-DADE COUNTY
HEARING MAP

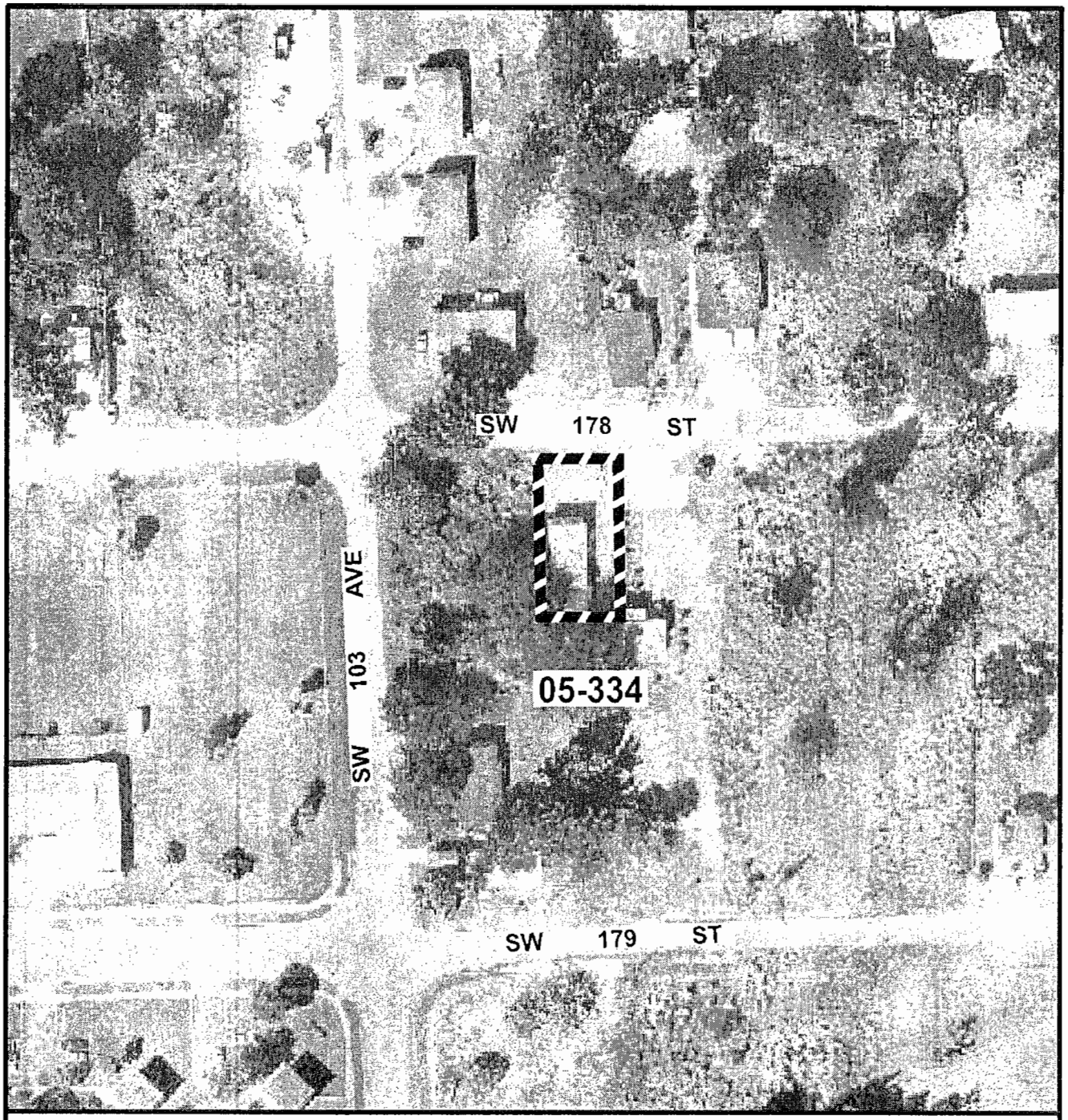
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 32 Township: 55 Range: 40
Process Number: 05-334
Applicant: MADISON HOLMES
Zoning Board: BCC
District Number: 09
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-334. 10/05



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 32 Township: 55 Range: 40
Process Number: 05-334
Applicant: MADISON HOLMES
Zoning Board: BCC
District Number: 09
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

G: ZONING DRAFTING 05-334. *0:05

5. COUNTRY VIEW, LLC & RAM LAND INV. LLC. **09-5-CC-5 (09-12)**
(Applicant) **BCC/District 8**
Hearing Date: 5/21/09

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
1951	Arthur V. Davis	Zone Change from AU to IU-1	BCC	Approved
1953	Dawal Farms Co.	Zone Change from IU-1 to IU-3	BCC	Approved
1961	Arvida Realty Co.	Unusual-Use trailer park and Water & Sewer plant	ZB	Approved in part w/conds.
1961	Arvida Properties Inc.	Zone Change from AU to IU-2	ZB	Denied
1970	W.L. Gautier, Tr.	Zone Change from AU & IU-3 to EU-M	C04	Denied in part Bifurcated
1971	W.L. Gautier, Tr.	Zone Change from AU & IU-3 to EU-M	BCC	Denied w/prejudice
1975	Rachel Carlton, Tr.	Zone Change from AU to EU-1, EU-S, IU-C and Unusual-Use entrance feature.	BCC	Denied w/prejudice
1976	Directors	Zone Change from AU to IU-C	BCC	Approved in part w/conds.
2005	The Director of the Department of Planning & Zoning	Zone Change multiple zones to NCUC	BCC	Approved

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

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

APPLICANTS: Country View L.L.C. and RAM Land Investments L.L.C.

PH: Z09-012 (09-5-CC-5)

SECTION: 27-56-39

DATE: May 21, 2009

COMMISSION DISTRICT: 8

ITEM NO.: 5

==========

A. INTRODUCTION

- **REQUEST:**

  DELETION of a Covenant recorded in Official Record Book 9555, Pages 1856-1862.

  The purpose of the request is to allow the applicants to delete a covenant tying this site to a specific site plan and creating a buffer zone between the IU and AU Zones on the subject property in order to develop the property in accordance with the Naranja Community Urban Center (NCUC) zoning regulations.

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

- **SUMMARY OF REQUEST:**

  This application will allow the deletion of an agreement (attached hereto as exhibit "A") that restricts the development of the property to a previously approved site plan creating a buffer between the IU, Industrial, and AU, Agricultural districts in order to allow the applicants to build in compliance with the Naranja Community Urban Center (NCUC) District zoning regulations.

- **LOCATION:** The southeast corner of S.W. 260 Street and S.W. 147 Avenue, Miami-Dade County, Florida.

- **SIZE:** 49.04± Acres

B. ZONING HEARINGS HISTORY:

In March 1951, pursuant to Resolution #4208, a portion of the subject property was approved for a zone change from AU, Agricultural District, to IU-1, Light Manufacturing District. Subsequently, in May 1953, a portion of the aforementioned tract was approved for a zone change from IU-1 to IU-3, Unlimited Industrial Manufacturing District, pursuant to Resolution #5916. In February 1961, pursuant to Resolution # ZB-119-61, a separate tract of the subject property was approved for an Unusual Use to permit a trailer park, sewage plant and water plant. In 1970, a portion of the subject site was denied by the Zoning Appeals Board (ZAB) for a zone change from AU and IU-3 to EU-M, Single-family Modified Estate District, an unusual use and special exception to permit the expansion of a previously approved trailer park and a waiver of the zoning regulations prohibiting residential use in the

industrial zone pursuant to Resolution No. 4-ZAB-541-70. Subsequently in 1971, the applicant appealed the decision of the ZAB to the Board of County Commissioners (BCC) which upheld the decision of the ZAB and denied the application with prejudice, pursuant to Resolution No. Z-39-71. In November 1975, the subject site was part of a larger tract of land which was denied with prejudice by the BCC for a zone change from AU to EU-1, Single-family One Acre Estate District, a zone change from AU to EU-S, Single-family Suburban Estate District, a zone change from AU to IU-C, and a request for an unusual use to permit an entrance feature, pursuant to Resolution No. Z-302-75. In May 1976, other portions of the subject property were approved for a zone change from AU to IU-C, Conditional Industrial District, pursuant to Resolution #Z-164-76, at which time the applicant proffered a covenant. Said covenant allowed the continued use of a portion of the property for agricultural uses under the AU zoning and the creation of a buffer zone between the proposed industrial zoned property and the remaining agricultural property in the form of an easement. Finally, in June 2005, pursuant to Resolution #Z-13-05, the subject property was a part of an application filed by the Department of Planning and Zoning of 668-acres of land that were rezoned from multiple zoning districts to NCUC, (Naranja Community Urban) Center District.

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 a **Community 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. 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 this specific Urban Center shall conform with the guidelines provided in Section 33-284.68, NCUC District Requirements, of the Miami-Dade County Zoning Code.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
NCUC/ ID, IU-C/AU; single-family residence, row crops, vacant land	Community Urban Center Agriculture
Surrounding Properties:	
NORTH: IU-C/PCUC/ ID; single-family Residence, row crops, vacant land	Community Urban Center
SOUTH: NCUC/ID/MC; single-family Residences, row crops, utility utility plant, vacant land	Community Urban Center
EAST: NCUC; Busway	Transportation Community Urban Center

WEST:	NCUC/ ID; packing plant	Community Urban Center
	Single-family residence, row crops	
	AU and IU-C: vacant land	Agriculture

The subject parcel is located on the southeast corner of SW 260th Street and SW 147 Avenue. The area where the subject property lies is within the Naranja Community Urban Center which is currently being developed as a compact, mixed-use community.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or **eliminate** any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

Section 33-284.88 Administrative Site Plan Review Process: Except for individual single-family homes and duplexes, all applications shall be reviewed as part of the Administrative Site Plan Review (ASPR) process by the following Departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the applications: Public Works Department, Department of Environmental Resources Management (DERM), Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and implement them accordingly.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

Section 33-314(C)(15) specifies that applications to modify or delete declarations of restrictive covenants recorded prior to July 27, 2005, encumbering property wholly located within any Urban Center zoning district where and to the extent that modification or elimination of the declaration of restrictive covenant or part thereof is necessary to allow development conforming in all respects to the applicable Urban Center District regulations, be heard by the Board of County Commissioners (BCC).

The subject property is located at the southeast corner of SW 260th Street and SW 147 Avenue. The irregularly shaped 49.04-acre subject property comprised of multiple tracts of land, all of which, except for two triangular portions totaling 0.83 of an acre, one of which abuts SW 260 Street (0.7 acre) and the other abuts SW 256 Street (0.13 acre), is located within the **Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The applicants are seeking to allow the deletion of an agreement that restricts the development of the property to a previously approved site plan creating a buffer between the IU, Industrial, and AU, Agricultural districts in order to allow the applicants to build in compliance with the Naranja Community Urban Center (NCUC) District zoning regulations.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **7:07** minutes. The **Public Works Department** has **no objections** to this application and indicates that no new additional daily peak hour vehicle trips would be generated, therefore no vehicle trips have been assigned. However, their memorandum indicates that the subject site requires re-platting in accordance with Chapter 28 of the

Miami-Dade County Code. The **Miami-Dade County Public School's (MDCPS)** comments will be provided at the time of the Administrative Site Plan Review (ASPR).

The subject property lies within a **Community Urban Center (CUC)** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Approval of this application will allow the applicants to develop the subject property in accordance with the regulations of the adopted NCUC District. Urban Centers are hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. 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. The subject 49.04-acre property lies within the Center, Core and Edge Sub-Districts of the NCUC. The subject property is designated as ID, Industrial District, under the NCUC's Land Use Plan map. The ID zone allows all uses permitted in the IU-1, Light Industrial Manufacturing District, as well as single-family residential units in connection with the following uses for the workshop area, among which are antique shops, bait and tackle shops, cabinet shops, locksmiths and leather goods manufacturing. Approval of this application will allow the deletion of an agreement that restricts the development of the property to a previously approved site plan creating a buffer between the IU, Industrial and AU, Agricultural districts in order to allow the applicants to build in compliance with the NCUC District zoning regulations. The Department of Planning and Zoning as well as other departments, shall review plans submitted by the applicants for compliance with the site plan review criteria provided in the NCUC District standards (Ordinance No. 05-143) as part of the Administrative Site Plan Review (ASPR) process. The Ordinance stipulates that, except for individual single-family homes and duplexes, all applications shall be reviewed as part of the ASPR process by the following Departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the applications: Public Works Department, Department of Environmental Resources Management (DERM), Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and implement them accordingly.

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 applicants have not submitted documentation to indicate which of the modification standards are applicable to this application. Due to the lack of information, staff is unable to properly analyze this application under said standards and, as such, this application should be denied without prejudice under Section 33-311(A)(17).

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed deletion of the agreement will not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. Approval of this application will allow the applicants to develop the subject

property in accordance with the regulations of the NCUC District. The Ordinance provides for the allocation of development intensities within the Center, Core and Edge sub-districts within the boundaries of the Urban Center as envisioned by the CDMP; requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria shaping the way buildings front onto open spaces and streets. The deletion of the restrictive covenant is necessary to allow the development of the site to conform in all respects to the NCUC zoning regulations. Based on all of the aforementioned, staff is of the opinion that the approval of this application would be **consistent** with the CDMP and **compatible** with the surrounding area and would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, nor would it tend to provoke a nuisance or be incompatible with the area. Therefore, staff recommends approval of this application under Section 33-311(A)(7).

Accordingly, staff recommends approval of this application under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

I. RECOMMENDATION:

Approval under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

J. CONDITIONS: None.

DATE INSPECTED: 03/25/09
DATE TYPED: 02/25/09
DATE REVISED: 03/25/09, 03/30/09, 04/14/09, 04/29/09, 04/30/09, 05/13/09
DATE FINALIZED: 05/13/09
MCL:MTF:NN:NC:CH

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

EXHIBIT "A"

'77 JAN 12 PM 3 03

S 56-39
76-5-CC-17
Directors
Agnes

77R 8739 COVENANT REC. 9555 PG 1856

THIS COVENANT made and entered into this 2nd day of April, A.D., 1976 by RACHAEL CARLTON, Trustee (hereinafter referred to as "TRUSTEE").

W I T N E S S E T H

WHEREAS, TRUSTEE is the owner of certain property lying, being and situated in the County of Dade, State of Florida consisting of approximately 91.6 acres and being more particularly described hereinafter as "LEGAL DESCRIPTION #1", to-wit:

"LEGAL DESCRIPTION #1"

Being a portion of the SW 1/4 of Section 27, Township 56 South, Range 39 East, Dade County, Florida, and a portion of Tract "A" of REPLAT OF CENTRAL NARANJA, according to the plat thereof recorded in Plat Book 76, at Page 68, of the Public Records of Dade County, Florida, all being particularly described as follows:

Commencing at the Southwest corner of said Section 27; thence run North, along the West line of said Section 27, for 677.37 feet to the Southwest corner of the North 1/2 of the SW 1/4 of the SW 1/4 of said Section 27, said point being the Point of Beginning of the tract of land herein described; thence from the above established Point of Beginning continue North, along the said West line of Section 27, for 1997.10 feet to a point that is 35.00 feet South of, as measured at right angles to, the North line of the said SW 1/4 of Section 27; thence run S89°42'36"E along a line that is 35.00 feet South of, and parallel to, the said North line of the SW 1/4 of Section 27, for 2016.87 feet to a point on the West line of the East 1/2 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27 for 974.61 feet to the Northwest corner of the South 1/2 of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S89°53'35"E along the North line of the South 1/2 of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 27, for 160.31 feet to a point that is 200.00 feet Northwest of, as measured at right angles to, the Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence run S41°58'17"W along a line that is 200.00 feet Northwest of, and parallel to, the said Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way, for 240.07 feet to a point on the aforesaid West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27, for 157.74 feet to the Southwest corner of the said East 1/2 of the NE 1/4 of the SW 1/4 of Section 27; thence run S89°57'14"E along the South line of the said East 1/2 of the NE 1/4 of the SW 1/4 of Section 27, for 127.24 feet to a point on the Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence run S41°58'17"W along the said Northwesterly

160

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Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way for 460.01 feet to the most Easterly corner of the lands of W. R. and Lynn Lounsbury as per document recorded in Deed Book 4139, at Page 519, of the Public Records of Dade County, Florida; thence run the following courses and distances along the Lounsbury tract: N48°01'43"W for 200.00 feet; S41°58'17"W for 350.00 feet; S48°01'43"E for 200.00 feet to a point on the said Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence departing the said Lounsbury tract run S41°58'17"W along the said Northwesterly Right-of-Way line of Florida East Coast Railway Company's Right-of-Way, for 951.55 feet to the South line of the aforesaid Tract "A"; thence run S89°48'07"W along the said South line of Tract "A" for 107.89 feet to a point that is 130.00 feet Northwest of, as measured at right angles to, the center line of Florida East Coast Railway Company's Right-of-Way; thence run N41°58'17"E along a line that is 130.00 feet Northwest of, and parallel to, the center line of Florida East Coast Railway Company's Right-of-Way, for 281.62 feet to a point that is 373.50 feet East of, as measured at right angles to, the West line of said Tract "A"; thence run N00°01'34"E along a line that is 373.50 feet East of, and parallel to the West line of said Tract "A" for 426.41 feet to a point on the South line of the aforesaid North 1/2 of the SW 1/4 of the SW 1/4 of Section 27; thence run S89°55'27"W along the said South line of the North 1/2 of the SW 1/4 of the SW 1/4 of Section 27, for 1044.87 feet to the Point of Beginning, containing 91.58 acres, more or less, and,

WHEREAS, the TRUSTEE is desirous of having a certain portion of the above described property consisting of approximately 36.0 acres rezoned from its present "Agricultural Use (AU)" zoning designation, said property being more particularly described hereinafter as "LEGAL DESCRIPTION #2", to-wit:

"LEGAL DESCRIPTION #2"

Being a portion of the SW 1/4 of Section 27, Township 56 South, Range 39 East, Dade County, Florida, and a portion of Tract "A" of REPLAT OF CENTRAL NARANJA, according to the plat thereof recorded in Plat Book 76, at Page 68, of the Public Records of Dade County, Florida, All being particularly described as follows:

Commencing at the Southwest corner of said Section 27; thence run N89°48'07"E along the South line of said Section 27 for 856.49 feet; thence run N00°11'53"W for 40.00 feet to a point on the South line of said Tract "A", said point being the Point of Beginning of the tract of land herein described; thence from the above established Point of Beginning run N41°58'17"E along a line that is 130.00 feet Northwest of, as measured at right angles to, the center line of Florida East Coast Railway Companies Right-of-Way for 281.62 feet to a point that is 373.50 feet East of, as measured at right angles to, the West line of said Tract "A"; thence run N00°01'34"E along a line that is 373.50 feet East of, and parallel to the West line of said Tract "A" for 426.41 feet to a point on the South line of the North 1/2 of the SW 1/4 of the SW 1/4 of said Section 27; thence run S89°55'27"W along the said South line of the North 1/2 of the SW 1/4 of the SW 1/4 of Section 27, for 366.61 feet to a point that is 678.26 feet East of, as measured at right angles to, the West line of the SW 1/4 of said Section 27; thence run North along a line that is

10

678.26 feet East of, and parallel to the said West line of the SW 1/4 of Section 27, for 140.00 feet; thence run N28° 39'33"E for 1747.63 feet to a point that is 350.00 feet South of, as measured at right angles to, the North line of the SW 1/4 of said Section 27; thence run S89°42'36"E along a line that is 350.00 feet South of, and parallel to, the said North line of the SW 1/4 of Section 27, for 500.00 feet to a point on the West line of the East 1/2 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27, for 659.61 feet to the Northwest corner of the South 1/2 of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S89°53'35"E along the North line of the South 1/2 of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 27, for 160.31 feet to a point that is 200.00 feet Northwest of, as measured at right angles to, the Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence run S41°58'17"W along a line that is 200.00 feet Northwest of, and parallel to, the said Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way, for 240.07 feet to a point on the aforesaid West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27, for 157.74 feet to the Southwest corner of the said East 1/2 of the NE 1/4 of the SW 1/4 of Section 27; thence run S89°57'14"E along the South line of the said East 1/2 of the NE 1/4 of the SW 1/4 of Section 27, for 127.24 feet to a point on the Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence run S41°58'17"W along the said Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way for 460.01 feet to the most Easterly corner of the lands of W. R. and Lynn Lounsbury as per document recorded in Deed Book 4139, at Page 519, of the Public Records of Dade County, Florida; thence run the following courses and distances along the Lounsbury tract: N48°01'43"W for 200.00 feet; S41°58'17"W for 350.00 feet; S48°01'43"E for 200.00 feet to a point on the said Northwesterly Right-of-Way line of the Florida East Coast Railway Company's Right-of-Way; thence departing the said Lounsbury tract run S41°58'17"W along the said Northwesterly Right-of-Way line of Florida East Coast Railway Company's Right-of-Way, for 951.55 feet to the South line of the aforesaid Tract "A"; thence run S89°48'07"W along the said South line of Tract "A" for 107.89 feet to the Point of Beginning, containing 36.04 acres, more or less, and,

WHEREAS, said TRUSTEE is desirous of assuring Metropolitan Dade County, property owners in the area as well as persons representing the Redlands Civic Association, that the property would be developed basically in accordance with a certain plan prepared by Henderson-Rosenberg & Assoc. dated January 6, 1976, a copy of which has previously been filed with Metropolitan Dade County Planning Department and Metropolitan Dade County Building and Zoning Department, and,

WHEREAS, the TRUSTEE is agreeing that the balance of the property consisting of approximately 55.6 acres and being more particularly described hereinafter as "LEGAL DESCRIPTION #3", to-wit:

11

"LEGAL DESCRIPTION #3"

Being a portion of the SW 1/4 of Section 27, Township 56 South, Range 39 East, Dade County, Florida, being particularly described as follows:

Beginning at the Southwest corner of the North 1/2 of the SW 1/4 of the SW 1/4 of said Section 27; thence run North along the West line of the SW 1/4 of said Section 27 for 1977.10 feet to a point that is 35.00 feet South of, as measured at right angles to, the North line of the said SW 1/4 of Section 27; thence run S89°42'36"E along a line that is 35.00 feet South of, and parallel to, the said North line of the SW 1/4 of Section 27, for 2016.87 feet to a point on the West line of the East 1/2 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of Section 27 for 315.00 feet to a point that is 350.00 feet South of, as measured at right angles to, the said North line of the SW 1/4 of Section 27; thence run N89°42'36"W along a line that is 350.00 feet South of, and parallel to, the said North line of the SW 1/4 of Section 27, for 500.00 feet; thence run S28°39'33"W for 1747.63 feet to a point that is 678.26 feet East of, as measured at right angles to, the aforesaid West line of the SW 1/4 of Section 27; thence run South, along a line that is 678.26 feet East of, and parallel to, the said West line of the SW 1/4 of Section 27 for 140.00 feet to a point on the South line of the North 1/2 of the SW 1/4 of the SW 1/4 of said Section 27; thence run S89°55'27"W along the said South line of the North 1/2 of the SW 1/4 of the SW 1/4 of Section 27, for 678.26 feet to the Point of Beginning, containing 55.54 acres, more or less.

shall continue to retain its present zoning designation of "Agricultural Use (AU)" for a period of five (5) years from the date that this Covenant is recorded and that during such five (5) year period, no owner shall file any application or make any attempt to change the aforesaid zoning classification, and,

WHEREAS, the TRUSTEE intends to create a buffer zone between the aforesaid proposed industrial zoned property as described as "LEGAL DESCRIPTION #2" and the aforesaid adjacent property as described as "LEGAL DESCRIPTION #3", by means of an easement running with the land, being more particularly described hereinafter as "LEGAL DESCRIPTION #4", to-wit:

"LEGAL DESCRIPTION #4"

Being a thirty (30) foot wide strip of land lying in the SW 1/4 of Section 27, Township 56 South, Range 39 East, Dade County, Florida, being particularly described as follows:

Commencing at the Southwest corner of the North 1/2 of the SW 1/4 of the SW 1/4 of said Section 27; thence run N89°55'27"E along the South line of the North 1/2 of the

12

SW 1/4 of the SW 1/4 of said Section 27 for 678.26 feet to the Point of Beginning of the thirty foot strip of land herein described; thence from the above established Point of Beginning run North along a line that is 678.26 feet East of, as measured at right angles to, the West line of the SW 1/4 of said Section 27, for 140.00 feet; thence run N28°39'33"E for 1747.63 feet to a point that is 350.00 feet South of, as measured at right angles to, the North line of the SW 1/4 of said Section 27; thence run S89°42'36"E along a line that is 350.00 feet South of, and parallel to, the said North line of the SW 1/4 of Section 27, for 500.00 feet to a point on the West line of the East 1/2 of the NE 1/4 of the SW 1/4 of said Section 27; thence run S00°04'42"W along the said West line of the East 1/2 of the NE 1/4 of the SW 1/4 of the SW 1/4 of Section 27, for 30.00 feet; thence run N89°42'36"W for 482.22 feet; thence run S28°39'33"W for 1722.07 feet; thence run South for 132.30 feet to a point on the aforesaid South line of the North 1/2 of the SW 1/4 of the SW 1/4 of Section 27; thence run S89°55'27"W along the said South line of the North 1/2 of the SW 1/4 of the SW 1/4 of Section 27 for 30.00 feet to the Point of Beginning, and,

WHEREAS, the TRUSTEE, as a part of this Covenant is agreeing that Australian pines will be planted along the entire length of the aforesaid easement at intervals not to exceed a distance of six (6) feet apart, and,

WHEREAS, the TRUSTEE has voluntarily proffered this covenant which is to be a covenant covering and running with the aforesaid described real property.

NOW, THEREFORE, in consideration of these presents, the undersigned, RACHAEL CARLTON, TRUSTEE, does hereby covenant and agree as follows:

A. That certain property consisting of approximately 36.0 acres and being legally described in that portion of this Covenant designated as "LEGAL DESCRIPTION #2" will be developed basically in accordance with that certain site plan as prepared by Henderson-Rosenberg & Assoc. dated January 6, 1976, a copy of which has previously been filed with Metropolitan Dade County Planning Department and Metropolitan Dade County Building and Zoning Department.

B. That the said TRUSTEE does hereby agree and declare that the aforesaid legally described property as set forth in that portion of this Covenant entitled "LEGAL DESCRIPTION #3" shall remain as agricultural zoned propery for a period of five (5) years from the date this Covenant is recorded, or unless or until some state, county or municipal governmental body changes the designation by their own volition and acts prior to the expiration of said five (5) year period.

13

It is the specific understanding and intent of this particular provision that the aforesaid legally described property entitled "LEGAL DESCRIPTION #3" shall remain in its present zoning designation to-wit: "Agricultural Use (AU)" for a period of five (5) years from the date that this Covenant is recorded and further, said TRUSTEE will not and shall not file any application nor make any attempt to change the present zoning classification upon said property during the said five (5) year period.

C. The TRUSTEE does hereby covenant, agree and declare that certain property being legally described in that portion of this Covenant designated as "LEGAL DESCRIPTION #4" shall remain as an easement running with the land. It being the specific intent that this easement be a buffer between the industrial zoned property as designated by "LEGAL DESCRIPTION #2" and the balance of the property as designated by "LEGAL DESCRIPTION #3", both as set forth in this Agreement, and further the TRUSTEE does hereby covenant and agree that Australian Pines will be planted along the entire length of the said easement at such intervals not to exceed six (6) feet apart.

These covenants and easement are to run with the land and shall be binding on the undersigned, her heirs or assigns, and on all other parties and persons claiming under them until such time as the same may be released by the Board of County Commissioners of Dade County, Florida, excepting, however, that the provision relative to a certain portion of the property remaining for "Agricultural Use (AU)" for a period of five (5) years from the date of recording of this Covenant shall only be binding for said five (5) year limitation, after which the same shall be null and void and of no further force and effect, or unless or until some state, county or municipal governmental body changes the designation by their own volition and acts prior to the expiration of said five (5) year period.

Enforcement shall be by action at law or in equity against any parties or persons violating or attempting to violate this covenant, either to restrain violation or to recover damages. The party bringing the action or suit shall be entitled to recover, if successful in the enforcement action, in addition to

14

costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney.

Invalidation of any of the conditions of this Covenant by judgment or Court in no wise shall affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, RACHAEL CARLTON, TRUSTEE, has set her hand and seal this 2nd day of ~~March~~ April 20, A.D. 1976.

WITNESSES:

RACHAEL CARLTON, TRUSTEE

STATE OF FLORIDA)
)
COUNTY OF DADE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared RACHAEL CARLTON, TRUSTEE, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of April A.D., 1976.

NOTARY PUBLIC

Notary Public, State of Florida at Large
My Commission Expires June 2, 1979
Bonded by American Fire & Casualty Co.

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

15

Memorandum

MIAMI-DADE COUNTY

Date: February 4, 2009

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

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

Subject: BCC #Z2009000012
County View, LLC
South east Corner SW 260 Street and SW 147 Avenue
Release of Plat, Easements, Covenants and Restrictions
(NCUC) (48.31 Acres)
27-56-39

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

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

Concurrency Review Summary

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

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

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

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

PH# Z2009000012
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:COUNTRY VIEW, LLC

This Department has no objections to this application.

This land requires re-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 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.
25-FEB-09

Memorandum

MIAMI-DADE COUNTY

Date: 11-FEB-09

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000012

Fire Prevention Unit:

- No objection to letter of intent date stamped February 2, 2009.
- No plans submitted. Compliance with MDFR site requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2009000012
located at *SEC SW 260 ST & SW 147 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2460 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:07 minutes

Existing services:

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

Station 5 - Goulds/Princeton - 13150 SW 238 Street Rescue, BLS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments:

Service impact analysis will be provided upon submission of the development plans for the proposed project.

DATE: 02/11/09

TEAM METRO

ENFORCEMENT HISTORY

COUNTRY VIEW, LLC

APPLICANT

*SEC SW 260 ST & SW 147 AVE,
MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000012

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901000532 for folio 30-6927-015-0021 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Case 200901000533 for folio 30-6927-015-0020 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Case 200901000535 for folio 30-6927-000-0275 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Case 200901000536 for folio 30-6927-000-0274 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Case 200901000537 for folio 30-6927-000-0275 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Case 200901000538 for folio 30-6927-000-0270 was opened based on enforcement history request and inspected on 2-10-09. No violations were observed and case was closed.
Previous case history;
Folio's 30-6927-015-0021, 30-6927-015-0020, 30-6927-015-0275, 30-6927-000-0274
No previous cases.
Folio 30-6927-015-0010
Case 2007010005733 was opened for the tenant of the property, MCR lumber, who as a sign retailer is required under county code to post an advisory notice. A warning notice was issued on 10-2-07 and re-inspection on 10-31-07 revealed the property in compliance. Case was closed.
Case 200601006886 was opened based on an anonymous complaint of overgrowth and inspected on 12-19-06. A warning notice was mailed and a re-inspection was conducted on 1-23-07 where the property was in compliance and case was closed.
Case 200601006885 was opened based on an anonymous complaint of junk boats and misc junk and trash and inspected on 12-19-06. A warning notice was mailed and a re-inspection was

conducted on 1-29-07 where the property was in compliance and case was closed.
Case 200501002444 was opened based on an anonymous complaint of dry rotted pallets and inspected on 7-28-05. A warning notice was mailed and a re-inspection was conducted on 9-12-05 where the property was found to be in violation of Ch 19-8(a), junk and trash and citation 947190 was issued. A compliance check was conducted on 11-2-05 where the property was in compliance, the citation was paid and the case was closed.
Folio 30-6927-000-0271
Case 200801007253 was opened based on enforcement history request and inspected on 11-21-08. No violations were observed and case was closed.
Case 200801006428 was opened based on enforcement history request and inspected on 10-16-08. No violations were observed and case was closed.
Folio 30-6927-000-0270
Case 200601004610 was opened for a complaint of junk and trash and inspected on 9-13-06. A warning notice was issued on 9-13-06 and a re-inspection conducted on 10-31-06 found the property to be in compliance and case was closed

*DISCLOSURE OF INTEREST**

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

CORPORATION NAME: Country View, L.L.C.

NAME AND ADDRESS	Percentage of Stock
Princeton Associates, L.L.C.	50%
250 Catalonia Ave. #702, Coral Gables, Florida 33134	
SFB Development, LLC	50%
230 Palermo Avenue, Coral Gables, Florida 33134	

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

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Interests in Country View, LLC

	Percentage of Interest
Princeton Associates, LLC 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%
SFB Development, LLC 230 Palermo Avenue, Coral Gables, Florida 33134	50%

Interests in Princeton Associates, LLC

	Percentage of Interest
Goldmeier (NJ) Ltd. Mack Centre IV 61 South Paramus Road Paramus, New Jersey 07652	100%

Interests in Goldmeier (NJ) Ltd.

	Percentage of Interest
Barry Goldmeier Trust 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	40%
Lee Goldmeier Trust 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	40%
Goldmeier (NJ) Corp. Mack Centre IV 61 South Paramus Road Paramus, New Jersey 07652	20%

Interests in Barry Goldmeier Trust

	Percentage of Interest
Barry Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	100%

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Interests in Lee Goldmeier Trust

	Percentage of Interest
Lee Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	100%

Interests in Goldmeier (NJ) Corp.

	Percentage of Interest
Barry Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%
Lee Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%

Interests in SFB Development, LLC

	Percentage of Interest
Christopher Korge 230 Palermo Avenue, Coral Gables, Florida 33134	90%
Christopher G. Korge Family Trust 230 Palermo Avenue, Coral Gables, Florida 33134	10%
Tom Korge 230 Palermo Avenue, Coral Gables, Florida 33134	7%
Andrew Korge 230 Palermo Avenue, Coral Gables, Florida 33134	2%
Randall Daily 230 Palermo Avenue, Coral Gables, Florida 33134	1%

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

*DISCLOSURE OF INTEREST**

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

CORPORATION NAME: RAM Land Investments, L.L.C.

NAME AND ADDRESS	Percentage of Stock
Country View, LLC	100%
250 Catalonia Ave. #702, Coral Gables, Florida 33134	

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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Interests in RAM Land Investments, LLC

	Percentage of Interest
Country View, LLC 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	100%

Interests in Country View, LLC

	Percentage of Interest
Princeton Associates, LLC 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%
SFB Development, LLC 230 Palermo Avenue, Coral Gables, Florida 33134	50%

Interests in Princeton Associates, LLC

	Percentage of Interest
Goldmeier (NJ) Ltd. Mack Centre IV 61 South Paramus Road Paramus, New Jersey 07652	100%

Interests in Goldmeier (NJ) Ltd.

	Percentage of Interest
Barry Goldmeier Trust 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	40%
Lee Goldmeier Trust 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	40%
Goldmeier (NJ) Corp. Mack Centre IV 61 South Paramus Road Paramus, New Jersey 07652	20%

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Interests in Barry Goldmeier Trust

	Percentage of Interest
Barry Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	100%

Interests in Lee Goldmeier Trust

	Percentage of Interest
Lee Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	100%

Interests in Goldmeier (NJ) Corp.

	Percentage of Interest
Barry Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%
Lee Goldmeier 250 Catalonia Avenue, Suite 702 Coral Gables, FL 33134	50%

Interests in SFB Development, LLC

	Percentage of Interest
Christopher Korge 230 Palermo Avenue, Coral Gables, Florida 33134	90%
Christopher G. Korge Family Trust 230 Palermo Avenue, Coral Gables, Florida 33134	10%
Tom Korge 230 Palermo Avenue, Coral Gables, Florida 33134	7%
Andrew Korge 230 Palermo Avenue, Coral Gables, Florida 33134	2%
Randall Daily 230 Palermo Avenue, Coral Gables, Florida 33134	1%

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MIAMI-DADE PLANNING AND ZONING DEPT.
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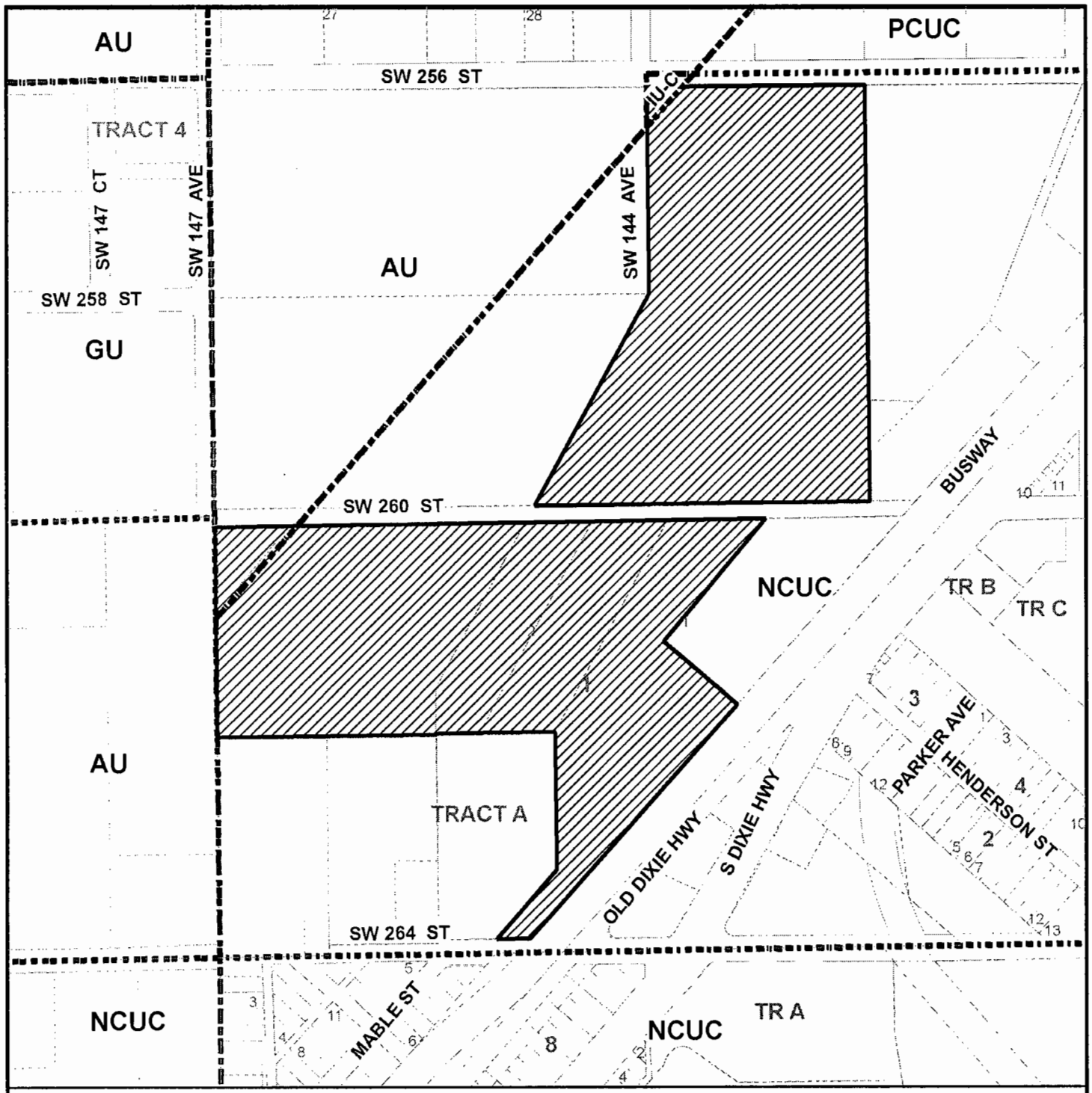


MIAMI-DADE COUNTY
HEARING MAP

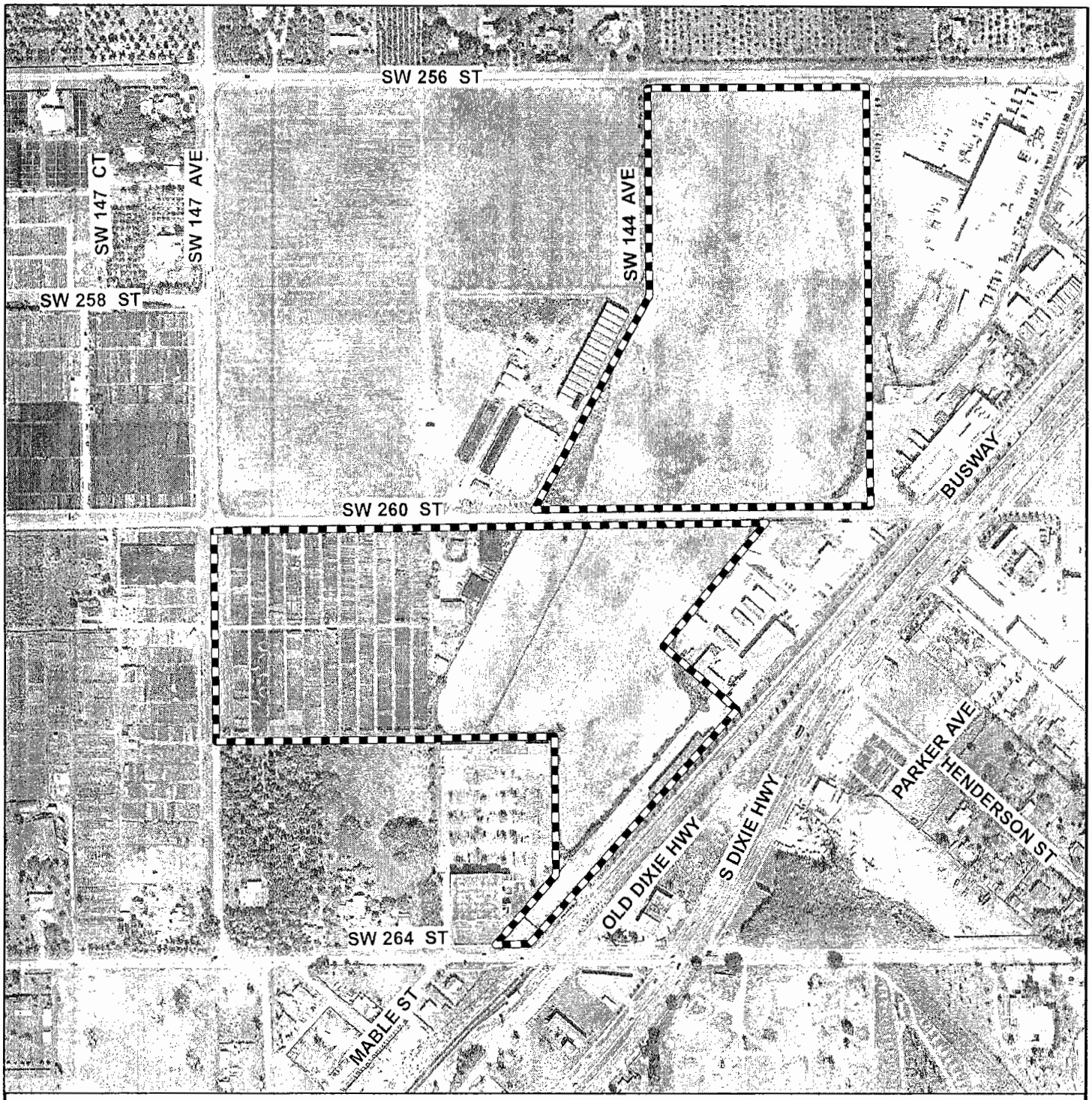
Process Number
09-012

SUBJECT PROPERTY

Section: 27 Township: 56 Range: 39
Applicant: COUNTRY VIEW, LLC & RAM LAND INVESTMENTS LLC.
Zoning Board: BCC
Commission District: 08
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SKETCH CREATED ON: 02/03/09

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

09-012

Section: 27 Township: 56 Range: 39
Applicant: COUNTRY VIEW, LLC & RAM LAND INVESTMENTS LLC.
Zoning Board: BCC
Commission District: 08
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 02/03/09

REVISION	DATE	BY