BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, APRIL 28, 2011

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. RENE MIGUEL VALDEZ — **05-364 (Appeal)** — **10**

Request: - District Boundary Change from RU-1 to RU-5A
Or in the alternative, Use Variance to permit RU-5A Uses in the RU-1 zone.

Location: 2425 SW 82 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB).

B. ANGEL & MARIA LLIZO — **07-103** — **12**

Request: - Unusual Use to permit a Concrete Masonry Unit/Concrete Block Plant in conjunction with an existing Concrete Batching Plant with Lake Excavations on properties Located in several sections.

Location: The Northeast corner of NW 14 Street & NW 128 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB).

C. SANTA FE HACIENDAS, LLC — **09-176** — **11**

Request: - Unusual Use to permit a Lake Excavation.

Location: Lying west of SW 177 Avenue (Krome Avenue) and South of theoretical SW 90 Street, Miami-Dade County, Florida.
Outside the Urban Development Boundary (UDB).

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, APRIL 28, 2011

PREVIOUSLY DEFERRED	HEARING #	DISTRICT
D. ASPIRA OF FLORIDA, INC.	**10-030 (DIC)**	**9**

Request: - Modify a resolution and a covenant to allow the applicant To submit a new site plan showing a relocation of a Classroom building, extend the time permitted for The modular building and to increase the number of Students.

Location: 13330 SW 288 Street,, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB).

CURRENT

1. NORTHSTAR GRACELAND, LLC.	**10-076**	**8 & 9**

Request:
- Zone change from BU-1A to AU
- Special exception to permit a cemetery
- Modify resolution & covenant to permit the applicant to Submit revised site plans showing relocation of an office Building & to delete a covenant on the BU-1A portion of The site.

Location: 13900 SW 117 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB).

2. MATER ACADEMY INC.	**10-181 (DIC)**	**12**

Request: - Modifications of resolutions & covenants to permit a Previously approved Charter School to increase The number of students, decrease the grade levels, And modify arrival & dismissal Times, & to permit parking closer to the right-of-way.

Location: 9010 NW 178 Lane, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB).

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, APRIL 28, 2011

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. RENE MIGUEL VALDEZ (06-10-CZ10-2/05-364) **15-54-40**
BCC/District 10

(1) RU-1 TO RU-5A.

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning For: Rene Miguel Valdez," as prepared by G.J.R., Architects, consisting of 2 sheets, dated 11/18/05. Plans may be modified at public hearing.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.307 Acre

Department of Planning and Zoning Recommendation: Denial without prejudice of request #1 and approval with conditions of request #2, subject to the Board's acceptance of the proffered covenant.

Protests: 165 Waivers: 11

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

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

DEFERRED: _____

Remanded from the Circuit Court to the Board of County Commissioners
Deferred from 3-17-11

B. ANGEL & MARIA LLIZO (11-3-CC-1/07-103) **35-53-39**
BCC/District 12

(1) UNUSUAL USE to permit a Concrete Masonry Unit/concrete block plant in conjunction with an existing Concrete Batching Plant with lake excavations on properties located in Sections 22, 23, 25, 26 and 35 of Township 53 South, Range 39 East.

(2) MODIFICATION of Condition #2 & #6 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, 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 "Amaralto Concrete Layout Plan," as prepared by EAS Engineering, Inc., dated 7-23-96 on Sheet C-1, and dated last revised 9-6-96 on Sheet C-2, for a total of two sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " Amaralto Concrete", with a Site Plan prepared by Ford Engineers, Inc., a Landscape Plan prepared by Witkins Hults Design Group, Floor and Elevation plans prepared by Shremshock Architects, Inc., consisting of 4 sheets and 2 sheets prepared by Francisco A. Benitez, AIA, all dated stamped received 7/27/10 for a total of 8 sheets.

FROM: "6. That at the time that all three excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 are completed, the operation of the concrete batching plant shall be abated.

TO: "6. That at the time that all lake excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 and Resolution 4-ZAB-224-84, Section 22 & 23/53/39 are completed, the operation of the concrete batching plant and concrete masonry unit plant shall be abated.

(3) DELETION of Conditions #4 and #5 of Resolution 5-ZAB-248-9, passed and adopted by the Zoning Appeals Board, reading as follows:

"4. That a minimum of forty (40) trees, 12' to 14' at time of planting 25' off-center be installed along the east property line adjacent to N.W. 127 Avenue.

"5. That a continuous 3' hedge at time of planting (except at drive cuts) be installed along the east (N.W. 127 Avenue) property line.

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan to include an additional concrete masonry unit/concrete batching plant for the previously approved concrete batching plan and to delete the conditions which required the applicant to provide certain landscaping imposed by the Board.

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

LOCATION: The northeast corner of N.W. 14 Street & N.W. 128 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.5 Acres

Department of Planning and Zoning Recommendation: Approval with condition of requests #1 and #2; denial without prejudice of request #3.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3-17-11

C. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176) **01-55-38 BCC/District 11**

(1) UNUSUAL USE to permit a Lake Excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 74 Waivers: 242

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3-17-11

D. ASPIRA OF FLORIDA, INC. (11-3-CC-3/10-030) **02-57-39 BCC/District 9**

(1) MODIFICATION of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners and reads as follows:

FROM: "2. That the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School" as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be modified at the public hearing on the Application (the "Plan").

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Aspira South Charter School," as prepared by Rolando Llanes consisting of eight (8) sheets and dated stamped received October 26, 2010.

FROM: "7. That the modular structure be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. That the modular structure shall be removed from the property upon completion of the new two-story educational facility, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

(2) MODIFICATION of Paragraphs #6 and #7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 reading as follows:

FROM: "6. Phase I of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year.

TO: "6. Phase I of the Charter School shall be limited to a maximum of 400 students. . Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School.

FROM: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

The purpose of the above requests is to allow the applicant to submit a new site plan showing a relocation of one the of classroom buildings, to extend the time permitted for the use of the modular building and to increase the number of students permitted in Phase I of the Charter School.

(3) Applicant is requesting to permit the existing cafetorium building setback 29'-0" from the interior side (north) property line, (50' required, 29'-4" previously approved).

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

LOCATION: 13330 S.W. 288 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.53 Acres

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 3-17-11

1. NORTHSTAR GRACELAND, LLC (11-4-CC-1/10-76) **13 & 24-55-38**
BCC/District 8/9

(1) DBC from BU-1A to AU

(2) SPECIAL EXCEPTION to permit a proposed cemetery.

(3) Deletion of a Declaration of Restrictions, recorded on Official Record Book 17735, Pages 3054 through 3057.

The purpose of request #3 is to remove an agreement on the site limiting it to a funeral home and administrative offices only, to permit the continued use of an existing cemetery in lieu thereof.

Request #1 through #3 on Exhibit "C"

(4) MODIFICATION of plans approved pursuant to Resolution No. 7696, last modified by Condition #2 of Resolution No. Z-68-97, both passed and adopted by the Board of County Commissioners, 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 "Graceland South" as prepared by Jack D. Raudenbush, Architect, dated received May 3, 1996, and consisting of 4 sheets, except as herein modified as follows:

2a. Remove the island at the entrance from the cemetery road and provide a 14' width for the entrance and exit driveways.

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A., consisting of sixteen (16) sheets dated stamped received December 13, 2011.

The purpose of request #4 is to allow the applicant to submit plans showing the configuration of the cemetery and relocation of a previously approved office building.

Request #4 on Exhibit "A", "B" & "C"

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: 13900 S.W. 117th Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 36.02 Acres

Department of Planning and Zoning
Recommendation: Approval of request #1 and approval with conditions of requests #2 through #4.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. MATER ACADEMY INC. (11-4-CC-2/10-181) **09-52-40**
BCC/District 12

(1) MODIFICATION of Condition #2 of Resolution Z-5-05, passed and adopted by the Board of County Commissioners, 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 "Century Gardens Charter School," by Civica, dated/stamped/received December 9, 2004."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets.

(2) MODIFICATION of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "11. That the charter school use shall be limited to Grades K-10th for a maximum of 640 students."

TO: "11. That the charter school use shall be limited to Grades K-8 for a maximum of 800 students."

(3) MODIFICATION of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade:	8:00 A.M.-8:30 A.M. / 2:00-2:30 P.M. (approx. 90 students)
1-5 Grades:	8:00 A.M.-8:30 A.M. / 3:00-3:30 P.M. (approx. 360 students)
6-10 Grades:	7:00 A.M.-7:30 A.M. / 2:30-3:00 P.M. (approx. 190 students)"

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M. (approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:30 P.M. (approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M. (approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M. (approx. 200 students)"

(4) MODIFICATION of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, reading as follows:

FROM: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled 'Century Gardens Charter School,' as prepared by Civica, dated stamped received December 9, 2004, consisting of six (6) sheet (the 'Plan')."

TO: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets.

(5) MODIFICATION of Paragraph #10 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, last modified by a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192, reading as follows:

FROM: "10. That the charter school shall be limited to grades K-10th for a maximum of 640 students."

TO: "10. That the charter school shall be limited to grades K-8th for a maximum of 800 students."

(6) MODIFICATION of Paragraph #2 of a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192, reading as follows:

FROM: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Kindergarten:	8:00 A.M.-8:30 A.M. / 2:00-2:30 PM (approx. 90 students)
1-5 Grades:	8:00 A.M.-8:30 A.M. / 3:00-3:30 PM (approx. 360 students)
6-10 Grades:	7:00 A.M.-7:30 A.M. / 2:30-3:00 PM (approx. 190 students)"

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M. (approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:30 P.M. (approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M. (approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M. (approx. 200 students)"

The purpose of the above requests #1 thru #6 is to allow the applicant to submit a new site plan showing additional parking spaces and to increase the number of students and decrease the grade levels to a previously approved charter school.

(7) Applicant is requesting to permit parking within 25' of an official right-of-way (not permitted). 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: 9010 N.W. 178 Lane, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.52 Acres

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

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Planning and Zoning 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. RENE MIGUEL VALDEZ
(Applicant)

06-10-CZ10-2 (05-364)
BCC/District 10
Hearing Date: 04/28/11

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
No History				

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: 3/17/2011 **#Z**

ITEM: A.
APPLICANT: RENE MIGUEL VALDEZ
(06-10-CZ10-2/05-364)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

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: April 26, 2007 **#Z-06-07**

ITEM: A.

APPLICANT: Rene Miguel Valdez

MOTION: Denied the appeal and upheld the decision of the CZAB which denied the application with prejudice

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

ZONING ACTION

MEMORANDUM

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

DATE: 2/8/2007 **#Z-**

ITEM: 1.
APPLICANT: RENE MIGUEL VALDEZ
(06-10-CZ10-2/05-364)

MOTION: to defer the foregoing application to the April 26, 2007, BCC Zoning meeting, with leave to amend; and to correct the advertisement with a new notice to the applicant.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz		X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez		X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa				X
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro				X
TOTAL		**11**	**0**	**2**

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

2

APPLICANT'S NAME: RENE MIGUEL VALDEZ

REPRESENTATIVE: **APPLICANT, PHIL WARD, ADRIAN PARADOS**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
06-10-CZ10-2 (05-364)	OCTOBER 17, 2006	CZAB10	**62**	06

REQ: (1) RU-1 to RU-5A.....OR IN THE ALTERNATIVE.....(2) UV permit RU-5A uses in RU-1

REC: DWOP

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

☐ DEFER: ☐ INDEFINITELY ☐ TO:_____ ☐ 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

☐

TITLE	M/S	NAME	YES	NO	ABSENT
VICE-CHAIRMAN		Juan Carlos ACOSTA	X		
MR.		Javier A. BETANCOURT			X
MR.	M	Julio R. CACERES	X		
MR.		Manuel CASAS	X		
MR.	S	Jose GARRIDO (C.A.)	X		
CHAIRMAN		Carlos A. MANRIQUE	X		
		VOTE:	5	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **DAVID HOPE**

5

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

APPLICANT: Rene Miguel Valdez **PH:** Z05-364 (06-10-CZ10-2)

SECTION: 15-54-40 **DATE:** April 28, 2011

COMMISSION DISTRICT: 10 **ITEM NO.:** A

==========

A. INTRODUCTION

- **SUMMARY OF REQUESTS:**

  The applicant is requesting a district boundary change on the subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, or in the alternative, a use variance to permit RU-5A office uses in the RU-1 zoning district.

- **REQUESTS:**

  THE BOARD OF COUNTY COMMISSIONERS WILL BE CONDUCTING PROCEEDINGS ON REMAND FROM CIRCUIT COURT WITH DIRECTIONS TO APPROVE THE FOLLOWING:

  (1) RU-1 to RU-5A

  OR IN THE ALTERNATIVE:

  (2) Use Variance to permit RU-5A uses in the RU-1 zone.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated stamped received 11/18/05. Plans may be modified at public hearing.

- **LOCATION:** 2425 SW 82 Avenue, Miami-Dade County, Florida.

- **SIZE:** 0.307 Acres

B. ZONING HEARINGS HISTORY: In October 2006, the Community Zoning Appeals Board 10 (CZAB 10) denied with prejudice the applicant's requests for a zone change from RU-1 to RU-5A or in the alternative a use variance to permit RU-5A uses in the RU-1 zone, pursuant to Resolution No. CZAB10-62-06. The applicant appealed CZAB 10's decision to the BCC which denied said appeal with prejudice, pursuant to Resolution No. Z-6-07. This application has been remanded to the Board of County Commissioners (BCC) by the Circuit Court of the Eleventh Judicial Circuit with instructions to act in accordance with Court's Opinion which rejected the Board's decision to deny the application. The Circuit Court quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for* ***Low Density Residential*** *use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*

2. *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. ***Office uses*** *smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district 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 be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way*

exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

4. ***Policy LU-4D**. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH:	RU-2; Travel agency and Insurance company	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; Group home	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1; Office and Single-family residence	Low Density Residential, 2.5 to 6 dua

F. PERTINENT ZONING 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)(4)(a) Use Variance.** The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as 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 use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a*

variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

This application was deferred from the March 17, 2011 meeting due to an inadvertent error in the advertisement. This application has been remanded to the Board of County Commissioners (BCC) by the Circuit Court of the Eleventh Judicial Circuit with instructions to act in accordance with said court's opinion which rejected the Board's decision to deny the application. The applicant, Rene Miguel Valdes, appealed the decision of the BCC by seeking the issuance of a writ of certiorari from the Appellate Division of the 11th Judicial Circuit Court to quash the BCC's denial of the application (Resolution No. Z-6-07).

On October 17, 2006, pursuant to Resolution CZAB10-62-06, the Community Zoning Appeals Board – 10 (CZAB-10) denied with prejudice this application by a vote of 5 to 0. On November 6, 2006, the applicant appealed the CZAB-10's decision to this Board which denied the appeal by a vote of 10-0, pursuant to Resolution No. Z-6-07. Upon review, the appellate court found that the Board's decision to deny this application is not fairly debatable, amounts to reverse spot zoning and does not comport with the essential requirements of the law, thereby resulting in a miscarriage of justice (Circuit Court Case No. 07-304-AP). The Circuit Court granted certiorari and quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application. The County appealed the Circuit Court decision to the 3rd District Court of Appeal. The 3rd District Court of Appeal affirmed the Circuit Court's decision, though there was a vigorous dissent by a member of the court. The Florida Supreme Court denied further review of this case.

The applicant indicated on the appeal application to this Board that the subject property fronts on SW 82 Avenue, a half section-line road, and is located one lot to the south of the SW 24 Street (Coral Way). Additionally, the applicant notes that the subject property is impacted by substantial traffic along SW 82 Avenue, and indicates that the subject property is also impacted by the neighboring office uses found to the north and west, and by the adult congregate living facility to the south. The applicant maintains that the property is no longer appropriate for residential use.

The subject property is located at 2425 SW 82 Avenue, approximately 140' south of SW 24 Street (Coral Way), in an area characterized by single-family homes, a group home, and office/residential conversions. The 0.307-acre subject site is currently improved with a one-story single-family residence. The applicant seeks to change the zoning on the

subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, or in the alternative, a use variance to permit RU-5A uses in the RU-1 zoning district.

RU-5A uses include, but are not limited to, office buildings for accountants, architects, attorneys, dentists, medical doctors, notary publics, real estate, and travel agencies as well as banks without drive-through teller facilities. However, the applicant indicated in their Letter of Intent that the purpose of the zone change is to permit an architect's office. Staff notes that the applicant has proffered a covenant specifically restricting the office use on the site to that of an architect's office. Plans submitted by the applicant demonstrate that the subject site complies with all RU-5A zoning requirements for setbacks and lot coverage, including the compulsory parking requirements needed for office use.

Approval of either request would allow the applicant to provide semi-professional office services for the community. The subject site is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The CDMP provides that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does the subject frontage face such an Estate Density area.

The subject property meets some of the aforementioned criteria of the Master Plan for approval of office uses within residential designations in that the subject property is less than one acre in size and is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential. However, although the subject property is located on a half-section line roadway (SW 82 Avenue) it does not front on a "major roadway" as designated on the Land Use Plan map.

Notwithstanding the foregoing, the Master Plan also indicates that where other office, business or industrial uses exist on the same block face, approval of similar requests may be granted. However, where such an office, business or industrial use exists on a corner lot of a subject block face or block end, approval of office uses elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. One of the two neighboring parcels to the north, situated on the corner of SW 82 Avenue and Coral Way, was granted a use variance to permit all RU-5A uses in an RU-1 zone, pursuant to Resolution No. #Z-192-90; but cannot be considered as part of the same block face where the subject property lies, since it fronts Coral Way, the more heavily trafficked side.

Moreover, Resolution No. 4-ZAB-133-71 also approved a use variance on the other neighboring parcel to the north of the subject property also facing Coral Way and the property to the west of the subject site was granted approval of a use variance to permit a janitorial office in the RU-1 zone as would be permitted in the RU-5A zone, pursuant to Resolution No. Z-112-91. It should be noted that the parcel to the south of the subject

property on the same block face has an existing group home which staff notes is a permitted RU-1 use, is considered a single-family residential use and is limited to no more than 6 people residing on the premises.

Notwithstanding the foregoing, the appellate court determined that operating a group home for the elderly is commercial in nature and concluded that the subject site is "...a veritable island or, at the very least, a peninsula in a sea of commercially zoned property..." Based on the findings of the Court, staff opines that the subject site meets the CDMP criteria for the approval of an office use in a residential community in that a commercial use (group home) lawfully exists on the same blockface as the subject site. In addition, since the subject site abuts lawfully existing office uses to the north and west, staff opines that the introduction of an office use on this site is **compatible** with the other office uses located to the north and west of the site and with the existing group home located to the south of the site. Policy LU-4D of the CDMP states that uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements. Staff notes that the submitted plans illustrate a 6' high Cherry Hedge along the north, east and south property lines with palms and Live Oak trees which staff opines will effectively buffer the office use from the surrounding properties. As such the staff opines that the proposed architect's office as illustrated on the submitted plans is consistent with Policy LU-4D of the CDMP and with the interpretative text of the CDMP for the approval of office uses in residential communities. Although, staff notes that the requested rezoning to RU-5A would be **compatible** with the surrounding office uses and **consistent** with the CDMP, **staff is supportive of the alternative use variance request subject to the Board's acceptance of the proffered covenant which limits the office use on the site to an architect's office, in that none of the properties that abut the subject site are zoned RU-5A.**

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the requested RU-5A zoning would be **consistent** with the interpretative text of the CDMP and **compatible** with the neighboring office uses to the north and west of the subject property and with the existing group home to the south of the subject site.

Staff notes that the proposed architect's office 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 when considering zone changes, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County. The approval of this application will not have an unfavorable impact on the economy nor on the environmental and natural resources of Miami-Dade County. Furthermore, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The applicant seeks to change the zoning on the subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, to allow the applicant to provide semi-professional office services for the community. As previously mentioned, the applicant has proffered a covenant specifically restricting the office use on the site to that of an architect's office.

Staff's research reveals that most of the single-family residential lots fronting on SW 24 Street, between SW 82 Place and SW 79 Court, have gradually converted to non-residential uses and offices. Specific research indicates that of the 15 lots that front on Coral Way between those four blocks, only three lots are still in residential use; numerous public hearings have approved use variances as early as 1963 and as recent as an RU-5A district boundary change approval in 2007. Most, if not all, of these land use conversions are due to the increase in traffic and noise associated with Coral Way, which over the years have negatively impacted the quality of life of residents with homes fronting said corridor. Additionally, the placement of office uses is better located where traffic activity is intense and the roadway is well traveled, as opposed to having residences front such a busy vehicular corridor. Notwithstanding the foregoing, staff opines that RU-5A zoning should be limited to those lots fronting on SW 24 Street (Coral Way) and notes that although the properties to the north and west of the subject site have been granted approval at public hearing to permit office uses, staff notes that said properties are zoned RU-2 and RU-1 respectively. Moreover, staff notes that none of the properties along SW 82 Avenue are zoned RU-5A and therefore staff opines that the introduction of RU-5A zoning on the subject site would create an "island" of RU-5A zoning midblock along SW 82 Avenue. Although, staff notes that the requested rezoning to RU-5A would be **compatible** with the surrounding office uses and **consistent** with the CDMP, staff is supportive of the alternative use variance request subject to the Board's acceptance of the proffered covenant which limits the office use on the site to an architect's office, in that none of the properties that abut the subject site are zoned RU-5A. **Therefore, staff recommends denial without prejudice of request #1.**

In the alternative to the district boundary change (request #1), the applicant is requesting a use variance to permit RU-5A uses in the RU-1 zone. A use variance, as stated in Section 33-311(A)(4)(a), is a variance which permits a use of land other than that which is prescribed by the zoning regulations. Section 33-311(A)(4)(a) also states that the Board shall hear and grant applications for use variances from the terms of the zoning regulations as 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 use variance will be in harmony with the general purpose and intent of the regulations.

As previously mentioned the Circuit Court granted certiorari and quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application. Staff notes that use variances were approved on two parcels of land abutting the subject property to the north, pursuant to Resolution Nos. Z-192-90 and 4-ZAB-133-71. Furthermore, the appellate court determined that operating a group home for the elderly is commercial in nature and concluded that the subject site is "...a veritable island or, at the very least, a peninsula in a sea of commercially zoned property that substantially diminishes or renders its value to be virtually worthless as a residential property." Based on the aforementioned, staff concurs with the Court's finding and opines that the subject site is no longer conducive for use as a single-family residence. Therefore, staff is of the opinion that the approval of the requested use variance to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone on the subject property, subject to the Board's acceptance of the proffered covenant, will not be contrary to the public interest and will be in harmony with the general purpose and intent of the regulations which is to promote development that is compatible with the surrounding area. Staff's research as well as the opinion issued by the Circuit Court reveals that due to the conversion of the area to predominantly office usage, special conditions have transpired in

the surrounding area whereby a literal enforcement of the provisions of the RU-1 zoning regulations would result in **unnecessary hardship**. In staff's opinion, the spirit of the regulations shall be observed and substantial justice done by the approval of the semi-professional office use on this site. **Therefore, staff recommends approval with conditions of the requested use variance under Section 33-311(A)(4)(a), subject to the Board's acceptance of the proffered covenant.**

I. RECOMMENDATION:

Denial without prejudice of request #1 and approval with conditions of request #2, subject to the Board's acceptance of the proffered covenant.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, parking, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated stamped received 11/18/05, except as herein modified to show a 5' high wood fence in lieu of the chain link fence along the interior side (north and south) property lines and rear (east) property line.

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 Certificate of Use.

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

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

6. That the applicant install a 5' high wood fence along the interior side (north and south) property lines and the rear (east) property line. Said fence shall be installed prior to final zoning inspection for the proposed addition.

7. That the use be restricted to an architect's office only, pursuant to the proffered covenant.

DATE TYPED: 02/03/11
DATE REVISED: 02/04/11; 02/08/11; 02/25/11; 03/21/11
DATE FINALIZED: 03/21/11
MCL:GR:NN:TA:NC

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

Memorandum

MIAMI-DADE COUNTY

Date: February 7, 2011

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

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

Subject: C-10 #Z2005000364-2nd Revision
Rene Miguel Valdez
2425 SW 82nd Avenue
District Boundary Change from RU-1 to RU-5A
(RU-1) (0.31 Ac)
15-54-40

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

Potable Water 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, 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 alternative means of sewage disposal. Use of an alternative 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

Site grading and development shall comply with the requirements of Section 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 DERM Class IV Wetland Permit will not be required.

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

Tree Preservation
The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

REVISION 1

PH# Z2005000364
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: RENE MIGUEL VALDEZ

This Department has no objections to this application subject to the following:

Parking space #10 must have 5 feet of paved aisle end back-out at time of permitting.

Landscaping and fences must comply with safe site distance triangle requirements set forth in Sec. 33-11 of the Miami-Dade County Code.

The proposed use of this application generates the same number of vehicle trips as the existing use and will not generate any new vehicle trips; therefore this application meets the Initial Traffic Concurrency Criteria.

Raul A Pino, P.L.S.

02-FEB-11

This instrument was prepared by:
Name: **Jeffrey M. Flanagan, Esq.**
Address: **Flanagan & Williard, P.A.**
1450 Madruga Avenue
Suite 407
Coral Gables, FL 33146

DRAFT

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 05-364 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by G.J.R. Architects entitled, "Proposed RU-5A Zoning for Rene Miguel Valdes," dated _____, said plans being on file with the Miami-Dade County department of Planning and Zoning, and by reference made a part hereof ("Site Plan").
(2) Parking space #10 in the Site Plan shall have 5 feet of aisle end back-out, and all landscaping and fences shall comply with safe-site distance triangle requirements.
(3) The Property shall be used as an architect's office or for any uses allowed pursuant to the underlying RU-1 zoning regulations.

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

Section-Township-Range: 15-54-40
Folio number: 30-4015-005-0880

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 to the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by 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.

Signed, witnessed, executed and acknowledged this ____ day of _____ 2011.

Witnesses:

_____ _____

Print Name:_____ Maria Nela Valdes

_____

Print Name:_____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by_____ who is personally known to me or who produced _____ as identification.

_____
Notary Public, State of Florida at Large

My Commission Expires:

Section-Township-Range: 15-54-40
Folio number: 30-4015-005-0880

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

CHECKED BY AW AMOUNT OF FEE $1,902.82

RECEIPT # I20062126

DATE HEARD: 10/17/06

BY CZAB # 10

RECEIVED
05-364

ZONING HEARINGS 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. 06-10-C210-2 (05-364) _____.

Filed in the name of (Applicant) ___Rene Miguel Valdes_____

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 2425 S.W. 82nd Avenue

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

Entire Appealable Application

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

The property fronts on SW 82 Avenue, a half-section line road. The property is one lot removed from the intersection of Coral Way (S.W. 24th Street). This section of SW 82 Avenue is affected by substantial traffic. The property is also impacted by office use to the south and west, and an adult congregate living facility to the north. The property is no longer appropriate for residential use.

APPELLANT MUST SIGN THIS PAGE

Date: 6 day of November, year: 2006

Signed _____

Rene M. Valdes
Print Name

2425 SW 82 AVE Miami, FL 331
Mailing Address

(305) 579-0644 (305) 961-5644
Phone Fax

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

Rene M. Valdes
Representing

_____
Signature

Simon Fern
Print Name

1221 Brickell Ave
Address

Miami FL 33131
City State Zip

305 579-0644
Telephone Number

Subscribed and Sworn to before me on the 6 day of November, year 2006

Leyla M Lucas
Notary Public

(stamp/seal)

Commission expires:

Notary Public State of Florida
Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

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 Rene M. Valdes (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 objections, waivers 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

Simon Ferro
Print Name

Signature

Leyla M Lucas
Print Name

Appellant's signature

Rene M. Valdes
Print Name

Sworn to and subscribed before me on the 6 day of November, year 2006

Appellant is personally know to me or has produced FL. DL. as identification.

Notary
(Stamp/Seal)

Commission Expires:

[b:forms/affidapl.sam(11/03)]

Notary Public State of Florida
Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-6-07

WHEREAS, **RENE MIGUEL VALDEZ** applied to Community Zoning Appeals Board 10 for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of 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 upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to RU-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) 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 that said application was denied by Resolution No. CZAB10-62-06, and

WHEREAS, **RENE MIGUEL VALDEZ** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21 AND THE SOUTH ½ OF ALLEY LYING NORTH AND ADJACENT PER R-941-74.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

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

WHEREAS, 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, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-62-06 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, 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-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) 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 appeal with prejudice, sustain the decision of Community Zoning Appeals Board 10, and deny the application with prejudice was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

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

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied with prejudice and the decision of Community Zoning Appeals Board 10 is sustained.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-5A (Item #1), be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-62-06 remains in full force and effect.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 26th day of April, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-10-CZ10-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17TH DAY OF MAY, 2007.

15-54-40/05-364 Z-6-07

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-6-07 adopted by said Board of County Commissioners at its meeting held on the 26th day of April, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 17th day of May, 2007.

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

SEAL

RESOLUTION NO. CZAB10-62-06

WHEREAS, **RENE MIGUEL VALDEZ** applied for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, 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

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-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) 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 Items #1 & 2 with prejudice was offered by Julio R. Caceres, seconded by Jose Garrido, and upon a poll of the members present the vote was as follows:

Juan Carlos Acosta	aye	Manuel Casas	aye
Javier A. Betancourt	absent	Jose Garrido	aye
Julio R. Caceres	aye		

Carlos A. Manrique aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU-5A (Item #1), be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED, that the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) be and the same is hereby denied with 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 17th day of October, 2006.

Hearing No. 06-10-CZ10-2
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, 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. CZAB10-62-06 adopted by said Community Zoning Appeals Board at its meeting held on the 17th day of October 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 24th day of October 2006.

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

SEAL

PLANNING AND ZONING
AGENDA OFFICE

2011 FEB -4 P 12: 15

NOT FINAL UNTIL TIME EXPIRES TO FILE RE-HEARING MOTION, AND, IF FILED, DISPOSED OF.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA

FILED FOR RECORD
2008 MAR 31 PM 2:31
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #101
VANESTHER FLETCHER

RENE MIGUEL VALDEZ,

Petitioner,

v.

MIAMI DADE COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.
_____/

APPELLATE DIVISION

CASE NUMBER: 07-304 AP

LOWER CASE NO: Z-607

Opinion filed: March 31, 2008.

On Petition for Writ of Certiorari from the Miami-Dade County Board of County Commissioners.

Javier L. Gonzalez, Esq., of Gonzalez & Rodriguez, P.L., for Petitioner.

John McInnis, Esq., Assistant Miami-Dade County Attorney, for Respondent.

Before SOTO, LEBAN, and VENZER, JJ.

VENZER, J.

Petitioner Rene Miguel Valdez ("Mr. Valdez") seeks review of a decision by the Miami-Dade County Board of County Commissioners ("the Board"). The Board sustained the Community Zoning Appeals Board 10's decision to deny Mr. Valdez's application for a boundary change from RU-1 (single family use) to RU-5A (semi-professional office district), or

Received by
Zoning Agenda Coordinator
FEB 04 2011

Received by
Zoning Agenda Coordinator
FEB 04 2011

in the alternative a use variance to permit a RU-5A use in the RU-1 zoning district[1] to allow an architectural office on the property's premises.

Upon receipt of a petition for writ of certiorari, this Court's review is limited to a three part standard: (1) whether procedural due process was accorded; (2) whether essential requirements of the law were observed; and (3) whether the findings and judgment were supported by competent substantial evidence. *Dep't of Highway Safety & Motor Vehicles v. Wejebe*, 954 So. 2d 1245, 1248 (Fla. 3d DCA 2007).

Procedural due process rights are afforded to an individual when the person receives notice and an opportunity to be heard. *Joshua v. City of Gainesville*, 768 So. 2d 432, 438 (Fla. 2000). The Board argues that the Mr. Valdez was afforded procedural due process because he received notice and a hearing before the Board of County Commissioners. Mr. Valdez contends that he was denied his right to due process of law because of a commissioner's comments at the hearing.[2] The record reflects that Mr. Valdez did not object to the commissioner's comments

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[1] Resolution No. Z-6-07 states in part that ". . . it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-62-06 and that the appeal should be denied and decision of the Community Zoning Appeals Board 10 should be sustained. . . ." (R. at 2.)

[2] Mr. Valdez argues that Rule 7.01(g) of the Rules of Procedure governing the Board of County Commissioners was violated because Commissioner Souto made comments that implied that Mr. Valdez and his counsel were friends. The Commissioner even referred to Mr. Valdez as family. On April 26, 2007, Commissioner Souto made the following comments at the hearing:

> [Commissioner Souto]: And I'm in the same situation here basically. These fellows in front of me are some of my best friends. Simon over there, Simon Ferro, is one of my best friends. Mr. Valdes [sic] too, my best friends. His brother was one of my best friends. And to the extent the word for this, we're friends, like family. But this has nothing to do with family or friends. This has to do with what's right or what's not right, and I hope they understand that and that everyone understands that.

Hr'g Tr. 32:8-20, Apr. 26, 2007 (R. at 37.)

even after the votes were recorded.[3] We find that Mr. Valdez was afforded due process because he had notice and ample opportunity to participate at the Board hearing. Moreover, Mr. Valdez's failure to object at the hearing precludes him from raising the issue for the first time on appeal. *First City Sav. Corp. of Tex. v. S & B Partners*, 548 So. 2d 1156, 1158 (Fla. 5th DCA 1989) (circuit court on certiorari review of zoning decision will not consider issues not presented to the county commission), *review dismissed*, 554 So. 2d 1168 (Fla. 1989).

A departure from the essential requirements of law occurs when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 528 (Fla. 1995).

The Florida Supreme Court has utilized the fairly debatable test to uphold zoning ordinances. *City of Miami Beach v. Lachman*, 71 So. 2d 148, 152 (Fla. 1953). So long as a zoning restriction is fairly debatable, that is, when it is "open to dispute or controversy on grounds that make sense, whether the zoning restriction advances the public health, welfare, safety, or morals of the community, the subject restriction is considered to be constitutional." *City Comm'n of City of Miami v. Woodlawn Park Cemetery Co.*, 553 So. 2d 1227, 1230 (Fla. 3d DCA 1989) (footnote and citations omitted).

However, if the zoning ordinance results in reverse spot zoning, then the restriction is not fairly debatable because it is confiscatory and invalid. *City of Miami Beach v. Robbins*, 702 So. 2d 1329, 1330 (Fla. 3d DCA 1997). In *Robbins*, the Third District Court of Appeal noted:

> Reverse spot zoning occurs when the ordinance prevents a property owner from utilizing his or her property in a certain way, when virtually all of the adjoining neighbors are not subject to such a restriction, creating, in effect, a veritable

---

[3] Out of thirteen Commissioners voting, three commissioners were absent. The remaining ten Commissioners voted to deny Mr. Valdez's appeal with prejudice and sustain the Community Zoning Appeal Board 10's decision. (R. at 3.)

> zoning island or zoning peninsula in a surrounding sea of contrary zoning classification.

Id.

In the case at bar, Mr. Valdez's property is located at 2425 S.W. 82nd Avenue in unincorporated Miami-Dade County, Florida. Mr. Valdez requested a zoning change from RU-1, single residential district, to RU-5A, semi-professional office district *or in the alternative* a use variance to permit an RU-5A classification to allow an architect's office on the premises. However, the Board decided that Mr. Valdez's request for a zoning change was incompatible with the area concerned and inconsistent with the intent of the land development plan for Miami-Dade County.

Upon this Court's review of the aerial, hearing, radius, and hand sketched maps of Mr. Valdez's property and the surrounding area (R. at 113-17), we are not persuaded by the Board's argument. Immediately north of Mr. Valdez's property is a travel agency and insurance company. Both of these properties have been granted use variances allowing RU-5A uses in an RU-2 zoning district. (Resp't Resp. to Pet. for Writ. of Cert., 4.) To the south of Mr. Valdez's property is a group home for the elderly which is still classified as RU-1. The Board avers that the group home is permitted to have RU-1 classification pursuant to section 419.001, Florida Statutes (2007). (Resp't Resp. to Pet. for Writ. of Cert., 4.) Typically, group homes have caretakers assisting the occupants or providing services to assist the elderly with daily activities. This Court is mindful of these activities and agrees with Mr. Valdez that operating a group home for the elderly is commercial in nature. To the east of Mr. Valdez's property, the land is classified as a single-family residence. (R. at 42.) However, the property to the west of Mr. Valdez's property is zoned single-family residence with a permitted office use.

Despite the large concentration of nonresidential activity surrounding Mr. Valdez's property, the Board denied Mr. Valdez similar zoning privileges as the surrounding property

owners. In *Woodlawn,* 553 So. 2d at 1233, the Third District held it confiscatory when a property owner is prevented from utilizing his property in a certain manner, even though adjoining property owners are not subject to the same restrictions.

The Board's denial of Mr. Valdez's request for a zoning change or use variance to permit an architectural office appears to us as arbitrary and not fairly debatable. As such, the Board's actions amount to reverse spot zoning which is impermissible. *See Debes v. City of Key West*, 690 So. 2d 700, 701 (Fla. 3d DCA 1997) (court noting that singling out the owner's property for disparate treatment represented an instance of "discriminatory spot zoning-or, in this context, spot planning-in reverse."); *see also Tollius v. City of Miami*, 96 So. 2d 122, 125 (Fla. 1957) (Supreme Court of Florida reversing a rezoning restriction because the property no longer retained the features at the time the zoning ordinance was passed and the block where the property was located was a veritable island); *Olive v. City of Jacksonville*, 328 So. 2d 854, 856 (Fla. 1st DCA 1976) (court holding that to deny the appellants' commercial zoning classification would constitute reverse spot zoning and the subject property was a literal peninsula); *Manilow v. City of Miami Beach*, 213 So. 2d 589, 592-93 (Fla. 3d DCA 1968) (court holding that to deny relief to the property owner would constitute reverse spot zoning and the property, except for the northern most part, was similar to a "veritable island"); *Kugel v. City of Miami Beach*, 206 So. 2d 282, 285 (Fla. 3d DCA 1968) (court holding that since the character of the property had been changed by other actions of the municipality, the zoning regulation was arbitrary and could not be characterized as fairly debatable). Similar to the reverse spot zoning examples we have cited, Mr. Valdez's property is a veritable island or, at the very least, a peninsula in a sea of commercially zoned property that substantially diminishes or renders its value to be virtually

worthless as a residential property. *See City of Miami Beach v. Robbins,* 702 So. 2d 1329, 1330 (Fla. 3d DCA 1997).

Therefore, we grant certiorari because the Board's decision does not comport with the essential requirements of the law and results in a miscarriage of justice. *Haines City Cmty. Dev. V. Heggs,* 658 So. 2d 523, 528 (Fla. 1995). The County Commission's decision to sustain the Community Zoning Appeals Board 10's decision to deny Mr. Valdez's application for a boundary change from RU-1 (single family use) to RU-5A (semi-professional office district), or in the alternative a use variance to permit a RU-5A use in the RU-1 zoning district, is quashed. The matter is remanded to the Board with instructions to act in accordance with this opinion. Certiorari granted.

SOTO and LEBAN, JJ., concur.

COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL

COPIES FURNISHED TO
COUNSEL OF RECORD AND
TO ANY PARTY NOT REPRESENTED
BY COUNSEL

REVISION 1

Memorandum

Date: 01-FEB-11

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2005000364

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2005000364
located at 2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1441 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
1,286 (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: 0.29 alarms-annually.
The estimated average travel time is: 6:05 minutes

Existing services

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

Station 3 - Tropical Park - 3911 SW 82 Avenue
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 Letter of Intent dated November 8, 2005. Substantial changes to the Letter of Intent will require additional service impact analysis.

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

40

DATE: 09-FEB-11

REVISION 3

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

RENE MIGUEL VALDEZ

APPLICANT

2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2005000364

HEARING NUMBER

HISTORY:

No current/open cases from Neighborhood Compliance and/or Building Divisions.

No prior cases from either division for the last 12 months.

None

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

None

REPORTER NAME:

L. Cuellar

ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO **Inspection Dat**

Evaluator: JAMES MURPHY 02/09/11

Process #:	**Applicant's Name**
Z2005000364	RENE MIGUEL VALDEZ

Locations: 2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.

Size: 0.307 ACRES **Folio #:** 3040150050880

Request:

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT TO SEMI-PROFESSIONAL OFFICE DISTRICT.

EXISTING ZONING

Subject Property RU-1,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

ONE STORY CBS RESIDENCE ON THE SITE.

USE(S) OF PROPERTY:

THE PROPERTY IS CURRENTLY UTILIZED AS A SINGLE-FAMILY RESIDENCE (RU-1).

FENCES/WALLS:

THERE IS A 5- FT CHAIN-LINK FENCE ALONG THE NORTH PROPERTY LINE; 5 FT. WIRE FENCE ALONG THE EAST AND SOUTH PROPERTY LINES, AND A 4-FT. PICKET FENCE ALONG THE FRONT, WEST PROPERTY LINE.

LANDSCAPING:

NO LANSCAPING ON THE PROPERTY.

BUFFERING:

THERE IS A 6-FT CHERRY HEDGE ALONG THE WEST HALF OF THE NORTH PROPERTY LINE THAT BELONGS TO THE ADJACENT PROPERTY.

VIOLATIONS OBSERVED:

NO VIOLATIONS OBSERVED AT THE TIME OF INSPECTION. BNC MEMO DATED 02/09/2011 REV#3 ON FILE. THERE IS AN OPEN PERMIT NO. 1992098317 FOR BLDG 107 (ROOF) EXPIRED ON 02/17/1993.

OTHER:

THE ADJACENT PROPERTY ABUTTING THE EAST HALF OF THE THE NORTH PROPERTY LINE NEEDS TO PROVIDE A LANDSCAPE BUFFER IN ORDER TO MINIMIZE THE VISUAL IMPACT OF THE PARKING AREA.

Process #	**Applicant's Name**
Z2005000364	RENE MIGUEL VALDEZ

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:
RU-2; TRAVEL AGENCY & INSURANCE OFFICE.

SOUTH:
RU-1; EXISTING GORUP HOME - 6 RESIDENTS.

EAST:
RU-1; SINGLE-FAMILY RESIDENCE.

WEST:
RU-1; SINGLE-FAMILY RESIDENCE & OFFICE USE.

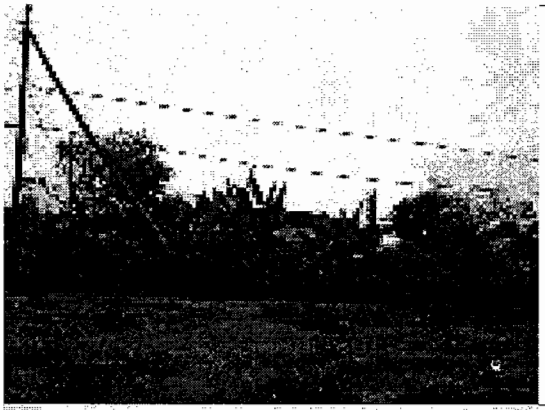
SURROUNDING AREA
THE SUBJECT PROPERTY IS SURROUNDED BY OFFICE/RESIDENTIAL CONVERSIONS THAT HAVE BEEN GRANTED ON PARCELS FRONTING CORAL WAY LOCATED TO THE NORTH AND WEST OF SITE AND ONE STORY SINGLE FAMILY RESIDENCES TO THE EAST AND SOUTH.

NEIGHBORHOOD CHARACTERISTICS
THIS AREA IS CHARACTERIZED BY A NUMBER OF OFFICE/RESIDENTIAL CONVERSIONS THAT HAVE TAKEN PLACE ON PROPERTIES FRONTING CORAL WAY. HOWEVER, ALL OF THE AREA TO EAST AND SOUTH REMAINS RESIDENTIAL.

COMMENTS:
PICTURES OF SITE AND SURROUNDING AREA MAY BE VIEWED FROM THE WEST DADE FILE UNDER ZONING EVALUATION.

HASSUN 02/09/2011: ENFORCEMENT HISTORY UPDATED.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***JAMES MURPHY***
Process Number: ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***

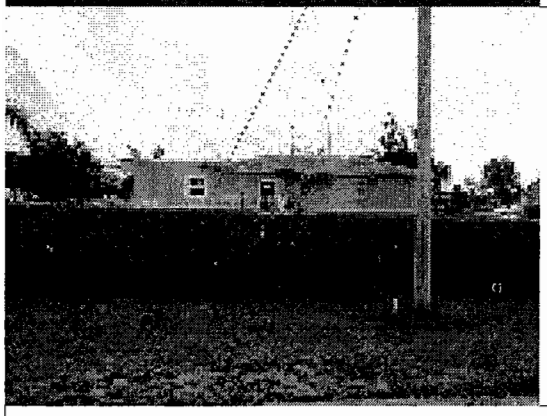


Date: 28-APR-06

Comments: East View From Backyard of Subject Property.

Date: 28-APR-06

Comments: Front View of Subject Property



Date: 28-APR-06

Comments: North View from Subject property - Travel Agency.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***JAMES MURPHY***
Process Number: ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***

Date: 28-APR-06

Comments: Northeast View from Subject Property - Insurance Office.

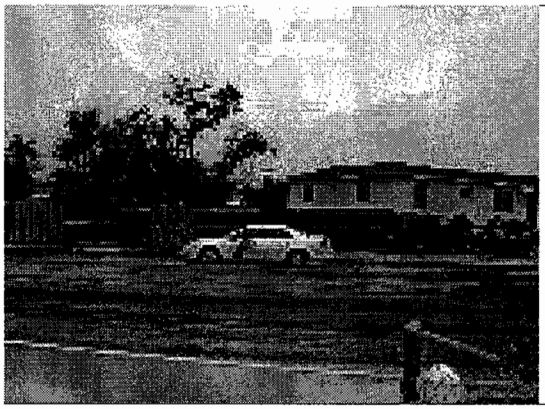
Date: 28-APR-06

Comments: South from Subject Property - adjacent residence.

Date: 28-APR-06

Comments: Southeast Corner View of Subject Property

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***JAMES MURPHY***
Process Number: ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***

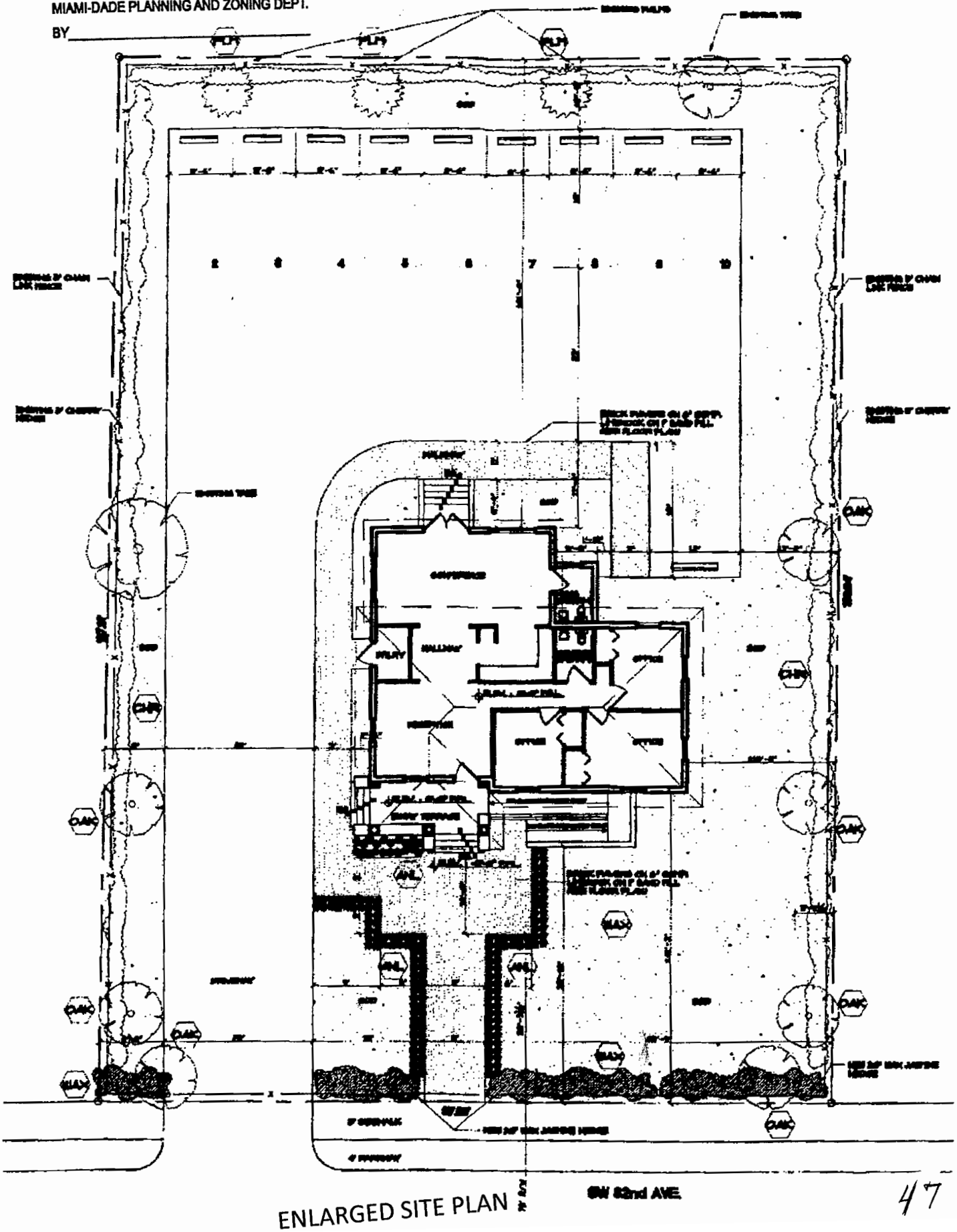


Date: 28-APR-06

Comments: West View From Subject Property.

RECEIVED
205.364
NOV 18 2015

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



ENLARGED SITE PLAN

47

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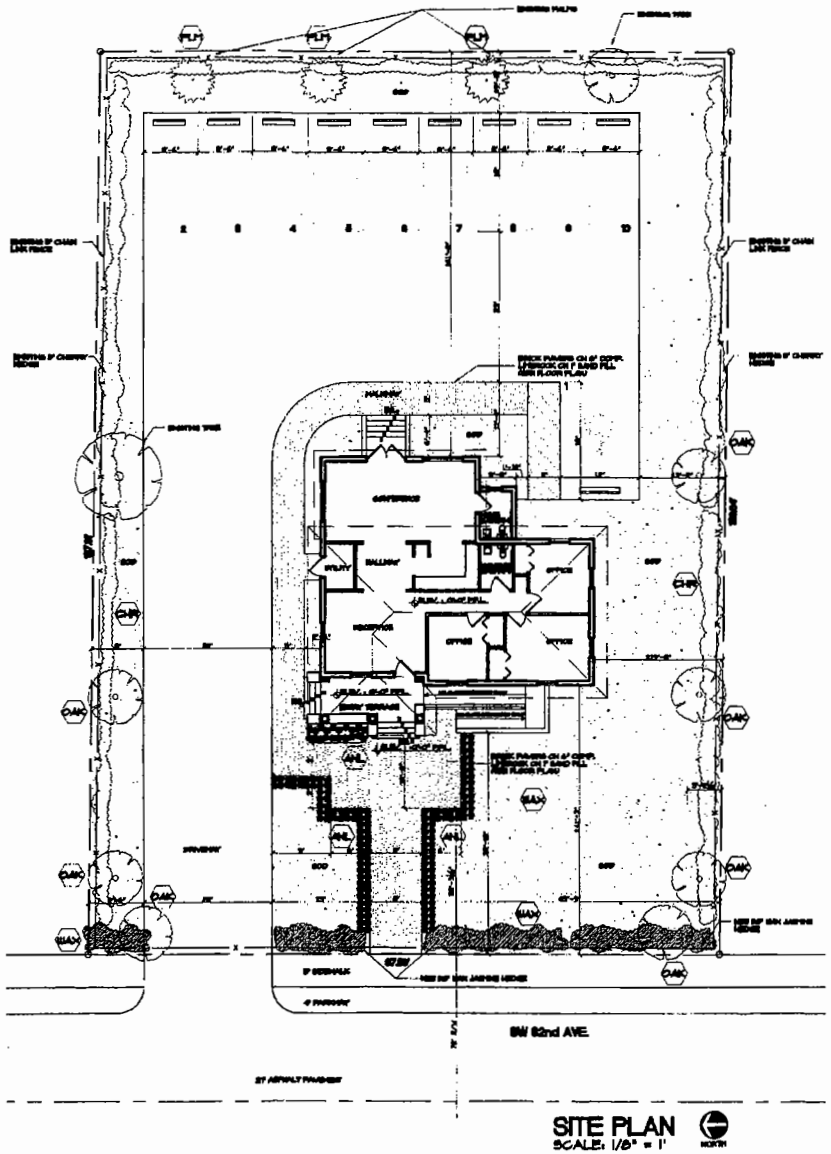
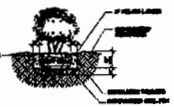
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

48

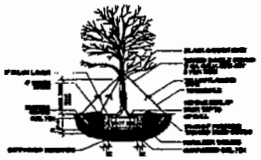


SITE PLAN
SCALE: 1/8" = 1'

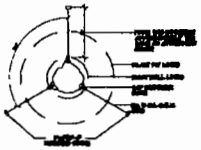
TYPICAL PALM PLANTING DETAIL



TYPICAL SHRUB PLANT DETAIL



TYPICAL TREE PLANTING DETAIL



TYP VIEW STAKING DETAIL

LEGAL DESCRIPTION

LOT, 4 BLOCK 8 OF CORAL WAY HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 21 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LEGEND

EXISTING ZONING		RU-1
PROPOSED ZONING		RU-5A
LOT AREA		15,434 SQ. FT.
BUILDING AREA (A/C)		1360 SQFT.
PAVED AREA (DRIVEWAY)		1,200 SQFT.
WALKWAY/ENTRY TERRACE(PAVERS)		1200 SQFT.
LANDSCAPED AREA		8,734 SQFT. (42.24% LOT AREA)
	REQUIRED	PROVIDED
LOT COVERAGE	40%	8.73%
HEIGHT	2 STORIES(24')	21'-4"
SETBACKS		
FRONT	25'	41'-5"
REAR	25'	41'-5"
INTERIOR SIDE	5'	41'-5" 41'-5"
PARKING SPACES 5ea. 3BR+5ea.1 OFFICE BLDG.	MINIMUM: (5)	10 (Inc. 1 HCPD)

PLANT MATERIAL

	SIZE	NOTES	SPACING	QUANTITY
	10'		10'	7
	10'		8'	8
	3 GAL		24"	As Req'd
	10'		8'	
	3 GAL		12"	

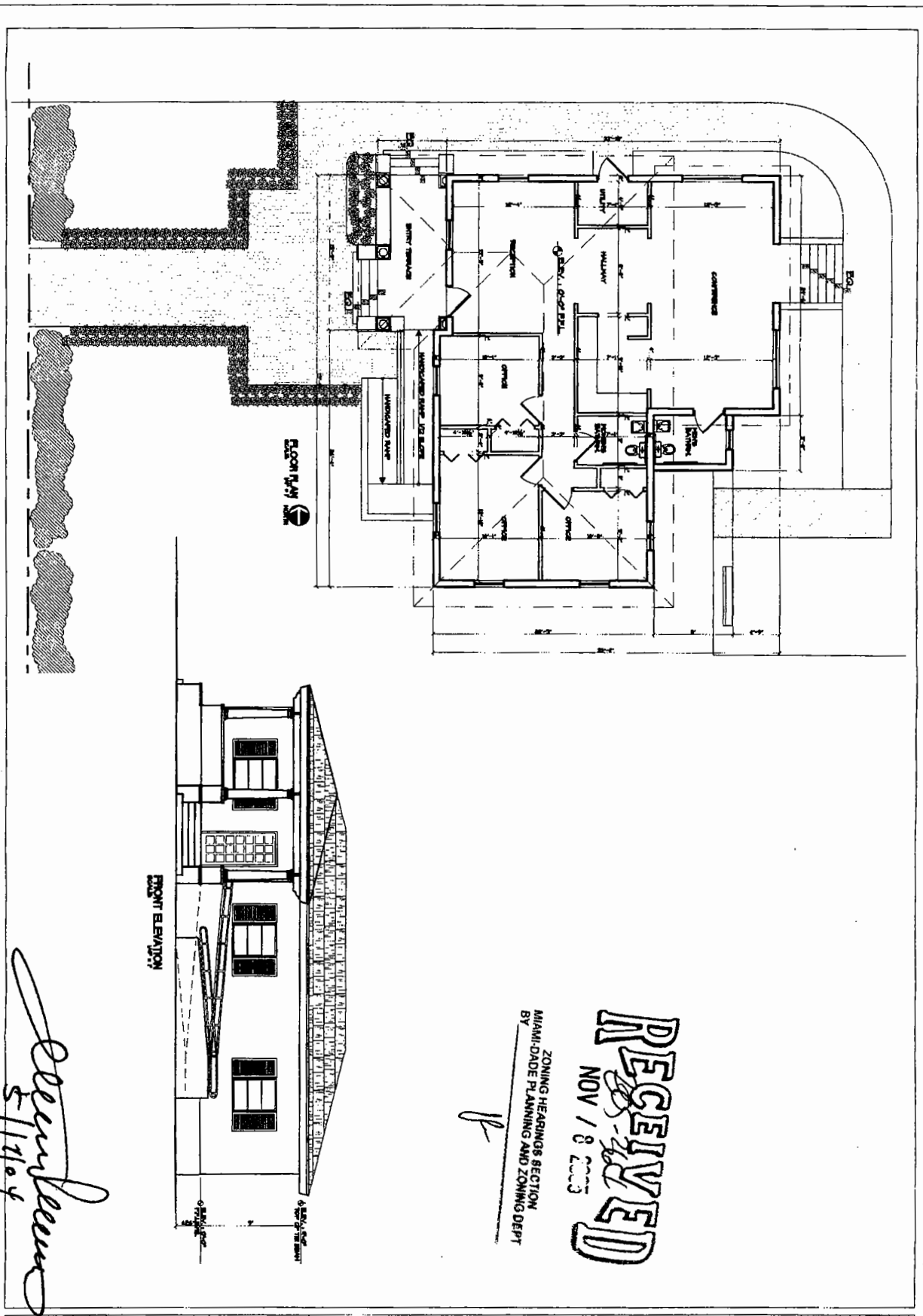
LANDSCAPE NOTES

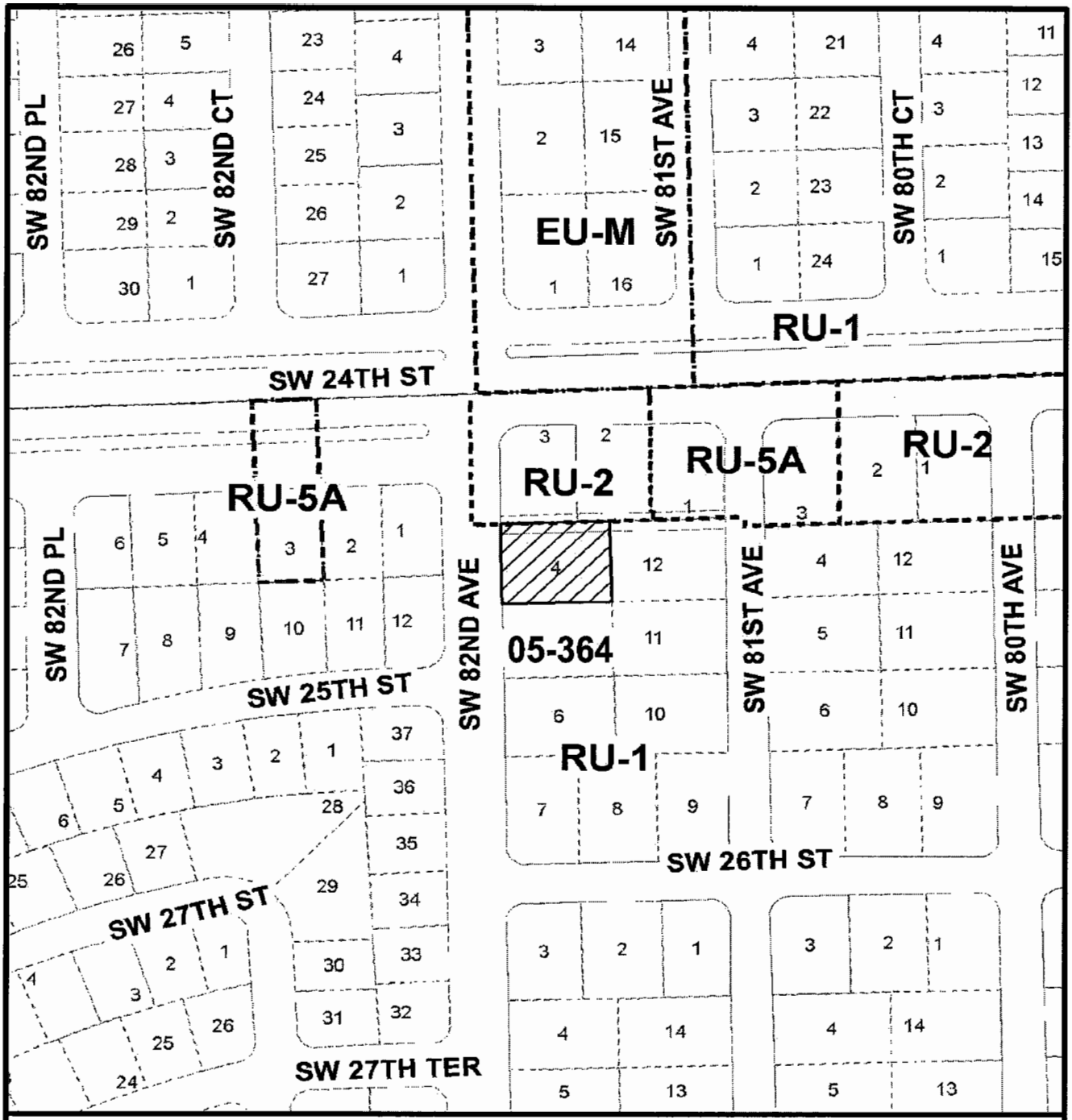
LOCATION MAP

PROPOSED RU-5A ZONING FOR:
RENE MIGUEL VALDES
2405 SW 62ND AVE. MIAMI, FLORIDA
PHONE 305 669 4847

DATE 04/27/04
SCALE AS NOTED
DRAWN LPV
DRAWING # A-1
SHEET OF

5/17/04


FLOOR PLAN
FRONT ELEVATION
RECEIVED
NOV / 8 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY
PROPOSED RU-6A ZONING FOR:
RENE MIGUEL VALDES
2425 SW 82ND AVE. MIAMI, FLORIDA
PHONE: 305 599 4947
C.J.R. ARCHITECTS CORP.
A-2



MIAMI-DADE COUNTY

HEARING MAP

S C A L E
0 NTS
N

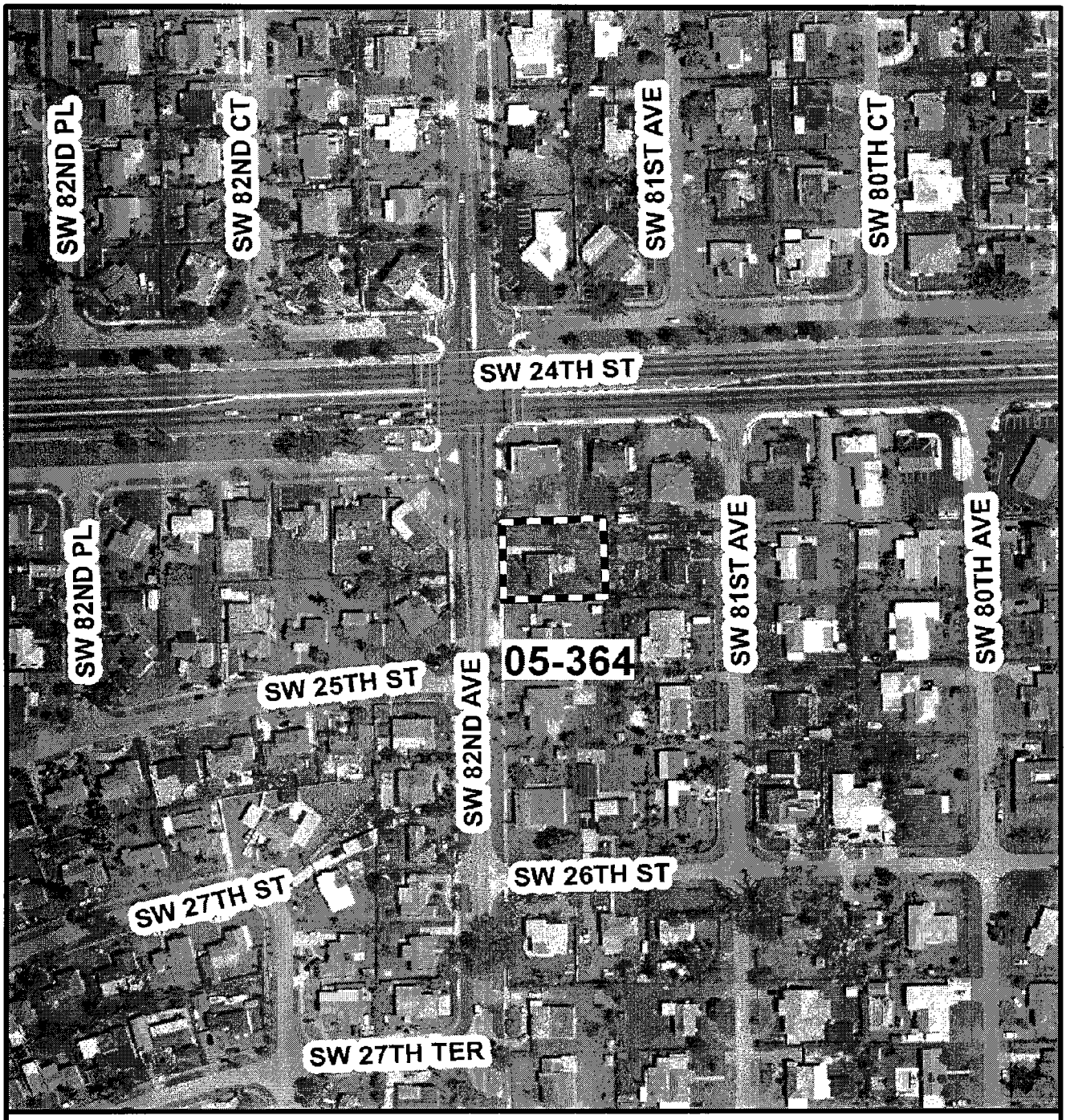
SUBJECT PROPERTY

Section: 15 Township: 54 Range: 40
Process Number: 05-364
Applicant: RENE MIGUEL VALDEZ
Zoning Board: C10
District Number: 10
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-364, 11/05
REVISED 08/23/06
REV. 02/21/07 51/2 ALLEY.AFT

50



MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 15 Township: 54 Range: 40
Process Number: 05-364
Applicant: RENE MIGUEL VALDEZ
Zoning Board: C10
District Number: 10
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 05-364 11/05
REVISED 06/23/06
REV. 02/07/07 JP To update Aerial
REV. 02/21/07 31/2 ALLEY.AFT

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
Stephen P. Clark Center
111 N.W. 1st Street - Commission Chambers

Thursday, April 26, 2007

RENÉ MIGUEL VALDEZ

(05-364)

MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS

Present

Chairman Bruno A. Barreiro
Vice Chair Barbara J. Jordan
Jose "Pepe" Diaz
Bruno A. Barreiro
Rebeca Sosa
Dennis C. Moss
Carlos A. Gimenez
Katy Sorenson
Javier D. Souto
Joe A. Martinez

COUNTY ATTORNEY'S OFFICE

Joni Armstrong-Coffey
Assistant County Attorney

STAFF

Subrata Basu, Interim Director,
Department of Planning & Zoning

Alberto Torres, Zoning

I N D E X

Chairman Barreiro: 3-7, 19, 22, 25, 29, 31-32.
Vice Chair Jordan: 3.
Commissioner Diaz: 3.
Commissioner Gimenez: 3.
Commissioner Moss: 3, 6-7, 31.
Commissioner Martinez: 65,
Commissioner Rolle: 3, 32
Commissioner Sorenson: 3.
Commissioner Sosa: 3, 32.
Commissioner Souto: 3, 24, 30-32.

STAFF

Interim Director Basu: 6.
Ms. Armstrong-Coffey: --
Mr. Torres: --

ON BEHALF OF THE APPLICANT

Mr. Ferro: 7, 23, 25, 29, 32.

SPEAKERS

Ms. Stella Tobin: 20.
Ms. Maria Cabals: --
Ms. Anastasia Montiel: 22.

(Thereupon, the following proceedings were had:)

(Thereupon, the following individuals were present upon roll call: Chairman Barreiro, Vice Chairwoman Jordan, Commissioner Diaz, Commissioner Gimenez, Commissioner Martinez, Commissioner Moss, Commissioner Rolle, Commissioner Sorenson, Commissioner Sosa, and Commissioner Souto.)

CHAIRMAN BARREIRO: Please stand for a moment of silence, followed by the Pledge of Allegiance.

(Pledge of Allegiance.)

(Thereupon, other matters were heard unrelated to this case, after which the following transpired:)

CHAIRMAN BARREIRO: We will now go into zoning. Will the clerk please swear in the translators and the witnesses.

(Thereupon, individuals wishing to give testimony were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

(Thereupon, the interpreters were duly sworn to make a true interpretation of the questions asked and the testimony given, after which the following transpired:)

MR. TORRES: Mr. Chairman?

CHAIRMAN BARREIRO: Yes.

MR. TORRES: Whenever you wish, I can read the introductory statement just to get you started.

CHAIRMAN BARREIRO: Go ahead.

MR. TORRES: Thank you, sir.

In accordance with the Code of Miami-Dade County, all items to be heard today have been legally advertised in the newspapers, notices have been mailed, and the properties have been posted. Additional copies of the agenda are available here in the chambers. Items will be called up to be heard by agenda number and the name of the applicant or appellant.

The record of the hearing on each application will include the records of the Department of Planning and Zoning, and

where there is an appeal from the Community Zoning Appeals Board, the transcript of the Community Zoning Appeals Board hearing.

All these items are physically present today, available to all interested parties, and available to members of the Board of County Commissioners who examine items from the record during the hearing. Parties have the right to cross-examination.

This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings.

In addition, there is an official translator present in the chambers for those individuals requiring such assistance.

Mr. Chairman, the first item is application 05-364, Mr. René Miguel Valdez, and there are 164 filed protests and 11 filed waivers of objections.

CHAIRMAN BARREIRO: All right. The first item.

COMMISSIONER MARTINEZ: Mr. Chair?

CHAIRMAN BARREIRO: Yes.

COMMISSIONER MARTINEZ: If I may, just one point of order.

CHAIRMAN BARREIRO: Go ahead.

COMMISSIONER MARTINEZ: If I might add in a question?

CHAIRMAN BARREIRO: Go ahead.

COMMISSIONER MARTINEZ: Mr. Director, were you sworn in? I don't know if you were in the chambers or not.

MR. BASU: I was just out.

CHAIRMAN BARREIRO: Swear in the Director.

(Thereupon, Mr. Basu was duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired.)

COMMISSIONER MARTINEZ: If I may continue?

Mr. Director, one quick question. Your recommendation for denial is the same one that was given by the previous director, correct?

MR. BASU: Yes, sir.

COMMISSIONER MARTINEZ: Did anybody ever approach you to try to change that?

MR. BASU: Not to me.

COMMISSIONER MARTINEZ: Okay, thank you.

CHAIRMAN BARREIRO: First item. Go ahead.

MR. FERRO: Good morning, Mr. Chairman, members of the Board, Simon Ferro, 1221 Brickell. I represent the applicant, Mr. René Valdez.

This property is one of those very unique properties that, over the years, has been singled out for a number of multiple effects due to the development of the area over the years. This property is located on Southwest 82nd Avenue, and it's basically one house removed from Coral Way. So this is south (indicating), that's north (indicating), and this is Coral Way (indicating). This is Southwest 82nd Avenue (indicating). 82nd Avenue is a half section line road.

Over the years -- and I probably had something to do with some of these

properties here as they developed. I used to live in Westchester. I'm very familiar with this property, as maybe some of you are, too, in this area here (indicating). 82nd Avenue to 87th Avenue is where we have all the shopping centers. A very active area over the years. You can see these properties here (indicating), two of which abut us to the north have been either granted variances or have been rezoned RU-5A. So all the properties that you see in this shade are actually being used, not for residential purposes, but for either commercial or office purposes.

Now we're asking for either a zone change to RU-5A or a variance to permit an architect's office, as would be permitted under the RU-5A Ordinance.

The property -- I've given out some pictures that I'd like to track with you as I go down these two posters here.

The property on the first page, the green house, is the property in question. That's the property that is located right here (indicating). It's a large lot.

Even though it's zoned RU-1, it's over 13,000 square feet of lot.

The house was built in 1950. It's a very old house. As you can see, not much has been done with it since it was built. To the immediate north of the property -- and, again, if you follow the pictures I gave you, these two which says north front yard, that's what abuts this property immediately to the north. There are two former single family homes converted to offices, and we abut the parking area of those two properties.

The third picture here on the second tier is basically the backyard, this area here (indicating). As you can see, it's overgrown, good buffer. The south back yard would be this side here (indicating). And, again, as you can see, you can't see the other side.

Now, what has happened over the years is that because of development and because of traffic, Southwest 82nd Avenue has become a highly trafficked road. It is not technically called a major roadway in

the Land Use Plan, only because major roadways require more than two lanes. But if 82nd Avenue, which is a half-section line road, were three lanes or four lanes, it would be. It would have the kind of traffic that would qualify it as a major roadway. And even without it being a major roadway, only two lanes -- I will bet you that if you do a traffic count, you will have as much traffic on 82nd Avenue with two lanes as you would have with four lanes on Coral Way. So it is not -- 82nd Avenue is not a quiet residential neighborhood road.

Now, why are we asking for this request and why do we think that we deserve this request in order to alleviate the impacts of this house, which are completely different from the impacts of all the houses in the area, including even the one south of us?

Right across the street from where we are is -- we start with an office. And this whole tier here fronting on the frontage road, not on Coral Way, are all

office uses and the uses right immediately to our north. Right across the street, as you can see if you go to this picture (indicating), this picture was taken from our front porch. This house that you see right across the street from us is this house here (indicating). So even though it looks like you're at an angle here, you really are directly across from this house, which is an office, and which has parking right in front of it.

Now, I took a series of pictures in the morning to show you the kind of traffic that you get standing on the front porch of this house. Now, this is stacking. And this stacking, again, if you follow the trail here, and you can tell, these are not the same cars in each sequence. I mean, these are the same cars, because I wanted to show you how far back the stacking goes. This picture here (indicating) is taken from our front porch directly facing the street. And then if you start angling to your left, meaning you're coming this way (indicating), you

can see the traffic stacks pretty far down the road here (indicating). In fact, if you look at this picture in particular, you will see that there is no grass in front of our property. The reason there's no grass in front of our property is that at this intersection, starting from the front of our home, there is a right lane, there is a straight lane and there's a left-hand lane, but the lane that makes a right turn doesn't start -- the pavement starts a bit closer to the intersection. So what do people do? The people who are waiting in line back here cut across and come through the swale area across our grass in order to get into the right-hand turning lane.

So that is an impact. The impact that this little house has is not shared by any other property on our face block -- on our block face. We are singled out, because we're so close to the intersection of Coral Way and Southwest 82nd Avenue, and we abut all these other nonresidential uses that we are singled

out for the kind of traffic treatment that no other property on our face block is treated to.

What we hope to do, with your approval, is to -- we're not going to add to the house. We're not going to enlarge the house. We're going to vastly improve the house. We're going to obviously improve the exterior of the house and we will keep the house as is.

And we have a covenant that we have submitted that says that we're going to develop this property in accordance with this site plan. As you can see, there will be pavers in the front and there will be landscaping.

The parking will be in the rear. We won't have parking in the front, and it will be used only and exclusively for -- as an architect's office. And the architect is here today. He is the son of Mr. René Valdez. So this is -- the house will actually remain in the family, and it's going to be used solely for the purposes of an architect's office, which

in the scheme of -- in the long list of uses that we find in RU-5A, it is one of the least intrusive uses. It is one of the uses that generates the least amount of traffic, because they don't have that many people coming in and out. It's not retail. It's not a travel agency. Nobody goes to pick-up anything. So it's going to be a very low-key use as an architect's office, and that's what we have here.

Now, when we deferred this application the last time, we did so because there was an error in the advertisement. In the meantime, we also met with some of the neighbors that had concerns about this property. We met at the house, and it was actually a very nice very friendly meeting. We did not reach any agreement on the issue, but we understand that they're concerned with two things: One was that there are other uses in the area that have been granted that were not living up to the resolution or the covenant that had been made in terms of, for example, across the street which

is, I think, a janitorial maintenance office, not warehousing any chemicals there. For example, there were concerns that was being done. There had been a number of calls to Team Metro. That was -- one of the concerns in general was that, you know, these people don't keep up -- make promises, and they don't keep them.

Well, we have a covenant. And our covenant says it can only be used for an architect's office. Now, we could have said in the covenant and the request to you, let me have architects, accountants and lawyers or other such similar passive uses. We haven't even done that. We said it can only be used as an architect's office. And if the architect ever decides to move out and an accountant wants to move in, we will have to go file another application for a public hearing and go before the community council and request such a change. So we have bound ourselves strictly to this site plan and to the use of the property as an architect's office.

The only concern they had is, well, if you are allowed to approve this, then the whole block will go. It would be a domino effect. I will tell you that the domino effect issue is completely within your control. In fact, there is no law that says that once you give an approval to an application, that you've got to approve the whole face of the block. That is just not so. Every application stands on its own two feet. Every application stands on its own merit. And I challenge anybody to find another piece of property on this lot face that is as challenged by traffic and other impacts as this property is.

For all intents and purposes, this property is at this intersection of Coral Way and 82nd Avenue, even though it is one block removed from Coral Way.

Now, the properties -- and I would like to show you the big difference between the treatment of these houses here historically by the County, and what we're asking for. That's five or six lots here,

all of which were given the right to have office space or office use, are not on Coral Way. They are on a frontage road to Coral Way.

In fact, I have the pictures of some of those properties, and you can see them here where it says office on frontage road (indicating). Frontage road is a deserted road. It has no traffic, yet, however, years ago the County said, you know, these properties here, they really are highly impacted by the traffic on Coral Way, even though there is no such traffic on frontage roads, so we're going to treat them as a place that has become undesirable to live.

I submit to you that this property has become an even more undesirable place to live than these properties here, because it does have a kind of traffic impact that you see on these pictures. And I just want to point out that one of the pictures on your second form there is across from the property. This is the stacking from the other side of the road.

In other words, I stood on the other sidewalk and took this picture (indicating). And you can see that, you know, the problem of the traffic right across the street from us in front of our house is completely different than the traffic south of our property.

So with that said, and I know that there are some members of the neighborhood who are here, I would like to also listen to what they have to say. I would ask that you approve this application. We do have a negative recommendation, but, frankly, it would be fundamentally unfair for this property not to receive the same kind of treatment and relief from the impact of this intersection than the property immediately to our north and across the street to our northwest.

So you do have the power, and you do have the authority to look beyond the zoning code and look even beyond whatever factors are in the Master Plan to say, you know, if we apply these factors and these principles, we will be treating this

property in a fundamentally unfair way, and we need to give it some relief.

So, again, with that said, I would ask that the Board grant this approval either through a zone change to RU-5A or a use variance that only allow, either way, that this property to be used as an architect's office. And if we ever have to change it, we would have to come back before the Board, and before the Community Council to do that.

So I would reserve some minutes for rebuttal, Mr. Chair, and that is the end of my presentation.

Thank you, Mr. Chair.

CHAIRMAN BARREIRO: Thank you.

There are some speaker cards, but before we take them up, if we could for a moment recognize that we have a group of children from the Clerk's Office.

(Thereupon, other matters were heard unrelated to this item, after which the following transpired:)

CHAIRMAN BARREIRO: Okay. We have several speakers: Stella Tobin, Maria

Cabals and Anastasia Montiel. Will you please come up.

State your name and address for the record.

MS. TOBIN: My name is Stella Tobin. I am a retired teacher of Dade County. I taught in Dade County for 31 years. I'm now retired. I live on 84th Avenue. 2411 Southwest 84th Avenue.

The reason I'm here is because we're the neighbors of Westchester. A group of us, a great group of us, are working very hard to maintain things in a residential manner. A lot of things have been happening with the new shopping center that's going to come in, and we were able to reach an accord with that and we're more or less satisfied.

However, we do worry a lot about these homes that are now becoming little offices here and there and everywhere. As the attorney just mentioned, there's a lot of traffic on 82nd Avenue. We all know that, just like there's a lot of traffic on my avenue, 84th Avenue. And it's

because traffic is terrible all over Dade County. We know that. And it's getting worse, because there are more automobiles and there are more people. That's it.

We do want to keep a nice residential area, which is fairly close to the center of the city. Many young people are moving in. Others have just stayed there and enjoy living in Westchester. We have excellent schools, public schools, private schools. We couldn't ask for more in that respect. And many young couples that are moving in are doing everything they can to improve their homes. You have to just go out for a little drive around the, you know, side streets and everywhere, and you will see a great improvement. And this is what we want. We want to keep it the way it is, residential.

Whether they say so or not, once you give the permission for somebody to have their business on a residential street, well, the next guy is going to say, well, the one next to me was approved, so why shouldn't mine be

approved too.

There's also another matter. If you notice those pictures, 82nd Avenue is a very nice Avenue. I know, because I walk there a lot. And you know why I walk there? Because there are a lot of trees, and there aren't cars parked on the side of the street. Once businesses come in, tnat's what you have, like you can see in the other picture on that frontage road.

So these are all, I think, very valid reasons. We're defending our property. It's our way of life. And just like I'm retired, and I like living there, there are other young people that are coming in and buying homes there and improving them. Because we have an excellent neighborhood, especially because of our schools.

Thank you.

CHAIRMAN BARREIRO: Thank you.

Maria Cabals?

(No response).

Anastasia Montiel?

MS. MONTIEL: Yes.

Anastasia Montiel. I reside at 8231

Southwest 25th Street. I've been a resident for over 26 years already. Mr. Chairman, Commissioners, I appreciate the time you're taking in hearing me. I have been fighting these issues. This is not my first time here, nor possibly the last. I have been fighting the frontages that were approved previously. I came to those issues. I have been the one that has been -- as Mr. Ferro announced and used in his presentation, I have been the one who has been calling the County and working with Team Metro. They have come to my home, taken pictures from my back porch at the areas of the homes behind me, which are -- if I could use his own plaque, you can see the areas (indicating). I am one of those that abut the businesses.

They -- as he very well put it, it is very difficult, as you all spent an hour and a half going over 7(G), as to what happens when you want to get something done. It is very difficult. You have to go through many channels and it takes a

long time to get things enforced.

These people that were behind us have obviously done things incorrectly, and they are being resolved now, because we have been, as a neighborhood, getting through the channels.

As we saw on these plaques, there is no other residential home abutting 82nd Avenue that has been approved for this issue, and this is the way we would really like it to stay. Our neighborhoods are getting new sidewalks, thanks to Commissioner Souto. We are getting a lot of improvements, and the signage that were incorrectly taken down, because we went and called Team Metro. So we would like to keep our area that way. It is -- we have a little Gables. We have a little Westchester. And we want it residential. We do not want anymore businesses approved there. I am very impacted into what happens and that property could have been kept up. It has been rented for numerous years. The owner does not reside in that home. He resides in the area of Lake

Catalina, which I'm sure abuts 87th Avenue. And those people would not like to have a business in front of their home, nor do I.

So with my permission, I'm asking you, please do the right thing for our neighborhood. As so you would like in yours.

Thank you.

CHAIRMAN BARREIRO: Anybody else? If not the public hearing will be closed. Hearing none, the public hearing is closed.

MR. FERRO: Rebuttal?

CHAIRMAN BARREIRO: Yes.

MR. FERRO: If I may just take two minutes to rebut.

CHAIRMAN BARREIRO: Yes.

MR. FERRO: Again, a lot has been said about protecting the residential character of the neighborhood, and, of course, nobody can argue against that. What I can tell you is that this property is not within the neighborhood that -- it is within a neighborhood in and of itself.

This property is on the margin of these houses here (indicating) that do not suffer the same impact. I would find it very difficult to believe that any person, especially maybe a young person with a family, would want to come in and buy this property and make an investment to raise a family when you have on this side, on the north property line, two parking lots, and when you have daily stacking. You can almost go at any hour of the day, and you will find this stacking, because 82nd Avenue is a half-section line road. There are three turning lanes -- there's two turning lanes and one straight lane.

So, as I said before, if you take a look at the front of this property where there is no grass, the reason that there is no grass is because the people who are stacking back here, in order to get to the right-hand turning lane, which doesn't really begin until right after about this area here (indicating), they cut across this area (indicating). And it's just our property that's affected. You can see it

quite clearly on these photographs. Not even the house next door has that. The house next door is starting to get a little bit of gravel, but basically we have no grass in front of our house because of the people cutting through and making that right-hand turn.

So for all intents and purposes, this property is not within a residential neighborhood with residential characteristics. It is a world onto itself. It may have nothing to do with the property south of it on 82nd Avenue, which did not have that same impact. So I will grant you that these properties here that don't have the stacking, and can somehow wait for the light to change here -- you know, if there is no stacking in front of these houses, they suffer a different fate than this house does.

All we're saying is, look at this house, look at it on its own merits, look at it as a piece of property that is there and all the impacts around it were not caused by this house. This is the sign of

over 25 years of continuing activity in this area and continuing approvals here. And, by the way, these approvals were meritorious. They were meritorious. But I would ask you to balance the properties on the frontage road, which had absolutely no traffic, and yet starting over 20 years ago, they were granted relief because of the traffic on Coral Way, even though that traffic does not affect those houses. This traffic does affect this house. This is real traffic that is affecting the front. This is the front of this property (indicating).

So, again, you have the ability to look at a piece of property on its merits and be able to make a decision that affects just one piece of property that is no longer desirable or viable as a residential lot and give it probably what is the least intensive of all nonresidential uses, which is an architect's office. I looked through the RU-5A Ordinance and uses and I frankly can't find any use that would be less

intensive than an architect's office.

We have parking to the rear, so you're never going to have -- you're never going to have what we have across the street, which is basically parking on the driveway, almost in the swale area. This house here on the corner, this house here (indicating), has no traffic except on the front. These houses here (indicating), also all park in the front. They don't park in the back, because they're not as large, and didn't have the size and the configuration that our property does. All of our parking will be at the rear and we will have no parking in the front.

So, again, with that said, I would ask that the Commission consider approval of this application, either as a zone change to RU-5A or as a use variance. I believe we meet all the criteria for the use variance considering where we are.

If you have any questions, we'll be happy to --

CHAIRMAN BARREIRO: Thank you.

MR. FERRO: Thank you very much.

CHAIRMAN BARREIRO: Thank you.

With that, we'll close.

Commissioner of the district, Commissioner Souto.

COMMISSIONER SOUTO: Well, first let me say that I don't know if you saw the Miami Herald yesterday. There was an article about Bill Kerdyk in Coral Gables. Bill, whose wake is today, I'm going to go and see him today, He was a very good friend of mine. I helped him a lot when I worked in the senate, and I worked at the Center for Coral Gables. When they always broke, the water fountains at different places, and they didn't have money for the motor and this and that, I solved all those problems for Bill.

And in the article about Bill, there is a thing about Bill and threats. How Bill had to oppose his friends in the Gables and had to go against some of his best friends when the Cocoplum issue happened and so on and so forth. And I'm in the same situation here, basically. These fellows in front of me are some of

my best friends. Simon in the back over there, Simon Ferro, is one of my best friends. Mr. Valdez is one of my best friends. His brother was one of my best friends. I actually said the words for his -- the last goodbye for his brother, Flaco. We're friends. Flaco's wife was like family.

But this has nothing to do with family and friends. This has to do --

COMMISSIONER MARTINEZ: In that case --

CHAIRMAN BARREIRO: In that case --

COMMISSIONER SOUTO: This has to do with what is right and what is not right. I hope you understand that and the Chairman understands that. This has to do with the community, what the process dictates, and between the process here. Quite a process for a long time. It's been, you know, here, there and everywhere, as we all know.

It is with sadness that I have to say that I have to do what's right, what the experts and the process calls for, because

of the same things that they said before. So, you know, again, with pain in my heart, I have to say that my motion has to be to uphold the Community Council's decision as it relates to this issue. It's clear, and it's been backed by all the experts and the departments and so on and so forth. So --

VICE CHAIRMAN MOSS: Second.

COMMISSIONER SOUTO: -- I hope that my friends understand --

COMMISSIONER SOSA: Second.

COMMISSIONER SOUTO: -- and that life will go -- what do they say --

COMMISSIONER ROLLE: You sound like Otis Reading, man, with "pain in my heart."

CHAIRMAN BARREIRO: There's been a motion and a second. All in favor, signify by saying aye.

MEMBERS OF THE COMMISSION: Aye.

CHAIRMAN BARREIRO: Against?

MR. FERRO: Thank you all very much.

(Thereupon the proceedings were concluded:)

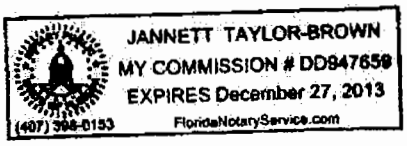
CERTIFICATE OF REPORTER

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

I, JANNETT TAYLOR-BROWN, Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to, and did stenographically report the complete record of the above-styled proceedings of RENE MIGUEL VALDEZ, ITEM 05-364, heard before the BOARD Of COUNTY COMMISSIONERS, and that the foregoing pages 1 through 32 inclusive, constitute a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 17th day of February, 2011.

JANNETT TAYLOR-BROWN,
Court Reporter
My Commission #DD947659
My Commission Expires:
December 27th, 2013



COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF TUESDAY, OCTOBER 17, 2006

RUBEN DARIO MIDDLE SCHOOL

350 N.W. 97 Avenue, Miami, Florida

ITEM 2

RENE MIGUEL VALDEZ

(05-364)

Members of the Board

Present

Carlos A. Manrique, Chair
Manuel Casas
Julio R. Caceres
Jose Garrido
Juan Carlos Acosta

STAFF

David Hope, Assistant County Attorney
Lou Salvat, Clerk
Jose Hernandez
Corina Esquijarosa
Jorge Ubieta

I N D E X
SPEAKERS & PAGE NUMBERS

Chairman Manrique: 3-8, 19, 21-25, 27-28, 30-38, 41-42

Board Member Casas: 4, 42

Board Member Caceres: 4, 37, 41-42

Board Member Garrido: 4, 35, 38, 40, 42

Board Member Acosta: 3, 42

STAFF

Mr. Salvat: 3-4, 42

Mr. Hope: --

Mr. Hernandez: 5-6

Ms. Esquijarosa: --

Mr. Ubieta: --

ON BEHALF OF THE APPLICANT

Mr. Ferradaz: 7-8, 32-33, 35-37

Mr. Ward: 7-8, 13-15, 18-19, 21, 25, 33-34, 39

SUPPORTERS

--

OBJECTORS

Ivan Calzadilla: 21

Phil La Roche: 24

Eduardo Maspons: 26

Anastasia Montiel: 27

Nilda Gomez: 31

(Thereupon, the following proceedings were had:)

CHAIRMAN MANRIQUE: Ladies and Gentlemen, good evening. Let's bring this meeting to order. Today is October 17th, 2006, Community Zoning Appeals Board, Area 10 at Ruben Dario Middle School.

Let's all rise for the Pledge of Allegiance.

AUDIENCE MEMBERS: (Complies).

CHAIRMAN MANRIQUE: All please remain standing. Those that wish to testify this evening, please be sworn in.

(Thereupon, all interested individuals seeking to present testimony in these proceedings were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

CHAIRMAN MANRIQUE: Okay, let's call the roll and mark the quorum.

MR. SALVAT: Vice-Chairman Acosta?

BOARD MEMBER ACOSTA: Yes.

MR. SALVAT: Mr. Betancourt?

(No response).

Mr. Caceres?

BOARD MEMBER CACERES: Yes.

MR. SALVAT: Mr. Casas?

BOARD MEMBER CASAS: Yes.

MR. SALVAT: Mr. Garrido?

BOARD MEMBER GARRIDO: Yes.

MR. SALVAT: Chairman Manrique?

CHAIRMAN MANRIQUE: Present.

With that, we have a quorum.

Ladies and Gentlemen, any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Community Council Appeals Board, shall be barred from further audience before the Community Zoning Appeals Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board members present.

No clapping, applauding, heckling, or verbal outbursts in support or opposition to a speaker, or his or her remarks shall be permitted.

No signs or placards shall be allowed in the meeting room.

Persons exiting the meeting room shall do so quietly.

Is there something else staff wants to read for the record at this point?

MR. HERNANDEZ: The introductory statement.

CHAIRMAN MANRIQUE: Please.

MR. HERNANDEZ: In accordance with the Code of Miami Dade County, all items to be heard tonight have been legally advertised in the newspaper. Notices have been mailed, and the properties have been posted.

Additional copies of the agenda are available here at the meeting. Items will be called up to be heard by agenda number and name of the applicant.

The record of the hearing on each application will include the records of the Department of Planning and Zoning. All these items are physically present tonight, available to all interested parties, and available to the members of the Board who may examine items from the record during the hearing.

Parties have the right of cross-examination.

This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings.

In addition, the following departments have representatives present here at the meeting to address any questions. The Department of Public Works, the Department of Planning and Zoning, and the County Attorney's Office.

All exhibits used in presentation before the Board will become part of the public record and will not be returned unless an identical letter sized copy is submitted for the file.

(Thereupon, other matters were heard not related to this case, after which the following transpired:)

CHAIRMAN MANRIQUE: Can we move, please, to Item Number 2, Rene Miguel Valdez?

MR. HERNANDEZ: Item Number 2, 06-10-CZ10-2, Rene Miguel Valdez, 11

protestors, zero waivers.

MR. FERRADAZ: Good evening, Mr. Chairman, Council members, Adrian Ferradaz, I'm the attorney for Mr. Valdez who is present here. My address is 7950 West Flagler Street, Suite 108, Miami, Florida 33144.

Mr. Valdez, the owner, is here. Also his wife is in the audience. His son, who is the architect that intends to use the office, and Mr. Ward who is our consultant.

CHAIRMAN MANRIQUE: Your name, again, sir, I'm sorry.

MR. FERRADAZ: Adrian Ferradaz.

CHAIRMAN MANRIQUE: All right, Mr. Ferradaz.

MR. FERRADAZ: This is a request for change from RU-1 zone to RU-5A, semi-professional office services. The Valdez' have owned the property for, I think, over 30 years. It's right off of Coral Way and 82nd Avenue on the south side. Mr. Ward was our consultant, I think, and will proceed to explain if you

have questions, or we can present our argument.

I believe that it was announced nine objections. I believe of those objections there are some that are the same objections several times --

CHAIRMAN MANRIQUE: We'll deal with that when it comes.

MR. FERRADAZ: Okay.

CHAIRMAN MANRIQUE: Let's just here your side of the story.

MR. FERRADAZ: Mr. Ward.

CHAIRMAN MANRIQUE: Your first name?

MR. WARD: Phil Ward. My address is 250 Catalonia Avenue, Coral Gables.

CHAIRMAN MANRIQUE: Were you all sworn in at the beginning?

MR. WARD: Yes, sir, I was.

CHAIRMAN MANRIQUE: Thank you. Go ahead, proceed.

MR. WARD: Is it all right if I move the board over here?

CHAIRMAN MANRIQUE: Absolutely.

MR. WARD: As indicated, we're requesting a rezoning from RU-1 to RU-5A,

professional office. In addition, we're requesting, as an alternative request, a use variance to allow professional office uses at this location. The property is actually located at 2425 Southwest 82nd Avenue. This is the site plan, if I can orient you. This would be 82nd Avenue on the bottom half of the map. If you come down here to the corner, Coral Way runs parallel to the building, actually.

The property is an existing single-family residence, but it has what are essentially non-residential uses on three sides of it. It has offices to the north, offices to the west, and an adult congregate living facility to the south.

If I could refer you to the site plan. The property is really quite large for an RU-1 zone. In fact, a typical RU-1 zone property is about 7,500 square feet. This is an excess of 13,000 square feet. The RU-5A zoning district requires a minimum of 10,000 square feet of lot area. And again, we even far exceed that requirement as well.

Remember the lot size, the property satisfies all the RU-5A zoning requirements without the need for any variances. Typically, this type of request where someone wants an office use in what is an existing single family house, a variance of one or more variance is necessary, either the lot size or setbacks or parking or whatever. This property necessitates no variances. Setbacks, lot coverage, parking, etcetera, are all satisfied on site.

If I could review the site plan, this is what the building will look like. It is an existing single-family home. We are maintaining that single-family appearance, which is consistent with the RU-5A zoning district.

There is no parking in front. In fact, our parking is located to the rear with a fairly significant landscape buffer between us and the property to our immediate east.

The access drive to the site would actually be on the north side of our

building, which is adjacent to the parking lot to the existing office to our immediate north.

We believe the request is compatible with development throughout this area. It's sort of dark in here. I hope people can make out these photographs. This is the house as it currently exists. It's pretty much the same as what we're showing here. The only difference is it has a carport. That carport will be eliminated. That becomes our driveway to gain access to the rear yard in order to allow for our necessary parking.

To our immediate north is an existing office use. It has been there for quite some time. It's actually a combination, a travel agency and also a catering business. As you come next to our property, this is us, the second house off of Coral Way, this is the parking lot immediately adjacent to us. With our proposed driveway at this point. This is the rear side of the house. If you notice, parking is back here, plus there's

a handicapped access ramp that leads into the entrance on 82nd Avenue, 82nd Avenue having signage, the access ramp, and a walkway leading into this side of the building. To the south of us is an adult congregate living facility, which is this building here, which from all appearance remains single family with no specific changes to the property per say. This is a permitted use in the residential district, but is perhaps more commercial than a lot of the office uses that exist throughout this area.

Traffic alone could be more substantial with deliveries, emergency vehicles, visitors, general series and such. We feel that this probably has a more significant impact on the residences than our proposed office.

Now, this would be to our south and office to the north. All along Coral Way we also have existing offices.

To the east of us, which is directly behind our house, is a single-family residence that remains in that -- as a

residence. However, as our site plan shows, we believe we have buffered that significantly to avoid any conflict whether it's noise or whatever, lights, with landscaping. In addition, that neighbor has provided a waiver of objection, and I'll provide those to you shortly as well.

To the west of us, across 87th Avenue, is another professional office building, and this becomes a little bit convoluted, I guess, because this is the building here. It actually fronts at a 45 degree angle. So it fronts towards 82nd Avenue, but also, it does not front on Coral Way. There's a service drive there. So there are a series of houses that have been converted to office type uses along the service road back on Coral Way. This house oriented towards 82nd, and if you look at -- this would be the entrance to almost opposite our property, the building facing towards 82nd. This is directly across the street from us where they have parking on the side of the building.

So that house basically is oriented towards 82nd Avenue, its access drive, its parking is all directly opposite our property. Next to that office is a residence. That residence, however would be -- this is the southern boundary of the house. When you come down, this is what would be -- where the residence is. That actually fronts towards 25th Avenue. It also is at an angle, but, basically, it's fronted to the south, not to 82nd Avenue such as our property is located or oriented.

The staff recommendations from Fire, DERM and Public Works are all supportive of our application. In fact, the Public Works recommendation states that the proposed office would not generate or increase peak hour traffic beyond what a single family home would generate at this location.

There are a couple of concerns the Planning and Zoning staff recommendations raises. It questions if we comply with a provision that the office that fronts --

that the office will face the same street as the office that is to our north. Now, their conclusion is that it doesn't. Our conclusion is that it does.

This is the Street side, the 82nd Avenue side of this residence. It has, at that location, a door there, it has signage, it has a handicapped ramp, it has it's parking lot, and it's parking access all from 82nd Avenue. To me, that is oriented towards 82nd Avenue.

The residents across the street, which again is now an office, has the same type of orientation, access drive, parking, everything on the 82nd Avenue side. To me, that is oriented towards 82nd Avenue, and therefore, we do, in fact, face the way the house at the end of each block face, which is a provision in the Master Plan, and one of the issues that the Planning staff -- the Planning and Zoning staff's recommendation has raised at a concern.

In addition, we believe that 82nd Avenue, which is a half section line road,

is a major roadway. And as a result, the use of the property by Mr. Valdes is less desirable as a residence due to traffic.

I would like to point out this photograph here. This white fence is Mr. Valdes' house. That's the traffic that is now backed up in the afternoon in front of this property. I may not say this is a major road, but Dade County has seen fit, in the year or so since this application has been pending, to add a traffic light at 82nd and Coral Way, to change the configuration of that service road so that traffic cannot make a left onto Coral Way or onto 82nd Avenue. It must make a right-hand turn. So they're trying to control the traffic to send it south into the residential neighborhood; but they did place a light there to control that point. That to me says it's a significant roadway. It is also four lanes wide at the Coral Way frontage. It narrows down to three lanes in front of Mr. Valdes' residence, and then as you continue further south, it goes down to two lanes.

But at the same time, where we are located, it is a significant roadway at that point.

There are some other criteria that are referenced as you read through the staff recommendation. We believe we've satisfied all of those. That the traffic, the noise and such do, in fact, affect our property and render it less desirable as a residential home.

We believe our lot size, which is less than an acre, meets the requirement to allow for an office conversion at this location.

In addition, the staff recommendation goes on to talk about being designated as a estate density, which we are not. Which means we comply with that requirement.

The proposed office use, if approved, is of the same scale, same character, and compatible with the surrounding area. We also provide adequate on site parking and adequate buffering.

Precedence is a second issue which is raised by staff. We believe, however, the

precedence is already set, and that we're only asking for an approval to comply with this precedence. We have a nonresidential use basically on three sides. A house to the north that is an office. To the west we have an office. To the south we have an adult congregate living facility. It seems impractical that any additional office uses would be influenced if this application is approved. There is no way to proceed further south. The house that is across the street from us are across the street from the ACLF, which is next to us. It is oriented towards the south.

Further, you're not allowed to take office uses beyond the first intersection beyond a major roadway, which would be 25th Street. That automatically becomes a stopping point based upon the Comprehensive Development Master Plan.

There are no other houses similarly situated to us that would even warrant a request for an office use, which we believe is warranted in this case. If you look at the area -- in fact, I think on

your -- in the kits that are handed out, I think Page 18 shows a sketch. It shows the depth of the different zoning districts. You can see with the Coral Way frontage where there is no service road, which we back up to the houses there have a certain depth. When you cross 82nd Avenue, the office zoning and office uses actually extend substantially further to the south to the point where directly across from use for at least half to two thirds of our lot is this other office use.

I know that there were nine or --

CHAIRMAN MANRIQUE: Let's wrap it up Counsel.

MR. WARD: I'm sorry?

CHAIRMAN MANRIQUE: Let's wrap it up, please.

MR. WARD: I believe there was nine or ten objectors that were turned in. We found out about it. We've contacted them. We believe we've satisfied most of those people. We also have 11 signed waivers from people. We went out initially before

we got too heavily involved in this and requested -- and talked to people. Our waivers include not only the commercial properties or office uses, but also the residents to our east, the one to our west, and also some to the south of us including the adult congregate living facility.

In conclusion, we believe our application is consistent, and compatible with development in the area. We believe we comply with the Comprehensive Development Master Plan. Further, we are not setting a precedent. We are more or less the hole in the donut. We are the one building that should be an office, that has been surrounded by other uses inconsistent with the residential designation that remains on our property.

Mr. Valdes has owned this property for 30 years. It's not like he decided to buy this, and convert it to an office for a quick sale. This is a house he wants to convert to an office, which his son, who is an architect would hopefully use.

I would request that you approve our application presented, and grant the professional office use we are requesting, and I thank you for your time.

CHAIRMAN MANRIQUE: Thank you, Mr. Ward.

With that, you started at 7:08, it's 7:25, that was 17 minutes. Is there anyone here wishing to oppose this application?

AUDIENCE MEMBERS: (Indicating).

CHAIRMAN MANRIQUE: Okay. How many of you would like to speak at this time?

AUDIENCE MEMBERS: (Indicating).

CHAIRMAN MANRIQUE: Come on up, sir. Please, sit right up here sir, you'll come up second.

MR. CALZADILLA: Good evening.

CHAIRMAN MANRIQUE: Sir, were you sworn in at the beginning?

MR. CALZADILLA: What was that?

CHAIRMAN MANRIQUE: Were you here at the beginning and sworn in?

MR. CALZADILLA: No, I wasn't.

CHAIRMAN MANRIQUE: Okay, please,

address the court reporter and be sworn in. Anybody who was not here and wishes to speak, please be sworn in at this time. Just stand up and raise your right hand.

AUDIENCE MEMBERS: Complies.

(Thereupon, all interested individuals not previously sworn, and seeking to present testimony in these proceedings were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

CHAIRMAN MANRIQUE: Thank you. Sir, your name and address for the record, sir.

MR. CALZADILLA: My name is Ivan Calzadilla. I live at 8100 26th Street, two blocks away from Mr. Valdez. I'm opposing his request due to the, I believe the domino effect it would cause in the neighborhood. Once -- this is my belief -- I'm not a contractor, I'm not a lawyer. I'm just a neighbor trying to raise my kids in this area. I'm thanking Dade County for the wonderful sidewalks you all put in there, and the nice garbage

cans. It's making up the neighborhood real good.

CHAIRMAN MANRIQUE: That would be Commissioner Souto.

MR. CALZADILLA: Pardon?

CHAIRMAN MANRIQUE: That would be Commissioner Souto.

MR. CALZADILLA: Okay.

CHAIRMAN MANRIQUE: He's the one responsible for the sidewalks. The trash cans are all Unincorporated Dade, but Commissioner Souto has used a lot of his efforts to bring about those sidewalks.

Go ahead, proceed.

MR. CALZADILLA: All I'm saying is once I turn into that 82nd Avenue, we already have the happy travel agency over there in the corner, and you all should go out there and see what this gentleman is talking about. 82nd Avenue is a one-way route. One-way that way, one-way this way, full of Oak trees, okay. You let these people keep coming in and encroaching in our neighborhoods. You guys have to put a stop to it. Look at

the Everglades. Stop this encroachment on our neighborhoods, please.

CHAIRMAN MANRIQUE: Thank you, Mr. Calzadilla.

MR. CALZADILLA: One more thing.

CHAIRMAN MANRIQUE: Yes, sir.

MR. CALZADILLA: I would like to ask Mr. Valdez how would he like somebody to put an office right next-door to his Coral Gables home. I would like to see that happen.

CHAIRMAN MANRIQUE: We're hearing testimony now. We're not asking questions.

MR. CALZADILLA: Thank you much.

CHAIRMAN MANRIQUE: Thank you Mr. Calzadilla.

Name and address for the record, sir.

MR. LA ROCHE: Phil La Roche.

CHAIRMAN MANRIQUE: I'm sorry?

MR. LA ROCHE: Phil La Roche, 8331 Southwest 29th Street.

Can I use his drawings?

CHAIRMAN MANRIQUE: Yes, sir.

MR. LA ROCHE: He stated that it's a

four-lane intersection, that they just put in a traffic light. I've lived here 16 years, the traffic light has been there as long as I've lived here.

CHAIRMAN MANRIQUE: Sir, just for everyone's information, we all live in the area. So, please proceed.

MR. LA ROCHE: I agree. This is, you know, turning out to be a domino effect. If you look at the residences that have been chanced to businesses, they're terrible. They're absolutely terrible. We have some photographs of the other residences that were turned in businesses. Parking on the medians, parking on the sides of the street, and trash all over the place. You know, this is where we do live, and this is where we, you know, raise our children, and we don't need it. It's gone far enough, and we're standing together as a community to stop this.

CHAIRMAN MANRIQUE: Thank you, Mr. La Roche.

Sir?

MR. MASPONS: My name is Edward Pedro Maspons. I live at 3250 Southwest 82nd Avenue. I've been living there for almost 36 years. I believe that's not right to allow a new office on 82nd Avenue, because, really, Coral Way, when they started that section on Coral Way, it started with one. What has happened today? Today it's converted completely in the area as commercial. That house that he's mentioned is not facing Coral Way. It's facing 82nd Avenue. The house right on the corner -- I don't know why it was allowed to have an entrance for Coral Way, because there's one for Coral Way, and also an entrance for 82nd. I believe that was a mistake. It was done by somebody.

When he refers to the three corner and he referred to -- we call the address -- it's Coral Way. Even though it's an ulterior road, it's Coral Way. I know it has been changed, but the thing that happened there, we don't want it happening on 82nd Avenue like what has been happening also on 87th Avenue. They

start with one, and there was changes for everything. Most of the people on my block have more than 30 years living there. We don't want it. When you know, like the guy says, it would be an effect domino.

I believe that at this time mostly there are a lot of old people. They can sell, but what they can buy? Where they can buy? You know that anyone that can buy now a new house has to pay a lot of taxes and a lot of rent. I believe they should not be allowed to do anything on 82nd Avenue.

And by the way, I am engineer too, and it doesn't mean that I will open an office in my home, and I work for the State of Florida.

CHAIRMAN MANRIQUE: Thank you, Mr. Maspons.

Ma'am, your name and address for the record, please.

MS. MONTIEL: My name is Anastasia Montiel. I reside at 25th Street and 82nd Avenue. Thank you for hearing me, Mr.

Chairman and Council. I have lived there for over 25 years, and I have gone to oppose many of these things that have happened. I live directly behind the properties that they're discussing facing Coral Way. I have pictures here that I can bring you of the traffic that is happening there.

CHAIRMAN MANRIQUE: If you give us a picture, ma'am, we keep them.

MS. MONTIEL: Yes, sir, of course, they will be left with you.

CHAIRMAN MANRIQUE: Okay, just give them to this young skinny man right in front of you.

MS. MONTIEL: Thank you, very much. I am not here to create a hardship for the Valdez.

CHAIRMAN MANRIQUE: He's lost 54 pounds. We're all proud of him.

MS. MONTIEL: I am here to promote our neighborhood. As you all say, you reside in our neighborhood, so I'm sure you want to keep our neighborhood nice. That is the only thing that I'm asking

for. The only thing I've asked for every time I have come to this council when I had to go down town, is that I want to keep my neighborhood. I've been there 25 years, and that's the only thing I ask. You have allowed -- I have the originals from the houses behind me, and what is written on paper is absolutely not what is occurring, and I am tired of calling 311, Team Metro, we have numbers. Nothing happens. You take photographs of the cars, and then you get chased down by the owners of the property saying that you are imposing on their livelihoods -- that I was imposing on his livelihood, and I was chased down by someone. I have a photograph of the gentlemen that chased me down, which I'm not going to give, because that is my property. But like I said, we need to put a stop to this, and the only body that can put a stop to this is the Board that I'm standing in front of. I think that when their applications are handed in, and you see that there are areas that should not become businesses,

they should be said from the beginning so that we don't have to take your time or even make these people feel like we're -- like I said, I'm not trying to give him a hardship, but his home is also not kept the way a lot of the homes are kept in the neighborhood. He doesn't reside there. He rents it out.

The ACL that has been put next-door, I think someone should take a picture of that and also tell them if you're going to build this here and have that, well, make it look nice, because it doesn't look nice. They did a half ramp and -- just drive by there and take pictures.

CHAIRMAN MANRIQUE: Thank you so much, Ms. Montiel.

Let me just very quickly tell you that the purpose of this council is to hold monthly zoning and non-zoning hearings. We meet every month or every two month at the West Dade Regional Library with Team Metro, with those folks in uniform behind you to address those issues. Please come to our non-zoning

hearings with those concerns, and we'll address them there.

MS. MONTIEL: I appreciate it. Thank you.

CHAIRMAN MANRIQUE: Thank you so much.

Is there anyone in the audience that would like just about maybe three or four minutes left so that we can have 17 minutes on each side that would like to speak against? Ma'am, please.

MS. GOMEZ: Yes.

CHAIRMAN MANRIQUE: Against the item?

MS. GOMEZ: Yes.

CHAIRMAN MANRIQUE: Please, name and address for the record, please.

MS. GOMEZ: My name is Nilda Gomez. I reside at 8360 Southwest 29th Street.

I have resided there for 20 years. We bought our home there 20 years ago, and I've raised my children there who are here with me supporting this opposition as well. They're both men now. I'm also raising a -- I started over again. I'm raising a two year old little girl right

now. So this is a big concern to me because the reason why I moved to this neighborhood 20 years ago was because it was residential. I saw that there were over young families that were moving in, raising families, and there's a lot of kids on -- I live on 29th Street. And by the way, I have two properties there. If you go through our street at anytime after the kids come home from school, you'll see that it's a street full of families that are raising children, and we want to keep it that way. We want to keep the area residential.

We don't want the businesses to, you know start encroaching on our, you know, our streets and creating more traffic and more dangerous situations for our children. So I'm just here to say that I oppose this.

CHAIRMAN MANRIQUE: Thank you very much, Ms. Gomez. With that, I'm going to let the applicant have about five or 10 minutes to rebut.

Counselor?

MR. FERRADAZ: Mr. Chairman --

CHAIRMAN MANRIQUE: Yes, sir.

MR. FERRADAZ: -- and members of the council, I don't believe that the neighbors understand -- and by the way, Mr. Valdez does not live in Coral Gables, he lives in Dade County. And he lived in that property for a number of years.

I think there was one thing that Mr. Ward missed, that on that corner, there is a pumping station. I think that should be taken into consideration sometimes. It's not the most pleasant place to have a single-family home. And I think that the neighbors might not have picked up, and Mr. Ward, I think can explain it again, that Mr. Valdez' property is the hole of the donut. He already has property south of it that are, I guess, being used as offices or the residential home. But by the code itself, you cannot make any changes further than that house, because that's the one street. So there is no -- their fear that this is going to happen all on 82nd Avenue is not

a realistic fear, because you cannot go or make the changes beyond the one street that intersects 82nd and I believe that's 25th. So we already have houses south, and we have houses across the street on the west side of 82nd facing 82nd. His particular property is a little bit different because the access, the Coral Way access adjacent to Coral Way, that stops at 82nd. So his house is closer to the actual Coral Way.

I don't know if you have any else Mr. Ward.

MR. WARD: Yes, just to reiterate, I don't think there could be a domino effect from this. We are the end of the domino. What these people are complaining about, I understand. You know, maybe 20 years ago Mr. Valdez would have objected to the house next-door being converted to an office, but it is one now. The one across the street is an office now, and I don't think anyone would find that location that is now Mr. Valdez' property, desirable as a residence between the noise, the

traffic, the office use. It is somewhat of a detriment. He's looking to provide a one person or a few people type of office for his son for the use of architecture. It's a large site that can accommodate those needs, and as Public Works indicated, it does not generate any additional traffic than what the single family home would.

MR. FERRADAZ: It doesn't create any further threat to the neighbors. I mean, this is the one house that's on that particular site there that has the adjacent offices already.

CHAIRMAN MANRIQUE: Thank you so much. With that I'm closing the public hearing. Members, do you have any questions of the applicant?

BOARD MEMBER GARRIDO: I have a comment.

CHAIRMAN MANRIQUE: Let's start with questions, and then we'll go to comments. Any questions of the applicant? No question to the applicant.

I have a quick question. Can you

tell me what type of business you're proposing to put there?

MR. FERRADAZ: We intend to put -- his son is an architect who is present here --

CHAIRMAN MANRIQUE: Sir, just what type of business.

MR. FERRADAZ: Architectural.

CHAIRMAN MANRIQUE: Architectural business?

MR. FERRADAZ: Yes.

CHAIRMAN MANRIQUE: How many people are employed in that architectural business?

MR. FERRADAZ: Three -- two.

CHAIRMAN MANRIQUE: How many parking spaces will there be in your plans?

MR. FERRADAZ: We have provided plans with 10 parking spaces. I believe it's nine regular --

CHAIRMAN MANRIQUE: I see. Why would you need 10 parking spaces for two employees?

MR. FERRADAZ: Because the lot is a humungous lot. It's a hundred by I

believe 190.

CHAIRMAN MANRIQUE: Any questions? Any other further questions?

MR. FERRADAZ: All in the rear.

CHAIRMAN MANRIQUE: Okay. Thank you so much.

All right. I'm going to start from my right to my left. Councilman Caceres, you're recognized for comments, sir.

BOARD MEMBER CACERES: Thank you. By the way, Ms. Montiel, if I could have your telephone number before the end of the meeting, and we can put you in touch with somebody.

I'd like to -- I'm looking at page number seven of our application where it states the rule, the CDMP Rule. "The CDMP provides that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadways, traffic and noise, or due to the mixture of non-residential uses or activities."

Now, I clearly do not feel that this

property has become undesirable for residential use. As evidenced that it would be the only one between Miller and 8 Street with a frontage onto 82nd Avenue. And I do agree with staff that it would set a negative precedence.

There was a gentlemen that mentioned earlier that the traffic light on 82nd Avenue and Coral Way -- I think counsel said that it was in the last year. It's been many many years since that traffic light was there.

Mr. Chair, I'm ready to move on this item. Obviously I want my fellow Council members to make their comments, but I'm ready to move.

CHAIRMAN MANRIQUE: Yes, we'll have no motion at this time. As I go to my left, are there any questions? Councilman Casas, any questions. This is your back yard. No?

Councilman Garrido, you're recognized, sir.

BOARD MEMBER GARRIDO: Real quick. Unfortunately the errors that other, I

guess other people committed years back in the changes of zoning on Coral Way, we can linger on them, but I'm personally not going to commit the same errors. Coral Way is still an Avenue that's just been fixed and it looks nice. Unfortunately, the only thing that doesn't look nice is the amount of cars that are there. I believe the change in this property will create a havoc in traffic congestion in that area. Even though I understand the fact that counsel stated that it was a location visible to the water pump, but still, there is still the possibility for it to be maintained as residential.

I would definitely think it could continue the trend towards the south. We might not be here for other years. Other councils might come. And, you know, sometimes, you know, they differ in terms of precedence. So I'm going to stop it right there. You know, I'm certainly tired of seeing, you know -- there's a lot of office spaces in Dade County, a lot of good office spaces. Less to come into a

residential area and continue putting office spaces. In Westchester, that's not the area to come, I'm sorry. I also have a motion, and that's about it.

CHAIRMAN MANRIQUE: Okay. I just have a quick comment. The first thing that happened when I read this item, I put it on there is we're opening Pandora's Box on 82nd Avenue. I've lived in the area since 1968. So I pass through there. And memories of when they were talking about trees. I remember during Andrew, right in front of your property, I think there was a huge tree that fell over there, and it blocked 82nd Avenue for days. So I remember the area.

What I want to say is that in the near future, and I thought Councilman Garrido was going to talk about this, because this is one his pet peeves. We're going to have a charette in the area. Commissioner Souto is going to look at how the future of Westchester is going to be, and A lot of neighborhoods are doing that. This would be a good time, if, in that

time we decided that in the next 20 or 30 years 82nd Avenue will become Coral Way. We all are in favor of the UDB, the Urban Boundary Line, and we tell developers, you can't go beyond this line. Well, I've got news for you, and I'm a proponent of not going beyond the UDB, but then they've got to come inside the UDB. This is what's happening. When we don't allow people to go outside, they want to come back in and use existing infrastructure. Now, the question before us today is, is 82nd Avenue the right way to do it? I don't think at this time it is. I think that we should first have the charette. I think that everybody should meet together and have a voice on how Westchester is going to look in the next 20 or 30 years. With that, those are my comments.

Do I hear a motion by a member?

BOARD MEMBER CACERES: I move to deny this application with prejudice.

CHAIRMAN MANRIQUE: The motion is to deny the application with prejudice?

BOARD MEMBER CACERES: That's

correct.

CHAIRMAN MANRIQUE: Do I hear a second to deny the application with prejudice?

BOARD MEMBER GARRIDO: Second.

CHAIRMAN MANRIQUE: Second by Councilman Garrido.

Call the roll.

MR. SALVAT: Motion is for denial with prejudice.

Mr. Garrido?

BOARD MEMBER GARRIDO: Yes.

MR. SALVAT: Vice-Chairman Acosta?

BOARD MEMBER ACOSTA: Yes.

MR. SALVAT: Mr. Caceres?

BOARD MEMBER CACERES: Yes.

MR. SALVAT: Mr. Casas?

BOARD MEMBER CASAS: Yes.

MR. SALVAT: Chairman Manrique?

CHAIRMAN MANRIQUE: Yes.

MR. SALVAT: Motion passes 5-0.

CHAIRMAN MANRIQUE: Thank you.

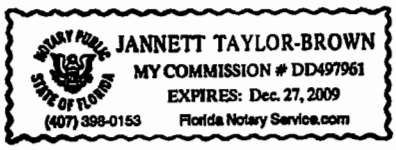
(Thereupon, the proceeding was concluded).

CERTIFICATE OF OATH

STATE OF FLORIDA)
SS)
COUNTY OF DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, certify that all witnesses personally appeared before me on this 17th day of October, 2006, and were duly sworn.

JANNETT TAYLOR-BROWN
Court Reporter
Notary Public, State of Florida
My Commission # DD497961
My Commission Expires: 12-27-2009

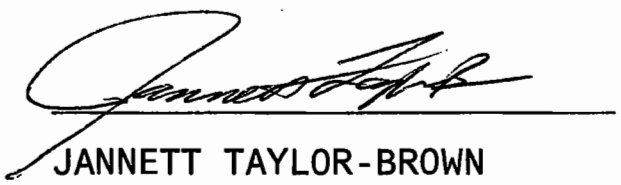


CERTIFICATE OF REPORTER

STATE OF FLORIDA)
SS:
COUNTY OF DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 10 on October 17, 2006; and that Item Number 05-364, Rene Miguel Valdez, was heard, and that the foregoing pages, numbered 1 to 42, inclusive, constitute a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Dade, State of Florida, this 26th day of November 2006.



JANNETT TAYLOR-BROWN
COURT REPORTER

B. ANGEL & MARIA LLIZO
(Applicant)

11-3-CC-1 (07-103)
BCC/District 12
Hearing Date: 04/28/11

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
1997	Angel & Maria E. Llizo	- Unusual Use to permit a concrete batching plant. - Multiple Non-Use Variance.	ZAB	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: 3/17/2011 **#Z-**

ITEM: 1
APPLICANT: ANGEL & MARIA LLIZO
(11-3-CC-1/07-103)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

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

APPLICANTS: Angel and Maria Llizo **PH:** Z07-103 (11-3-CC-1)

SECTION: 15-54-40 **DATE:** April 28, 2011

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

==========

A. INTRODUCTION

o SUMMARY OF REQUESTS:

This application will allow the expansion of an existing concrete batching plant facility by including a proposed concrete masonry unit plant. In addition, the applicants are seeking to expand the existing concrete batching plant facility by allowing the transfer of material from additional lake excavations on neighboring properties. Moreover, the applicants are seeking approval to modify a previously approved plan in order to submit a new site plan showing the proposed concrete masonry unit plant ancillary to a bone fide rock mining operation. In addition, in order to include the additional lake excavations on neighboring properties to the original approval, the applicants are seeking to modify two previously approved conditions which limit the operation of the concrete batching plant to the completion of the lake excavations. Additionally, the applicants are seeking to waive the number of trees and hedges required under a previous approval.

o REQUESTS:

(1) UNUSUAL USE to permit a concrete masonry unit/concrete block plant in conjunction with an existing concrete batching plant with lake excavations on properties located in Sections 22, 23, 25, 26 and 35 of Township 53 South, Range 39 East.

(2) MODIFICATION of Condition #2 & #6 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, 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 "Amaralto Concrete Layout Plan," as prepared by EAS Engineering, Inc., dated 7-23-96 on Sheet C-1, and dated last revised 9-6-96 on Sheet C-2, for a total of two sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " Amaralto Concrete", with a Site Plan prepared by Ford Engineers, Inc., a Landscape Plan prepared by Witkins Hults Design Group, Floor and Elevation plans prepared by Shremshock Architects, Inc., consisting of 4 sheets and 2 sheets prepared by Francisco A. Benitez, AIA, all dated stamped received 7/27/10 for a total of 8 sheets.

FROM: "6.That at the time that all three excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 are completed, the operation of the concrete batching plant shall be abated.

TO: "6. That at the time that all lake excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 and Resolution 4-ZAB-224-84, Section 22 & 23/53/39 are completed, the operation of the concrete batching plant shall be abated.

(3) DELETION of Conditions #4 and #5 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, reading as follows:

"4. That a minimum of forty (40) trees, 12' to 14' at time of planting 25' off-center be installed along the east property line adjacent to N.W. 127 Avenue.

"5. That a continuous 3' hedge at time of planting (except at drive cuts) be installed along the east (N.W. 127 Avenue) property line.

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan to include an additional concrete batching plant and to delete the conditions which required the applicant to provide certain landscaping imposed by the Board.

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

- **LOCATION:** The northeast corner of NW 14 Street and NW 128 Avenue, Miami-Dade County, Florida.

- **SIZE:** 7.5 Acres

B. ZONING HEARINGS HISTORY:

In 1997, pursuant to Resolution #5-ZAB-248-97, the Zoning Appeals Board among other requests, granted approval of a concrete batching plant in connection with lake excavations on neighboring properties along with non-use variances of setbacks, landscaping, fence height and parking requirements.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

Open Land Subarea 2 (Northwest Wellfield). *This Open Land subarea is bounded on the north by the Miami Canal, on the east by the Turnpike Extension, on the west by the Dade-Broward Levee, and on the south by NW 25 Street between the Turnpike Extension and NW 137 Avenue and by NW 12 Street and its hypothetical extension between NW 137 Avenue and the Dade-Broward Levee.* ***Limestone quarrying and ancillary uses including the continued operation of existing cement plants,*** *necessary and compatible institutional uses, public facilities, utility facilities, and*

communications facilities, recreational uses, rural residences at a maximum density of 1 dwelling unit per 5 acres and seasonal agriculture may be considered for approval in this area, in keeping with the Northwest Wellfield Protection Plan (Board of County Commissioners Resolution R-1541-85) and Chapters 24 and 33 of the Miami-Dade County Code, and wetland protection requirements. Uses that could compromise groundwater quality shall not occur in this area. In furtherance of Board of County Commissioners Resolution R-1098-88, the creation of a State Protection Area in this subarea is also supported.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	GU (ROZA overlay), concrete batching plant	Open Land
Surrounding Properties:		
NORTH:	GU; (ROZA overlay) vacant	Open Land
SOUTH:	GU; (ROZA overlay) vacant	Open Land
WEST:	GU; (ROZA overlay) vacant	Open Land
EAST:	GU; (ROZA overlay) lake	Water

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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 33-314(C)(11.1) Direct Applications and Appeals to the County Commission. *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rockmining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rockmining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rockmining pursuant to Section 33-422(c) of this article.*

Section 33-422 (c) *Uses ancillary to rockmining requiring approval after public hearing provided; however, that such application for public hearing shall be made directly to the Board of County Commissioners pursuant to Section 33-314(C) of this code:*

(i) the erection, maintenance and operation of tile and other concrete products processing and fabrication plants;

(ii) the erection, maintenance and operation of asphalt plants located within any wellfield protection area as defined by Chapter 24 of this Code or within two miles of any RU or EU zoning district boundary in existence as of the date of filing of an application for certificate of use for such asphalt plant.

Section 33-422 (3) *For the purposes of this article, "bona fide rockmining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the condition indicated in their memorandum.

G. PLANNING AND ZONING ANALYSIS:

This application was deferred from the March 17, 2011 meeting due to an inadvertent error in the advertisement. The subject 7.5-acre parcel of land is located at the northwest corner of NW 127 Avenue and NW 14 Street and is developed with an existing concrete batching plant facility. The subject property is designated as Open Land Subarea 2 (Northwest Wellfield). As previously mentioned, this land category allows limestone

quarrying and ancillary uses including the continued operation of existing cement plants, which is **consistent** with the applicants' request under this application. In addition, staff notes that the proposed concrete batching plant expansion operation which is ancillary to lake excavations and rock mining operations is **compatible** with the surrounding area. Staff notes, that there have been various approvals for lake excavations in the surrounding area, pursuant to Resolutions #Z-34-92, #4-ZAB-51-82 and #4-ZAB-434-80. As such, staff is of the opinion that the proposed expansion of the existing concrete batching plant is **consistent** and **compatible** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

When request #1 is analyzed under Section 33-311(A)(3)(a), staff is of the opinion that approval of the expansion of the existing concrete batching plant facility which will include a new concrete masonry unit plant facility and the addition of the lake excavations in Sections 22 and 23, Township 53 South, Range 39 East, will have a favorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, will not cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways as indicated on the memorandums submitted by the various departments. As such, staff is of the opinion that the proposed expansion of the existing concrete batching plant facility will be **compatible** with the surrounding area and recommends approval subject to a condition of request #1.

Staff notes that the approval of request #2 will allow the applicant to submit a new site plan depicting a proposed masonry unit plant on the subject site. In addition, approval of request #2 will consolidate the lake excavations on the neighboring properties with the concrete batching plant and the proposed concrete masonry unit plant on the subject property. As previously mentioned, the proposed neighboring lake excavations are located in Sections 22 and 23 in addition to the existing Sections 25, 26 and 35. Staff is of the opinion that request #2 is germane to and an integral part of request #1, as such, staff recommends approval subject to a condition of request #2.

When request #3 is analyzed under Section 33-311(A)(7), staff notes that approval of this request will allow the deletion of two (2) conditions that require forty (40) trees and a hedge along the east property line, adjacent to NW 127 Avenue, which staff opines are necessary in order to provide a visual and aural buffer from the existing concrete batching plant operation and proposed concrete masonry unit plant operation to traffic on NW 127 Avenue. In addition, staff opines that said trees and hedge will prevent some of the dust produced by the heavy equipment on the subject property from spreading onto the adjacent roadways and impairing visibility for motorists traveling along NW 127 Avenue. As such, staff recommends denial without prejudice of request #3.

H. RECOMMENDATION:

Approval with a condition of requests #1 and #2; denial without prejudice of request #3.

I. CONDITION:

That all the conditions of Resolution #5-ZAB-248-97 remain in full force and effect except as herein modified.

DATE TYPED: 02/02/11
DATE REVISED: 02/03/11
DATE FINALIZED: 03/21/11
MCL:GR:NN:NC:AA

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

Memorandum

MIAMI-DADE COUNTY

Date: February 15, 2011

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

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

Subject: C-05 #Z2007000103-5TH Revision
Angel and Maria Llizo
Southwest Corner of N.W. 15th Street and N.W. 127th Avenue
Modification of a Previously Approved Resolution to Permit a CMU Facility
(GU) (7.33 Acres)
35-53-39

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

Wellfield Protection, Potable Water Supply, and Wastewater Disposal

The subject property is located within the Northwest Wellfield protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance requires stringent wellfield protection measures that restrict development within the wellfield protection area. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

The closest public water supply and sanitary sewer systems are located approximately 3,862 feet from the subject property. Consequently, the subject property is served by an on-site drinking water supply well and a septic tank.

Section 24-43(4) of the Code prohibits the use of septic tanks as a means for the disposal of domestic liquid waste, for property located within the Northwest Wellfield protection area, unless it is for residential uses or uses ancillary to rockmining operations. The same Code section further provides that the sewage-loading rate for any use served by a septic tank shall not exceed 70 gallons per day per acre. The same Code section further prohibits liquid waste storage, disposal or treatment methods (other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers) within the Northwest Wellfield protection area, or the West Wellfield Interim protection area.

Section 24-43(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any nonresidential land use which generates, uses, handles, disposes of, discharges or stores hazardous materials on.

property located within the basic wellfield protection area of any public utility potable water supply well or within the Northwest Wellfield protection area, or the West Wellfield interim protection area.

Section 24-43(10) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any land use within the Northwest Wellfield protection area without obtaining the prior written approval of the Director of DERM or his designee. The same Code Section further requires that the Director shall issue his written approval only if, among other requirements, the requested land use is not one or more of the following Miami-Dade County zoning classifications: BU-3, IU-1, IU-2, IU-3 or IU-C, and is a land use contained in Table E-1 therein.

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

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by septic tank and public water may only be approved, if among other requirements the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

This request is to allow the establishment and operation of a concrete product manufacturing facility, more specifically concrete masonry units, in connection with an existing concrete batching plant operation on the subject property.

Inasmuch as the above-noted request did not comply with any of the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Miami-Dade Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition under Board Order number 10-22 with specific conditions. At this time, the applicant is in compliance of said Board Order. Therefore, DERM has no objection for approval of this application.

Stormwater Management

The proposed project has received Cut and Fill approval # 325. Full compliance with all conditions set forth in said approval is required to platting or seeking building permits.

Be advised that a Surface Water Management Individual Permit from the South Florida Water Management District might 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.

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

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

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

Pollution Remediation
DERM has reviewed the information regarding the above referenced site and it indicates that there are no records of current contamination assessment/remediation issues on the site. However, there are contamination assessment/remediation issues associated to solid waste material within the abutting site to the east (Tarmac Florida, Inc./ Coral Aggregate s Quarry, SW #1438, File # 7970, 12400 NW 12 ST, Folio # 30-3936-000-0080).

Wetlands
The subject property is located within the Transitional Northeast Everglades Wetlands Basin, and is a jurisdictional wetland area as defined by Section 24-5 of the Code. However, this application is part of Class IV Wetland Permit FW 97-024 issued to Angel and Maria Llizo that authorizes the filling of 2.9 acres and the construction of a 2.0 acre stormwater treatment area in wetlands for commercial purposes. The permit expired on January 24, 2004.

There was an EQCB hearing held on July 9, 2009 for the request to allow the establishment and operation of a concrete product manufacturing facility, more specifically concrete masonry units at this site. At that hearing the requested variances were granted subject to conditions as follows: all work shall be done inside a roofed building and on a concrete slab surrounded by a concrete berm, only one concrete batch plant can exist on the property and rock and other aggregate materials needed for the operation may only be obtained from the sources allowed by the zoning resolution 5ZAB-248-97.

The revised site and landscape plans submitted with this application depict what appears to be an adequate setback between the proposed structure and the stormwater retention area. Also depicted on the plans is an expansion of the stormwater retention area from 2.00 acres to 2.94 acres. The DERM Wetland Resources Section has no objections to this zoning application with the condition that no excavation should take place on site in order to create the stormwater retention area.

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

Tree Preservation
The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A. Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution

approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Pollution Control
The subject property has no records of current contamination assessment or remediation issues on the site. However, there are contamination assessment or remediation issues abutting the subject property associated to solid waste material (Tarmac Florida, Inc/ Coral Aggregate's Quarry, 12400 NW 12th ST).

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

Enforcement History
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system and has found one closed enforcement case for the subject property identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing Preliminary Notice.

DERM has found one closed enforcement case for the subject property:

Amaralto Concrete and Pump:
DERM has file # AP-1933. There is record of a closed enforcement case for air emissions from the load out area. A Field Notice was issued on November 28, 2006 and the case was subsequently closed with a follow-up inspection by the Air Facilities Section on December 28, 2006.

LLIZO, ANGEL & MARIA/AMARALTO CONCRETE:
DERM has file #FW87-129. A Uniform Civil Violation Notice (#866018) was issued on January 28, 2008 for violations of the orders of director, specifically failure to remove fill as per Notice of Violation dated July 24, 2007. On February 22, 2008 an Affidavit of Compliance was filed and the case subsequently closed.

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez, Interim Manager at (305) 372-6764.

REVISION 3

PH# Z2007000103
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ANGEL & MARIA LLIZO

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 4 PM daily peak hour vehicle trips. The traffic distributions 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
9365	NW 12 St w/o NW 117 Ave.	B	B
9408	NW 25 St. w/o NW 107 Ave.	C	C
9798	SW 137 Ave. n/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.

14-FEB-11

REVISION 4

Memorandum

Date: 03-JUN-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2007000103

Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped May 7, 2010. 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 Z2007000103
located at THE NORTHEAST CORNER OF NW 14 ST & NW 128 AVE.
in Police Grid 1200 is proposed as the following:

N/A residential	dwelling units	19,357 industrial	square feet
2,474 Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.35 alarms-annually.
The estimated average travel time is: 8:18 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 May 7, 2010. Substantial changes to the plans will require additional service impact analysis.

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

DATE: 08-FEB-11

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

ANGEL & MARIA LLIZO

APPLICANT

THE NORTHEAST CORNER OF NW 14 ST & NW 128 AVE.

ADDRESS

Z2007000103

HEARING NUMBER

HISTORY:

NC: NO ZONING VIOLATIONS FOUND/
LIENS: NO LIENS FOUND/
BLDG: NO BUILDING VIOLATIONS FOUND

ANGEL & MARIA LLIZO

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: N/A 02/25/11

Process #:	**Applicant's Name**
Z2007000103	ANGEL & MARIA LLIZO

Locations: THE NORTHEAST CORNER OF NW 14 ST & NW 128 AVE.

Size: 7.5 ACRES **Folio #:** 3039350060010

Request:

1 Unusual Use to permit a Concrete Masonry Unit/ concrete block Plant in conjuction with an existing Concrete Batching Plant with lake excavations on properties located in Sections 22, 23, 25, 26 and 35 of Township 53 South, Range 39 East.
2 Modification of condition #2 & #6 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board 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 "Amaralto Concrete Layout Plan," as prepared by EAS Engineering, Inc., dated 7-23-96 on Sheet C-1, and dated last revised 9-6-96 on Sheet C-2, for a total of two sheets.

To:
#2. "That in the approval of the plan the same be substantially in accordance with that submitted for the hearing entitled "AMARALTO CONCRETE.", Site Plan prepared by Ford Engineers, Inc., Landcape Plan prepared by Witkins Hults Design Gruop, Floor and Elevation plans prapred by Shremshock Architects, Inc., consisting of 4 sheets and 2 sheets prepared by Francisco A. Benitez, AIA, all dated stapmed received 7/27/10 for a total of 8 sheets.

FROM:
"6. That at the time that all three excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53-39, Resolution 4-ZAB-78-89, Section 26/53-39, and Resolution Z-34-92, Section 35/53-39 are completed, the operation of the concrete batching plant shall be abated."

TO:
"6. That at the time that all lake excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53-39, Resolution 4-ZAB-78-89, Section 26/53-39, Resolution Z-34-92, Section 35/53-39 and Resolution 4-ZAB-224-84, Sections 22 & 23/53-39 are completed, the operation of the concrete batching plant and concrete masonry units plant shall be abated.
3 Deletion of condition #4 & #5 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board reading as follows:

#4. That a minimum of forty (40) trees, 12' to 14' at time of planting 25' off-center be installed along the east property line adjacent to N.W. 127 Avenue.

#5. That a continuous 3' hedge at time of planting (except at drive cuts) be installed along the east (N.W. 127 Avenue) property line.

The purpose of Requests #2 & #3 is to allow the applicant to submit a new site plan to include a concrete Masonry Unit for a previously approved concrete batching plant and to delete the conditions requiring the applicant to provide landscaping as imposed by the Board.

EXISTING ZONING

Subject Property GU,

EXISTING USE COMMERCIAL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

ZONING INSPECTION REPORT

concrete batch facility

USE(S) OF PROPERTY:
concrete batching

FENCES/WALLS:
existing CBS fence

LANDSCAPING:
heavy foliage along west boundary, street trees missing in front

BUFFERING:

VIOLATIONS OBSERVED:
BNC MEMO DATED 02/08/2011 ON FILE. NO OTHER VIOLATION CASES FOUND EXCEPT ENFORCEMENT HOLDS (ENFZ) PLACED BY J. BYERS ON 08/05/2010.

OTHER:

Process #	Applicant's Name
Z2007000103	ANGEL & MARIA LLIZO

SURROUNDING PROPERTY

NORTH:
GU

SOUTH:
GU

EAST:
GU

WEST:
Gu

SURROUNDING AREA

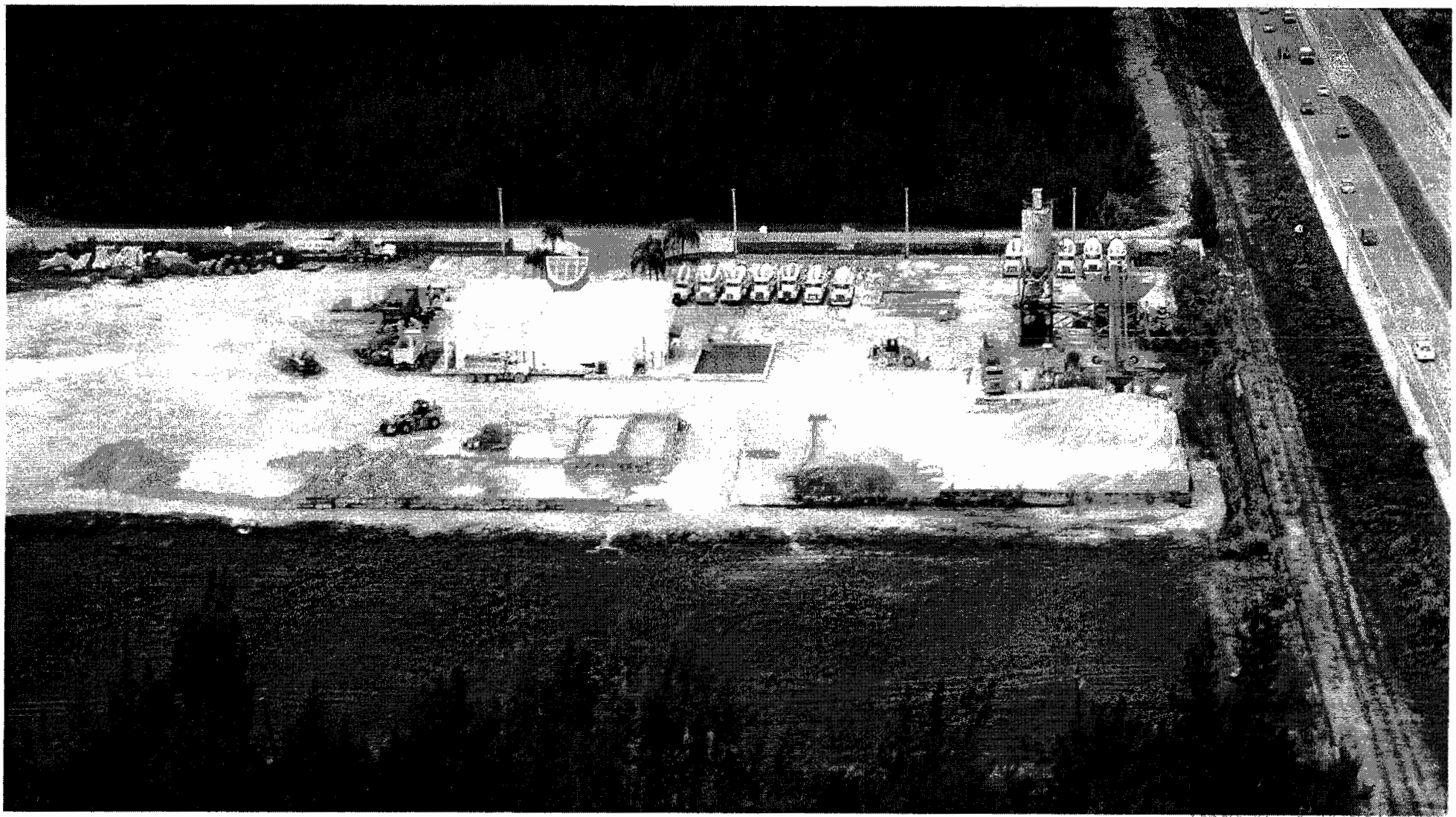
NEIGHBORHOOD CHARACTERISTICS:

ZONING INSPECTION REPORT

There is a lake to the east and vacant land surrounding the property in question

COMMENTS:

** THIS REPORT IS ONLY FOR ENFORCEMENT HISTORY. AN UPDATED REPORT WILL FOLLOW ONCE SITE INSPECTION IS PERFORMED. **



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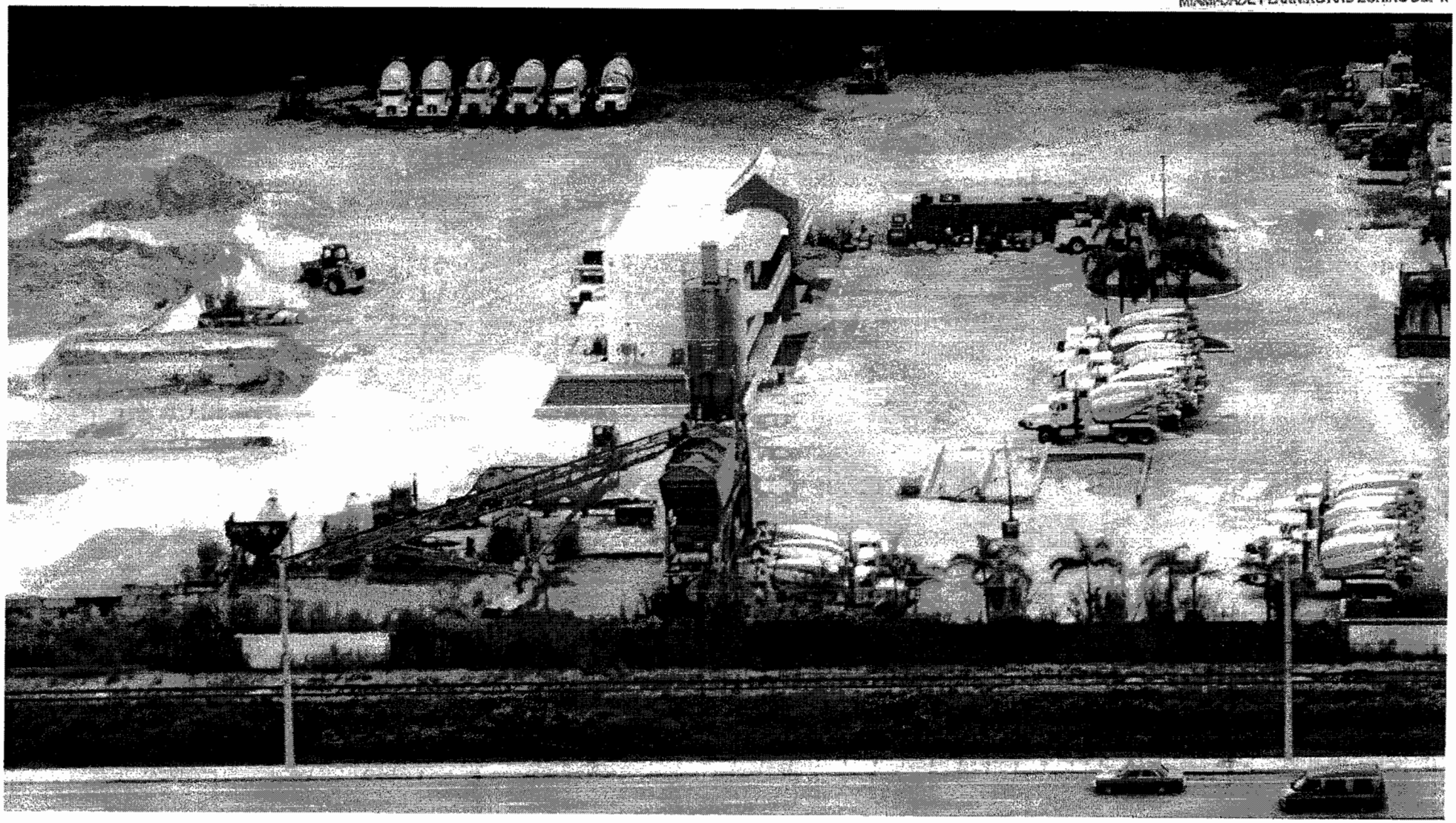

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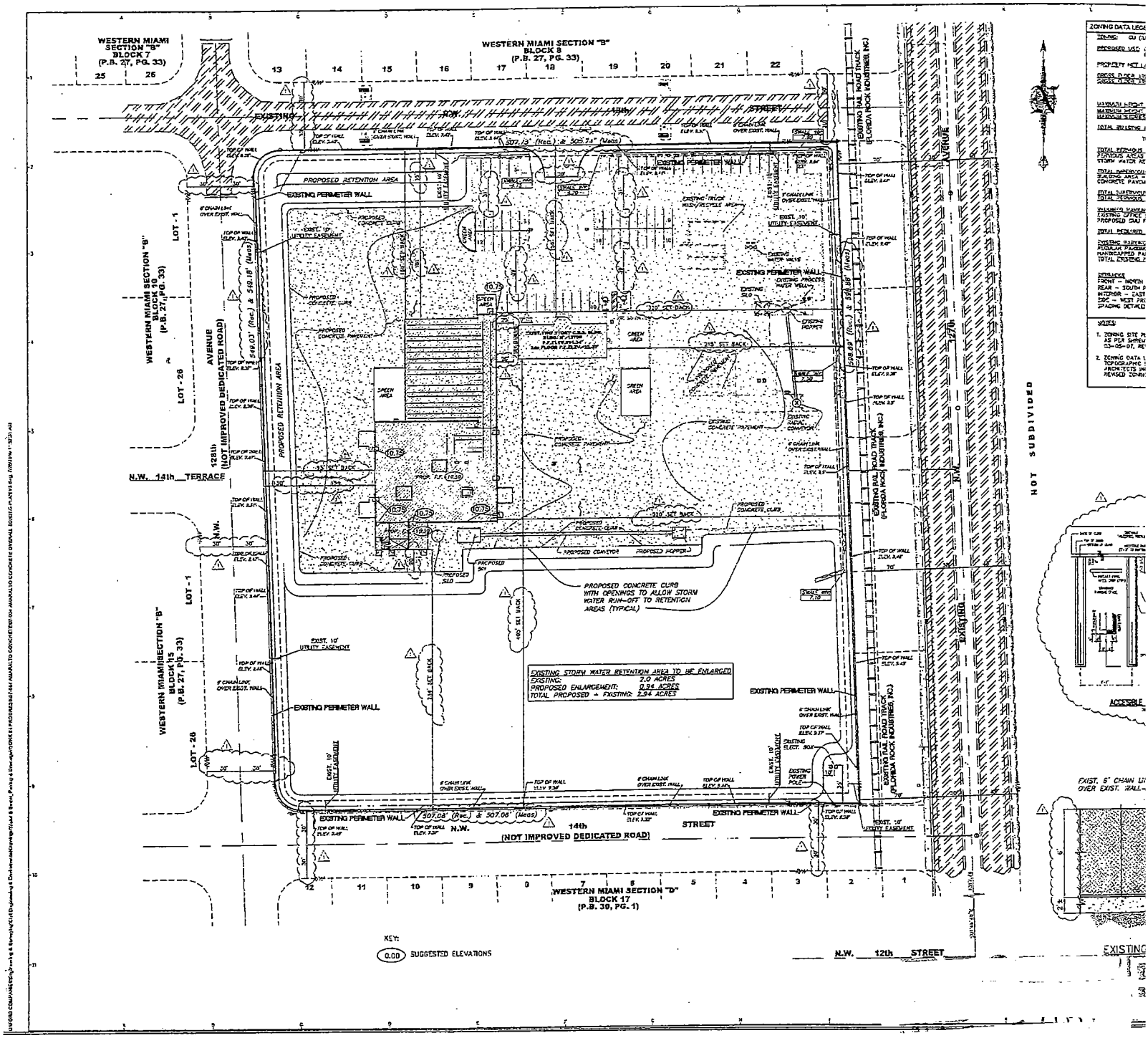

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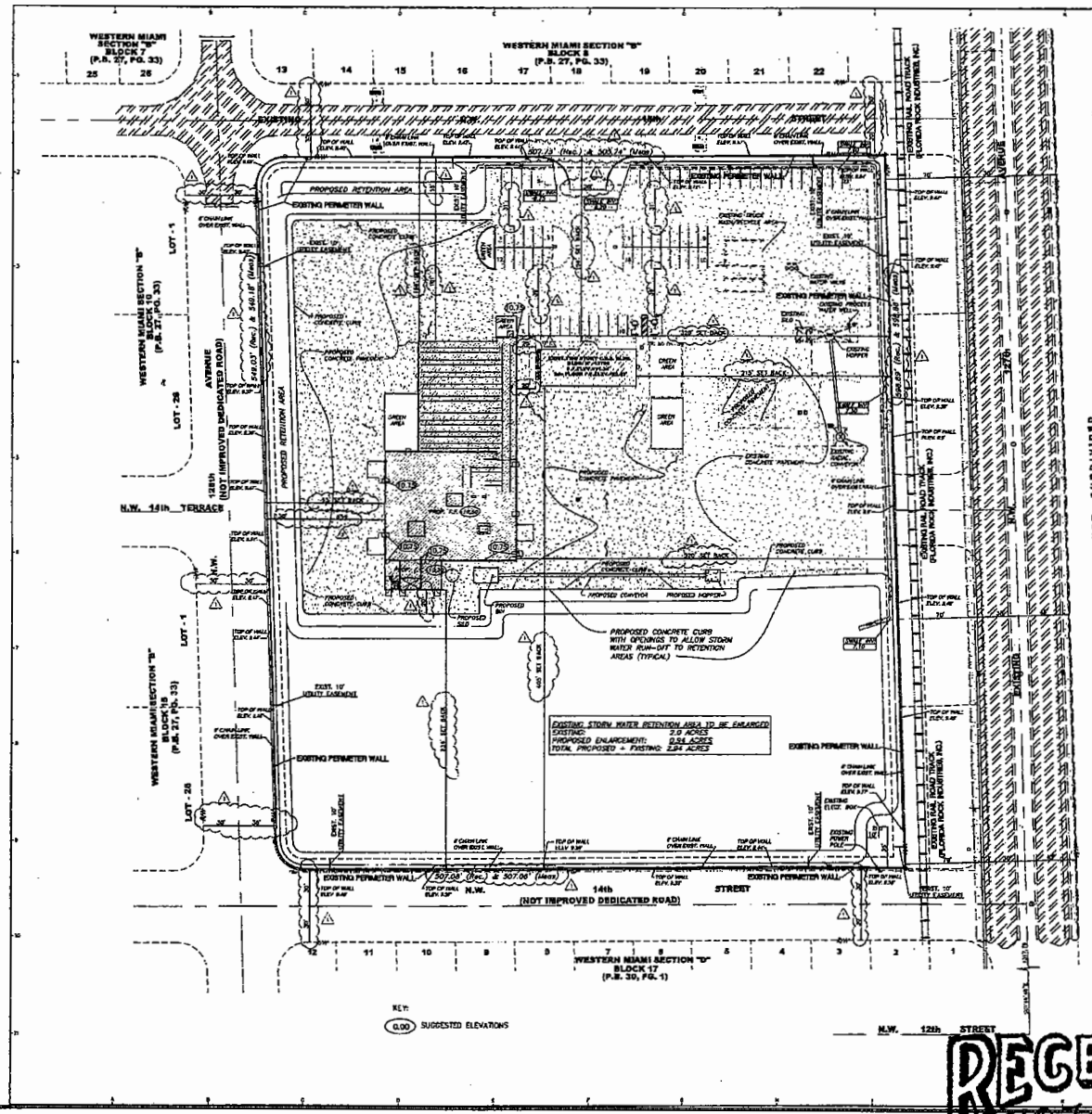
ENLARGED SITE PLAN



ZONING DATA LEGEND

ZONING: GU (M-1 USE)

PROPOSED USE: CONCRETE MASONRY UNIT (CMU) MANUFACTURING IN CONJUNCTION WITH AN EXISTING CONCRETE BATCHING PLANT

PROPERTY NET LAND AREA: 397,822.46 SQ. FT. OR 7.30 ACRES MORE OR LESS

GROSS FLOOR AREA OF PROPOSED CMU BLDG: 19,357 SQ. FT.
FIRST FLOOR 17,474 SQ. FT.
SECOND FLOOR 1,883 SQ. FT.
TOTAL 19,357 SQ. FT.

MAXIMUM HEIGHT OF PROPOSED CMU BLDG: 29'-4"
MAXIMUM HEIGHT OF EXISTING OFFICE BLDG: 34'-1"
MAXIMUM STORIES: 2

TOTAL BUILDING AREAS: 19,357 SQ. FT. CMU BLDG.
1,454 SQ. FT. OFFICE BLDG.
TOTAL 21,811 SQ. FT. MORE OR LESS

TOTAL PERVIOUS AREA: 3.66 ACRES MORE OR LESS (+/-159,430 SQ. FT.)
PERVIOUS AREA = 3.72 ACRES MORE OR LESS
STORM WATER RETENTION AREA=2.0 ACRES EXISTING + 0.94 ACRES PROPOSED=2.94 ACRES

TOTAL IMPERVIOUS AREA: 3.64 ACRES MORE OR LESS (+/-158,392 SQ. FT.)
BUILDING AREA = 0.50 ACRES
CONCRETE PAVEMENT = 1.63 ACRES EXISTING + 1.51 ACRES PROPOSED = 3.14 ACRES

TOTAL IMPERVIOUS AREA: 158,392
TOTAL PERVIOUS AREA: 241,430

REQUIRED PARKING SPACES:
EXISTING OFFICE PROPERTY REQUIRED 1,200 SQ. FT. / 17 PARKING SPACES
PROPOSED CMU FACILITY REQUIRED 17,000 FOR 1st 10,000 SQ.FT. & 1:5000 THEREAFTER: 15 PARKING SPACES

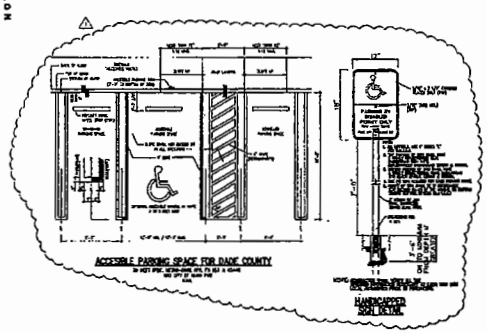
TOTAL REQUIRED PARKING SPACES: 32

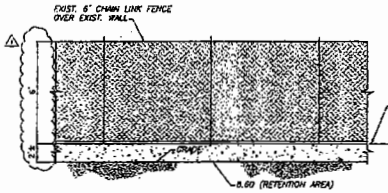
EXISTING PARKING SPACES:
REGULAR PARKING SPACES: 27
HANDICAPPED PARKING SPACES: 2
TOTAL EXISTING PARKING SPACES: 29

SETBACKS:
FRONT - NORTH PROPERTY LINE: 25' REQUIRED & 155'+/- PROVIDED
REAR - SOUTH PROPERTY LINE: 5' REQUIRED & 157'+/- PROVIDED
INTERIOR - EAST PROPERTY LINE: 15' REQUIRED & 217'-720'+/- PROVIDED
SIDE - WEST PROPERTY LINE: 15' REQUIRED & 100'+/- PROVIDED
SPACING BETWEEN BUILDINGS: 15' REQUIRED & 20' PROVIDED

NOTES:
1. ZONING SITE PLAN EXHIBIT PROPOSED CONCRETE MANUFACTURING (CMU) FACILITY/BUILDING LAYOUT AND SET-BACKS AS PER SUPERVISION ARCHITECTS, INC. ARCHITECTURAL SITE PLAN, DRAWING NUMBER AS1, SU JOB#37, DATED 03-05-07, REVISION #1 DATED 03-29-08.
2. ZONING DATA LEGEND BASED ON INFORMATION PROVIDED BY: FORD ARMENTEROS & MANUCY, INC. (FAM) LATEST TOPOGRAPHIC SURVEY, PROJECT No. 08-0206387, REV. #1, DATED 01-31-10, SHEET 1 OF 1, ORIGINAL SUPERVISION ARCHITECTS INC. ZONING DATA LEGEND - SITE PLAN, DRAWING # AS1, SU JOB#37, REV. #2, DATED 09-18-08, AND REVISED ZONING INFORMATION PROVIDED BY MR. JEFFREY M. FLANAGAN, ESQ., FLANAGAN & WILLARD, P.A.

NOT SUBDIVIDED





EXISTING PERIMETER WALL SECTION

NOTE:
RAISE TOP OF WALL TO MIN. ELEVATION +9.2 AS REQUIRED.

FORD ENGINEERS, INC.
1550 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 470-8222
FAX (305) 470-2965

RECORD OF REVISION

NO.	DATE	DESCRIPTION	BY
1	7/27/10	REVISION PER ZONING HEARING SECTION REQUEST	M.E.

AMARALTO CONCRETE

SITE OF PROJECT: PROPOSED CMU FACILITY ZONING EXHIBIT

12201 AMARALTO CONCRETE PUMP, INC.

12201 N.W. 14th STREET
MIAMI, FLORIDA

SCALE: 1"=40'
DESIGNED BY: J. GONZALEZ
DRAWN BY: M. PERAL
CHECKED BY: M. ECHEZARRETA
DATE: 4/2010
PROJECT No.: 07-004
SHEET: Z-1

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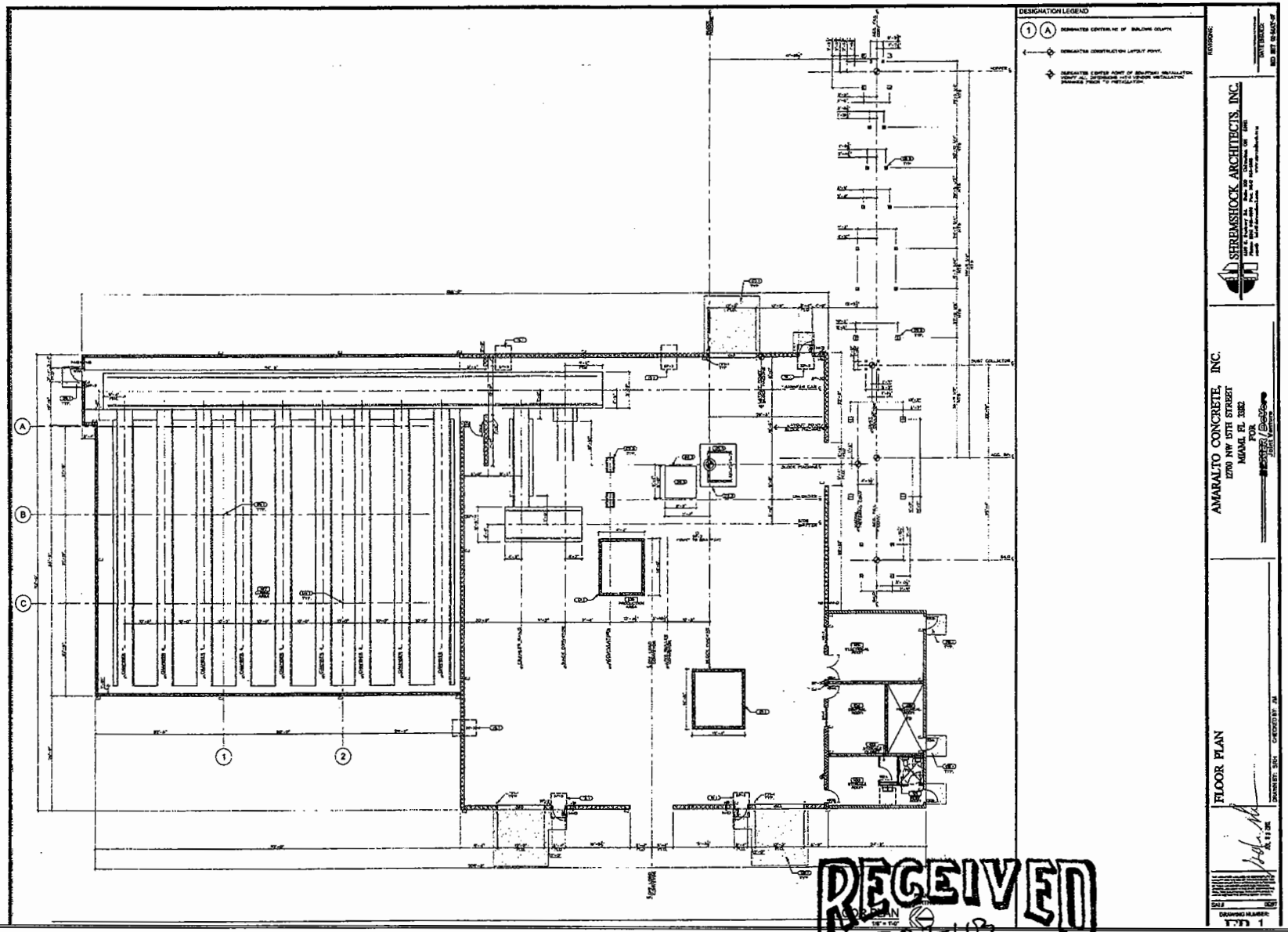

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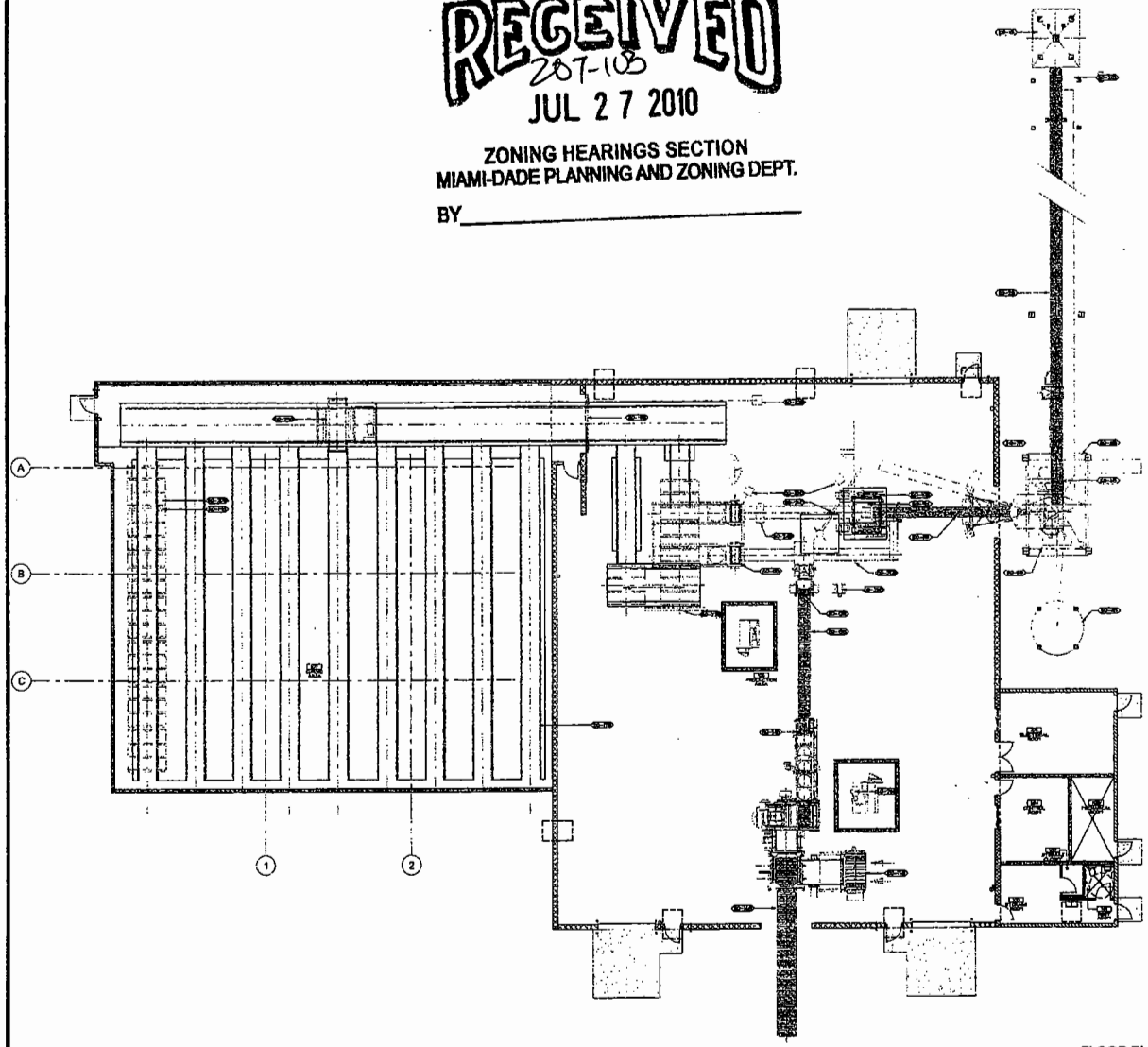


FLOOR PLAN
1/8" = 1'-0"

PLAN NORTH

GENERAL NOTES: EQUIPMENT PLAN

1. EQUIPMENT PLAN HAS BEEN PROVIDED BY THE SHAKER COMPANY. THIS PLAN IS BASED UPON EQUIPMENT PLAN DATED 11-JUN-10.
2. [illegible]
3. PROVIDE HAUL OFF TRUCK (HAC) AT ALL PERIODS, ENTRIES TO THE FACILITY.

EQUIPMENT SYMBOL DESIGNATION

INDICATES ABBREVIATION FOR EQUIPMENT — INDICATES LAST NUMBER IN EQUIPMENT NUMERALS BELOW

INDICATES FIRST LETTER OF VENDOR NAME IN EQUIPMENT NUMERALS BELOW, SEE EQUIPMENT GENERAL NOTE #2

EQUIPMENT SCHEDULE (SAS)

MARK	DESCRIPTION
[illegible]	SAGUND FILL HOPPER
[illegible]	ABSORBATE TAIL CONVEYOR
[illegible]	4M TONAL 4 COMPARTMENT AGGREGATE STORAGE BIN WITH AGGREGATE BATCHER
[illegible]	CEMENT SILO
[illegible]	CEMENT BATCHER
[illegible]	30 CU. FT. BATCH PAVER NO. 1 POSITION DRIVE INSTALL AT ELEV. 79'-0"
[illegible]	PAPER DUST COLLECTOR SYSTEM
[illegible]	24" RADIAL PRESSING SYSTEM
[illegible]	VS-12 VIBRATIC SURGE HOPPER
[illegible]	VS-12 VIBRATIC BLOCK MACHINE (T.R.) PALLET SIZE 24"x54" INSTALL AT ELEV. 69'-0"
[illegible]	MODEL YMP 7870 SPLINE BASED-PLASTIC (T.R.) FOR 8 BATCH BLOCK MACHINE (T.R.)
[illegible]	8 BATCH BLOCK MACHINE (T.R.) PALLET SIZE 24" x 54" INSTALL AT ELEV. 69'-0"
[illegible]	MODEL [illegible] LAC - 24 LOW BASKETTE CAR WITH SPANDLE, 96, 30 LBS TIRE PAYLOAD CAPACITY
[illegible]	BLOCK TURN OVER DEVICE
[illegible]	LIVE ROLLER CONVEYOR
[illegible]	AUTOMATIC CURE AND TURNTABLE NO. 1 POSITION
[illegible]	MIXED 4 BLOCK PALLET FEEDER
[illegible]	CURE RETURNS CONVEYOR
[illegible]	RAIL PACKAGE
[illegible]	ELECTRIC RAM EDGER
[illegible]	14+ MODEL 456 BLOCK RACKS REQUIRED
[illegible]	1,440 + 36" x 54"X5" STEEL PALLETS 2000#/CU
[illegible]	BIN FILL CONTROL STATION
[illegible]	FESTOON CABLE SYSTEM
[illegible]	COLOR GRAPHIC DISPLAY PANELS
[illegible]	BLOCK FANNING BRUSH
[illegible]	PALLET SHAPER
[illegible]	JIB CRANE
[illegible]	CAT TRACK
[illegible]	HYDRAULIC POWER UNIT
[illegible]	TRANSFER CAR

SCHREMSHOCK ARCHITECTS, INC.

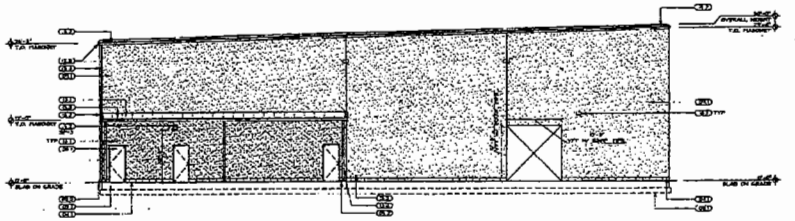
AMARALTO CONCRETE, INC.
12700 NW 25TH STREET
MIAMI, FL. 33182
FOR
[illegible]

FLOOR PLAN

DRAWN BY: BSH CHECKED BY: JH

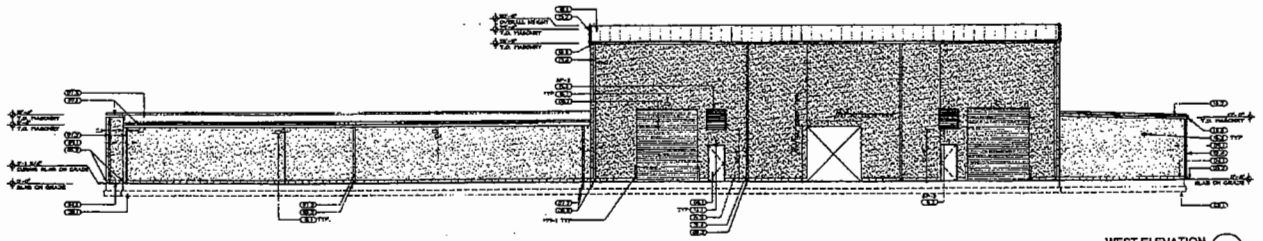
DRAWING NUMBER:
ED-2

27



SOUTH ELEVATION (A)

RECEIVED
207-113
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____



WEST ELEVATION (B)

GENERAL NOTES: EXTERIOR ELEVATIONS

1. ALL EXTERIOR ROOF PANELS ARE METAL BUILDING MANUFACTURER'S STANDARD PREPAINTED METAL PANELS, U.N.O. (TURN-IN AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.)
2. ALL DOWNSPOUTS SHALL DRAIN AT GRADE SHALL BE PROVIDED WITH A CONCRETE SPLASHBLOCK. SPLASHBLOCKS SHALL SLOPE AWAY FROM BUILDING.
3. EXTERIOR LIGHT FIXTURES LOCATED AT DRIVE DOOR SHALL BE MOUNTED AT 14'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED ON FLAT FACADES SHALL BE MOUNTED AT 8'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED AT DOORS SHALL BE MOUNTED AT 9'-0" A.F.F.

CODED NOTES: EXTERIOR ELEVATIONS

NOTE: NOT ALL NOTES LISTED BELOW ARE NECESSARILY USED ON THIS SHEET. THE OMISSION OF ANY NOTES LISTED DOES NOT CONFER THE OMISSION OF WORK. ATTACH NOTES TO DRAWING TO INDICATE THE EXTENT OF WORK TO BE PERFORMED UNDER A TRADE.

DIVISION 03 - SEE WORK REFER TO CIVIL DRAWINGS

DIVISION 03 - CONCRETE

03.1 - FOOTING/SLAB ON GRADE (REFER TO STRUCTURAL SHEETS FOR DIMENSIONS AND DETAIL)

03.2 - CONCRETE SPLASHBLOCK. LOCATE UNDER DOWN SPOUT, SLOPE AWAY FROM BUILDING

DIVISION 04 - MASONRY (REFER TO DRAWING SHEETS)

04.1 - CMU WALL PAINTED TO MATCH STUCCO FINISH

DIVISION 05 - STEEL (REFER TO DRAWING SHEETS)

DIVISION 07 - THERMAL AND MOISTURE PROTECTION

07.1 - 6" PREFINISHED GALVANIZED METAL GUTTER

07.2 - 6" PREFINISHED METAL DOWNSPOUT WITH TIE BACKS.

07.3 - 40 YR. SINGLE PLY ROOF MEMBRANE, REFER TO SPECIFICATIONS.

07.4 - PREFINISHED GALVANIZED METAL SURFACE STOP FASCIA.

DIVISION 08 - DOORS AND WINDOWS

08.1 - EXTERIOR DOOR + FRAME (REFER TO DOOR SCHEDULE)

DIVISION 09 - SEE REFER TO DRAWING SHEETS

09.1 - STUCCO OVER ON 3/8 METAL LATH.

DIVISION 11 - EQUIPMENT (REFER TO DRAWING SHEETS)

DIVISION 13 - (OMISSIONS 431.E.)

DIVISION 15 - GENERAL CONSTRUCTION

15.1 - PRE-PAINTED METAL ROOF PANELS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS)

15.2 - PRE-PAINTED METAL SOFFIT PANELS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.

15.3 - PRE-PAINTED METAL GUTTER PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SOFFIT PANEL

15.4 - PRE-PAINTED METAL DOWNSPOUT WITH TIE BACKS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SOFFIT PANEL

DIVISION 16 - EQUIPMENT (REFER TO EQUIPMENT SCHEDULE)

DIVISION 22 - MECHANICAL

16.1 - WALL MOUNT (REFER TO PLUMBING SHEETS)

16.2 - MECHANICAL FAN OR LOUVER. COLOR TO MATCH ADJACENT WALL MATERIAL (REFER TO MEP SHEETS)

DIVISION 26 - ELECTRICAL

16.1 - WALL MOUNTED LIGHT FIXTURE (REFER TO ELECTRICAL SHEETS)

SHREMSHOCK ARCHITECTS, INC.
501 E. Kennedy Blvd., Suite 1100, Tampa, FL 33602
Phone 813 221-2626 Fax 813 221-2629
Email: info@shremshock.com

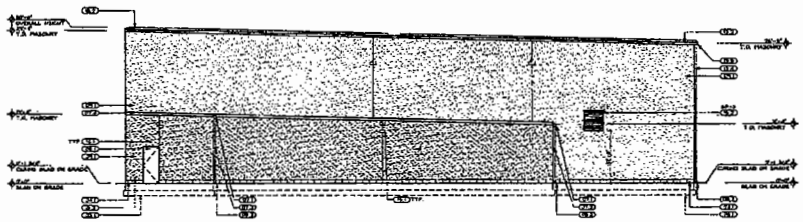
AMARALTO CONCRETE, INC.
12700 NW 5TH STREET
MIAMI, FL 33182
FOR
Becker / Poliakoff
Joint Venturers

EXTERIOR ELEVATIONS

DRAWN BY: XXX CHECKED BY: XXX

SCALE 0027

DRAWING NUMBER: E-1



NORTH ELEVATION (A)

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ZONING HEARINGS SECTION
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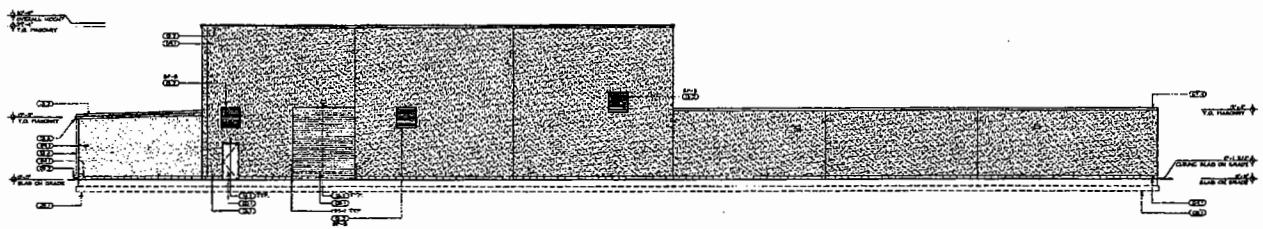
BY



EAST ELEVATION (B)

GENERAL NOTES: EXTERIOR ELEVATIONS

1. ALL EXTERIOR ROOF PANELS ARE METAL BUILDING MANUFACTURER'S STANDARD PREPAINTED METAL PANELS (U.N.O. TO) AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.
2. ALL DOWNSPOUTS THAT DRAIN AT GRADE SHALL BE PROVIDED WITH A CONCRETE SPLASHBLOCK. SPLASHBLOCKS SHALL SLOPE AWAY FROM BUILDING.
3. EXTERIOR LIGHT FIXTURES LOCATED AT CEILING DOOR SHALL BE POINTED AT 14'-0" O.C.F., EXTERIOR LIGHT FIXTURES LOCATED ON SIDE FACADES SHALL BE POINTED AT 4'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED AT GRADE SHALL BE INDUCTED AT 3'-0" A.F.F.

CODED NOTES: EXTERIOR ELEVATIONS

(NOTE): NOT ALL NOTES LISTED BELOW ARE NECESSARILY USED ON THIS SHEET. THE OMISSION OF ANY NOTES STATED DOES NOT CONTROL THE DISPOSAL OF ANY NOTES THEREIN NOR THE EXTENT OF WORK TO BE PERFORMED BY ANY TRADE.

DIVISION 01 - SITEWORK (REFER TO CIVIL DRAWINGS)

DIVISION 03 - CONCRETE

03.1 - FOOTING/FOUNDATION (SLAB GRADE, (REFER TO STRUCTURAL SHEETS FOR CONFIGURATION AND DETAILS).

03.2 - 1.0%/16'-0" RE-LAIN/GRADE, LOCATE WHICH DOWN AWAY. SLOPE AWAY FROM BUILDING

DIVISION 04 - MASONRY (REFER TO REMARKS SHEETS)

04.1 - CMU WALL PAINTED TO MATCH STUCCO FINISH

DIVISION 05 - (REFER TO REMARKS SHEETS)

DIVISION 07 - THERMAL AND MOISTURE PROTECTION

07.1 - 6" PREPAINTED GALVANIZED METAL GUTTER

07.2 - 6" PREPAINTED METAL DOWNSPOUT WITH TIE BACKS.

07.3 - 40 mil. SINGLE PLY ROOF MEMBRANE. REFER TO SPECIFICATIONS.

07.4 - PREPAINTED GALVANIZED METAL GRAVEL STOP FASCIA

DIVISION 08 - DOORS AND FRAMES/WINDOWS

08.1 - EXTERIOR DOOR - PAINT (REFER TO DOOR SCHEDULE)

DIVISION 09 - (REFER TO REMARKS SHEETS)

09.1 - STUCCO FINISH OVER METAL LATH.

DIVISION 11 EQUIPMENT (REFER TO REMARKS SHEETS)

DIVISION 12 - (FURNISHINGS (N/A))

DIVISION 13 - SPECIAL CONSTRUCTION

13.1 - PRE-FIN SHED METAL ROOF CANOPY PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS)

13.2 - PRE-FIN SHED METAL SLAB TRIM, PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.

13.3 - PRE-FINISHED METAL GUTTER PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SLAB TRIM.

13.4 - PRE-FINISHED METAL DOWNSPOUT WITH TIE BACKS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SLAB TRIM.

DIVISION 14 - (CONVEYING EQUIPMENT (REFER TO EQUIPMENT SCHEDULE)

DIVISION 15 - MECHANICAL

15.1 - WALL MOUNT (REFER TO PLUMBING SHEETS)

15.2 - PROVIDE WALL FAN OR LOUVER, COLOR TO MATCH ADJACENT WALL PATTERN (REFER TO MEP/C SHEETS).

DIVISION 16 - ELECTRICAL

16.1 - WALL MOUNTED LIGHT FIXTURE, (REFER TO ELECTRICAL SHEETS)

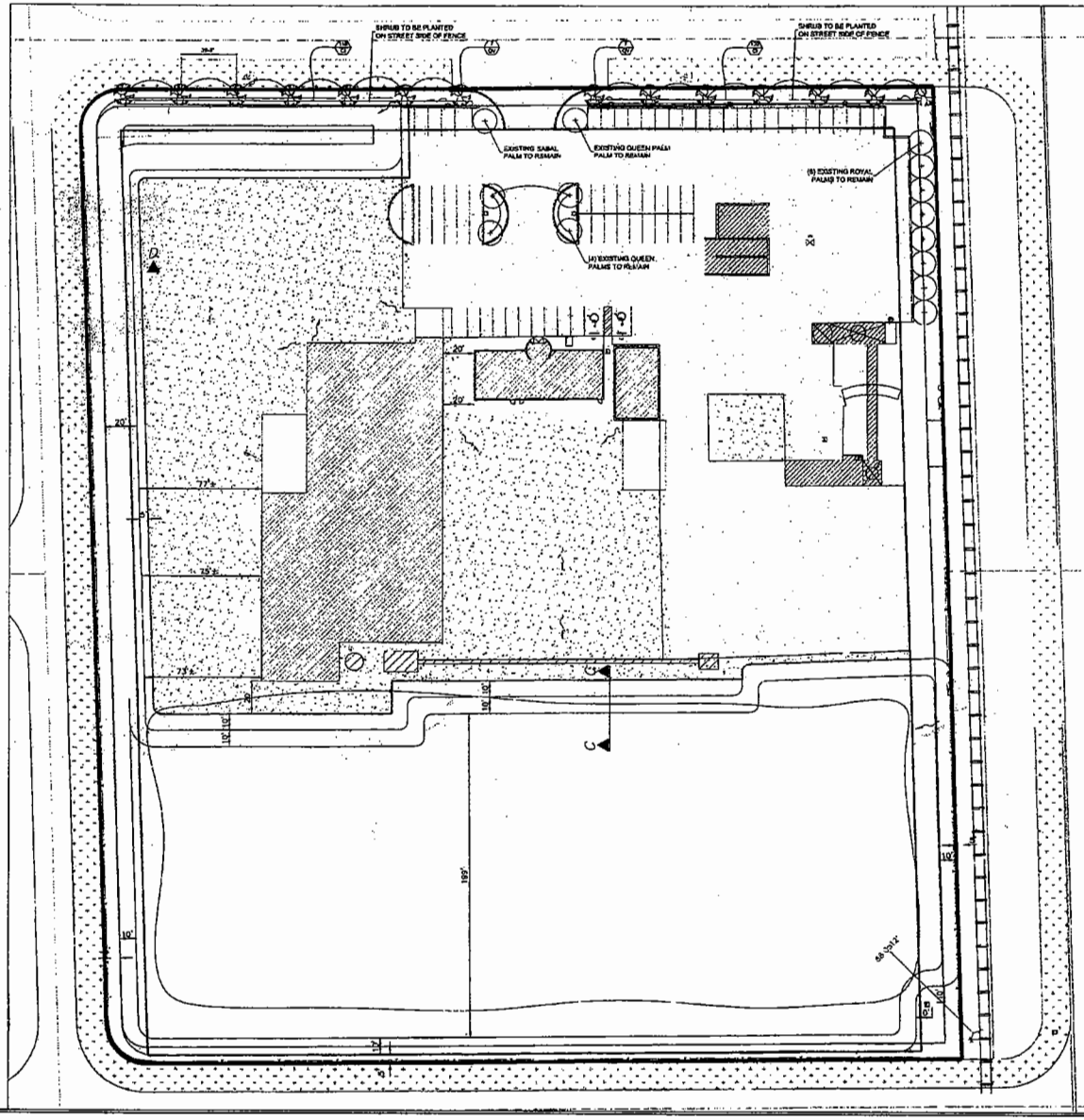
SHREMSHOCK ARCHITECTS, INC.
[illegible]

AMARALTO CONCRETE, INC.
12200 NW 37TH STREET
MIAMI, FL 33182
FOR:
[illegible]

EXTERIOR ELEVATIONS

DRAWN BY: [illegible] CHECKED BY: [illegible]

DRAWING NUMBER:
E-2



LANDSCAPE LIST			
QUANTITY	KEY	BOTANICAL / COMMON NAME	DESCRIPTION
14		Quercus virginiana LIVE OAK	12' ht. X 4' spr. 1 g.
210	CI	Chrysobalanus icaco Red Tip RED TIPPED COCOPLUM	24" ht. X 24" spr. 3 gal.
AS REQ'D	LAWN	Stenotaphrum secundatum ST. AUGUSTINE GRASS	Solid Even Sod

LANDSCAPE LEGEND Ordinance 98-13		
ZONE DISTRICT: GU (IU-1 USE)		
Gross Land: 7.30 (acres) Net Land: 7.30 (acres) Water Bodies: 0		
	REQ.	PROV.
Landscape Open Space (if applicable)	N/A	N/A
Green Belt Width (if applicable)	N/A	N/A
Lanscape Area (As defined in Ordinance)	N/A	N/A
TREES:		
Street Trees: 468 Lf. street frontage	14	14
TOTAL NUMBER OF TREES	14	14
SHRUBS: (10 shrubs for each tree req.)	140	210
30% shrubs/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

WITKIN HULTS DESIGN GROUP

AMARALTO CONCRETE
12700 NW 15 STREET
MIAMI DADE COUNTY, FLORIDA 33182

Project:

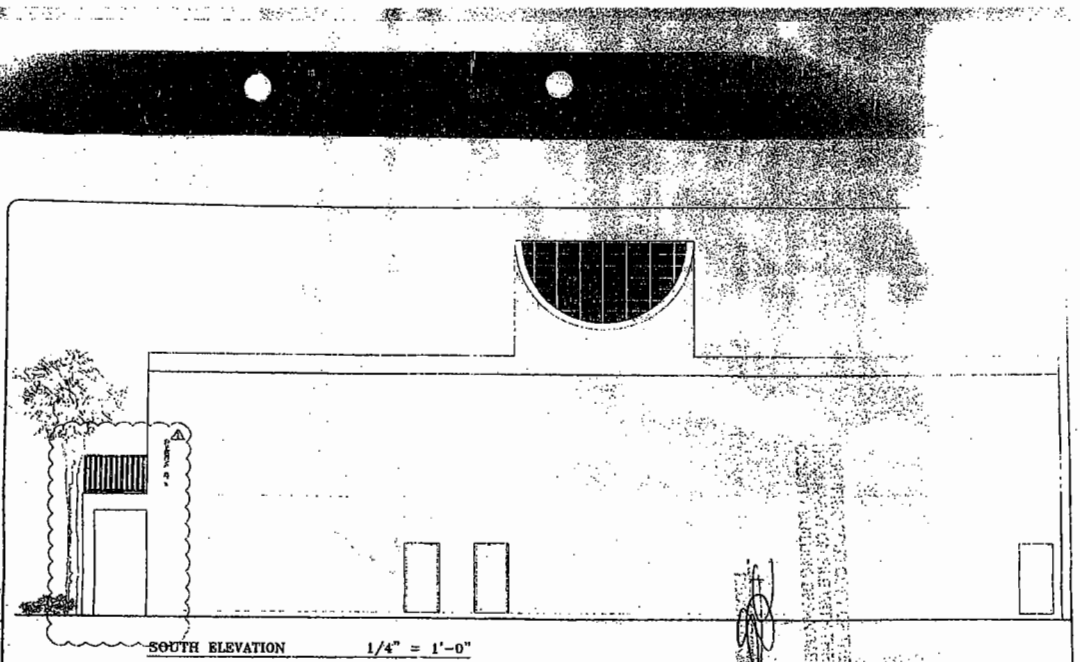
Revisions:

Seal:

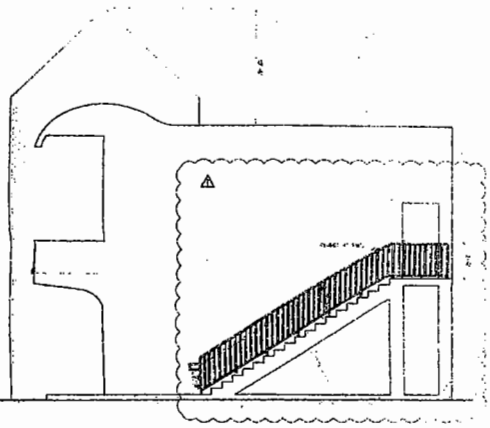
Lic. # LA0000988
Member A.S.L.A.

Drawing Name:
LANDSCAPE PLAN
Date: 4/29/2010
Scale: 1" EQUALS 30'-0"
Drawn by: KH
Sheet No.:

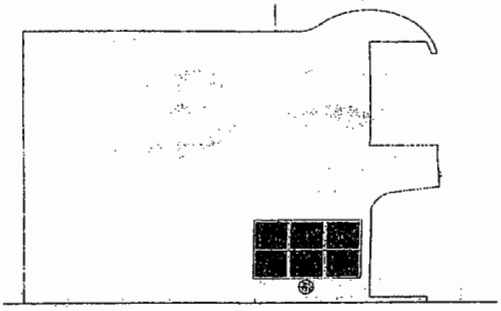
L-1



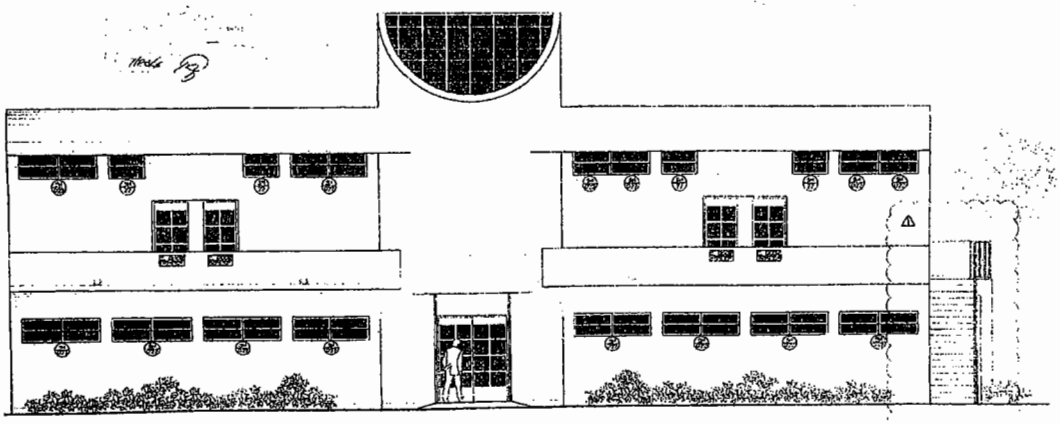
SOUTH ELEVATION 1/4" = 1'-0"



WEST ELEVATION 1/4" = 1'-0"



EAST ELEVATION 1/4" = 1'-0"



NORTH ELEVATION 1/4" = 1'-0"

A3
16

PROPOSED OFFICE & WAREHOUSE FOR BATCHING PLANT
PROPOSED OFFICE & WAREHOUSE FOR AMARALTO CONCRETE
NW. 15TH. STREET & NW. 127TH. AVE., MIAMI, FLORIDA

ELEVATIONS

FRANCISCO A. BENITEZ A.I.A. ARCHITECTS
AR 0007438/8431 SW. 26th. ST. MIAMI, Fl./ PH 305-223-8457

RH. 07-103 EXISTING BUILDING ELEVATIONS PG EB-1

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BY

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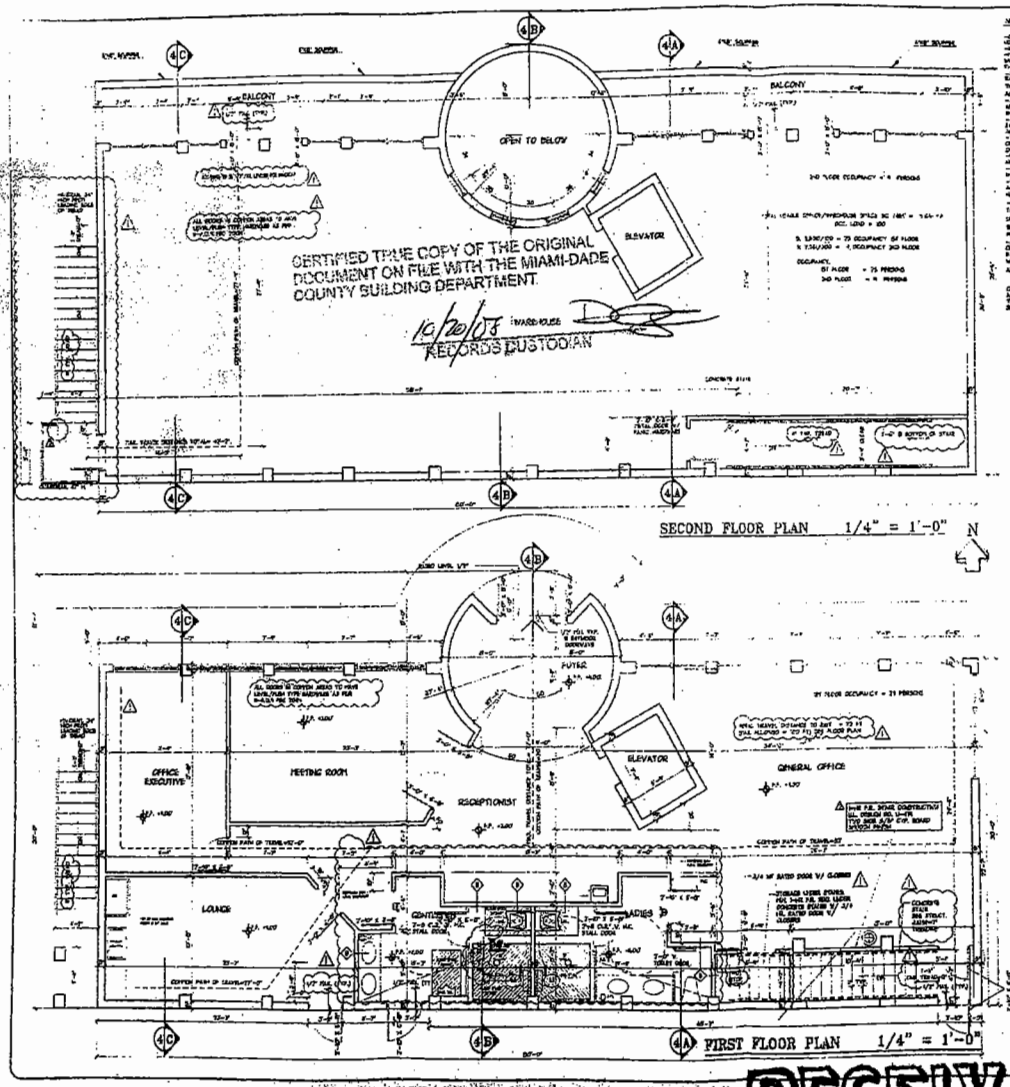

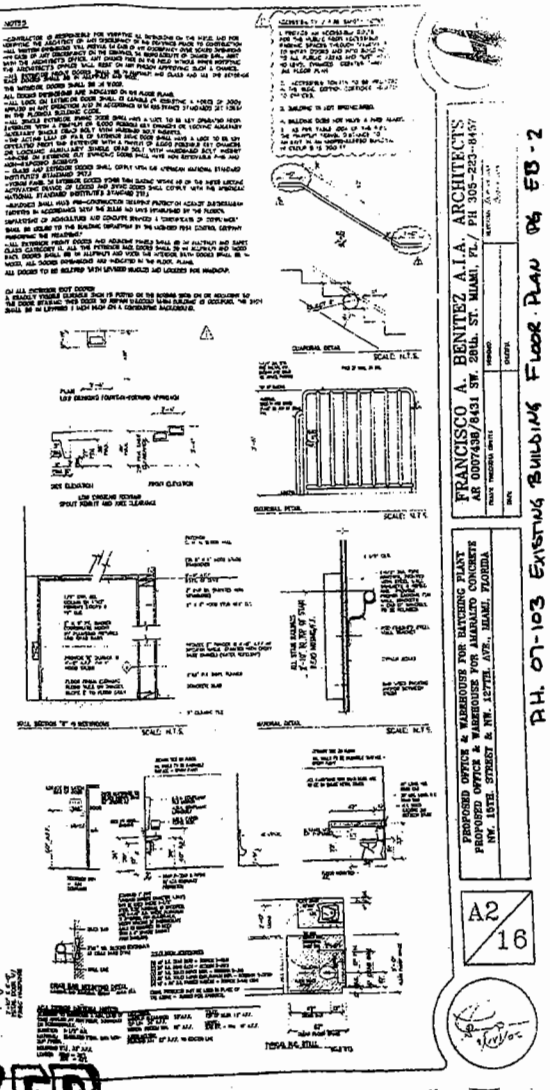

FRANCISCO A. BENITEZ, A.I.A. ARCHITECTS
AR 0007438/8431 SW. 28ND. ST. MIAMI, FL./ PH. 305-223-8457

PROPOSED OFFICE & WAREHOUSE FOR BATCHING PLANT
PROPOSED OFFICE & WAREHOUSE FOR ALLIANCE CONCRETE
NW. 19TH. STREET & NW. 107TH. AVE., MIAMI, FLORIDA

A2/16

P.H. 07-103 EXISTING BUILDING FLOOR PLAN 06 EB-2

13/5

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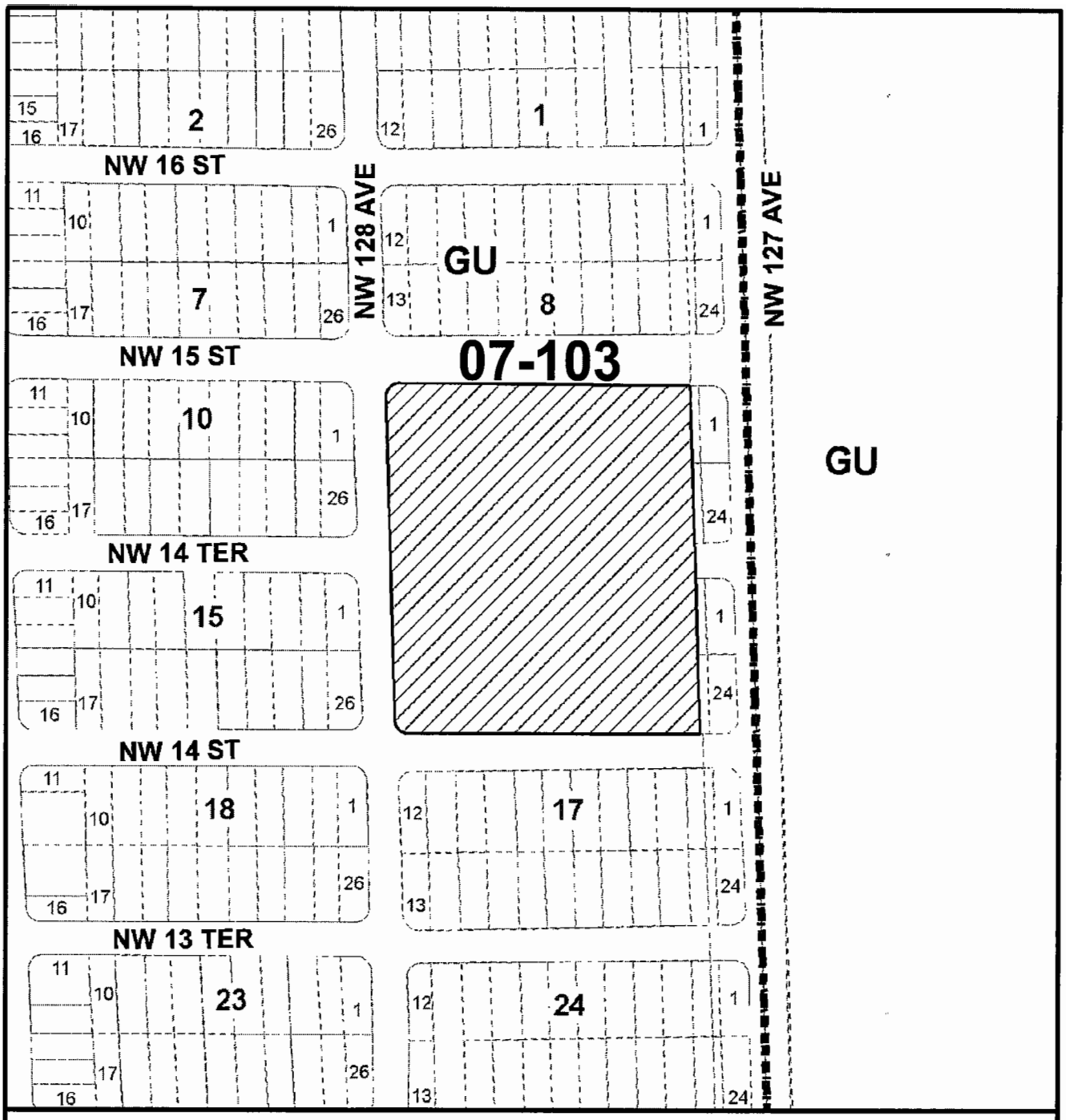
BY_____



MIAMI-DADE COUNTY

HEARING MAP

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 35 Township: 53 Range: 39
Process Number: 07-103
Applicant: ANGEL & MAIA LLIZO
Zoning Board: C05
District Number: 12
Cadastral: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-103 04/05/07

MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 35 Township: 53 Range: 39
Process Number: 07-103
Applicant: ANGEL & MAIA LLIZO
Zoning Board: C05
District Number: 12
Cadastral: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-103 04/05/07

C. SANTA FE HACIENDAS LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
(Applicant)

11-3-CC-2 (09-176)
BCC/District 11
Hearing Date: 04/28/11

Property Owner (if different from applicant) **Santa Fe Haciendas LLC.**

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
1978	Directors, Building, & Zoning & Planning Depts.	- Zone change from IU-1 & IU-2 to AU.	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: 3/17/2011 **#Z-**

ITEM: 2
APPLICANT: SANTA FE HACIENDAS, LLC &
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
(11-3-CC-2/09-176)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

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

APPLICANTS: Santa Fe Haciendas, L.L.C., Et Al **PH:** Z09-176 (11-3-CC-2)

SECTION: 1-55-38 **DATE:** April 28, 2011

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

==========

A. INTRODUCTION

- **SUMMARY OF REQUEST:**

  This application seeks to allow a lake excavation.

- **REQUEST:**

  (1) UNUSUAL USE to permit a lake excavation.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets. Plans may be modified at public hearing.

- **LOCATION:**

  Lying west of SW 177 Avenue (Krome Avenue), and south of theoretical SW 90 Street Street, Miami-Dade County, Florida.

- **SIZE:** 412 Gross Acres

B. ZONING HEARINGS HISTORY:

In January 1957, the subject property was a part of a parcel of land that was rezoned from GU, Interim District, to IU-1, Light Manufacturing District and IU-2, Heavy Manufacturing District, pursuant to Resolution #10967. Subsequently, in October 1978, the subject property was rezoned to AU, Agricultural District, pursuant to Resolution #Z-226-78.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being* ***approximately 0.47 miles*** *west of and* ***outside the Urban Development Boundary (UDB)*** *for* ***Agriculture*** *use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in*

Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.* ***Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.***

Policy LU-3F. Super-Majority Vote: *Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.*

Other Land Uses Not Addressed. *Certain uses are not authorized under any LUP map category, including many of the uses listed as* ***"unusual uses"*** *in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or*

signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

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. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU; vacant land	Agriculture
Surrounding Properties:	
NORTH: AU; lake excavation	Agriculture
SOUTH: AU; farm residences, vacant land	Agriculture
EAST: AU; row crops, vacant land	Agriculture
WEST: GU; park	Environmentally Protected Parks

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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.

Section 33-314(C)(11.1) Direct Applications and Appeals to the County Commission. *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rock mining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rock mining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rock mining pursuant to Section 33-422(c) of this article.*

Section 33-422(3) Uses Permitted by this Article. *For the purposes of this article, "bona fide rock mining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**Not applicable**
FDOT	**No objection**

*Subject to conditions indicated in their memoranda.

G. PLANNING AND ZONING ANALYSIS:

This application was indefinitely deferred from the January 13, 2011 meeting by the Community Zoning Appeals Board 11. Subsequently, the application was deferred from the March 17, 2011 meeting of the BCC due to an inadvertent error in the advertisement. The applicant subsequently amended the application and provided the Department with additional information in a revised letter of intent indicating that the operator overseeing the proposed lake excavation is the same operator on the Krome Quarry located on the abutting property to the north along with other documentation. As such, this application meets the criteria for direct application to the Board of County Commissioners (BCC), under Section 33-314(C)(11.1), Direct Applications and Appeals to the County Commission, of the Code and as such should be scheduled before the BCC.

The subject property is located approximately 0.47 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue that is designated in the Master Plan

for improvement to 4-lanes. The subject property has been and is being used for active agricultural purposes. This application would allow the applicant an Unusual Use to permit a 306.82 acre lake excavation/rock mining use on this 412-acre AU, Agricultural District parcel. However, the CDMP indicates that *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 with and would not have an unfavorable effect on the surrounding area.*

The applicants' letter of intent indicates that the proposed lake excavation is similar to the uses allowed in the Rock Mining Overlay District (ROZA). Staff notes that although the subject property is located approximately 1.5 miles south of and outside the ROZA district, the property abuts a property to the north that has an ongoing rock mining operation. Said property and the property located further north contain rock mining operations that were approved approximately 50 years ago. Both of these rock mining operations extend northward into the ROZA District which ends at approximately SW 56 Street. The ROZA ordinance which was enacted in 2004, allows for the creation of an area in the northwest section of the County where rock mining and uses that are ancillary to rock mining are permitted without a public hearing.

However, the interpretative text of the *CDMP allows for the consideration of the expansion of existing quarrying uses in the Agriculture area.* The applicants are seeking an unusual use to permit a lake excavation on a parcel of land that does not have an ongoing lake excavation use. However, the abutting property located to the north contains an ongoing lake excavation and ancillary uses which were initially approved approximately fifty (50) years prior to the applicants' request for a lake excavation on the subject property. The applicants' revised letter of intent indicates that CEMEX Construction Materials Florida, LLC (CEMEX), currently conducts rock mining and ancillary activities on the abutting property to the north of the subject property, along with another property located north of that property. Said letter indicates that CEMEX operates on both of these properties pursuant to existing Short-Form Limestone Purchase and Option agreements that CEMEX entered into with each of the respective property owners which is the same type of agreement they have with the owners of the subject property. Staff notes that these lake excavations/rock mining operations extend as far north as the southernmost boundary of the ROZA District. Although the subject property is separate from the two (2) aforementioned properties, staff opines that the extension of the rock mining operations onto the subject property could constitute an expansion of the lake excavation operations being conducted by CEMEX and would be compatible with same. Staff notes that the applicant has proffered a covenant (attached) which imposes conditions and restrictions on the subject property for the proposed rock mining operation. Said conditions and restrictions among other things include, a continuous 15' high landscaped berm along the interior side (south) property line as well as restrictions on the hours of operation, on mining operations within 200' of the southern property line and on blasting within 500' of existing residences. Therefore, staff opines that these agreements along with the applicants' proffered covenant constitute an expansion of the existing rock mining operations on these properties located to the north. **As such, staff concludes that based on the above, the proposed lake excavation on the subject property is an expansion of an existing quarrying use and is consistent with the CDMP.**

However, Policy **LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and*

permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of ***Krome Avenue*** *designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than two-thirds of the total membership of the Board of County Commissioners then in office, where such Board of County Commissioners (BCC) issues a decision.* Staff notes that the subject property is located outside the UDB and within a mile of the right-of-way of Krome Avenue. As such, the approval of this application would require a super-majority vote since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses states that *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.* Staff notes that the subject property abuts properties to the north that are currently engaged in rock mining operations. The applicant's letter of intent indicates that the current operator of the rock mining activities on the abutting properties would be the same operator of the proposed rock mining operations on the subject property. Staff opines that as a result, there will not be a negative impact on the rock mining industry in this section of the County and therefore, not have a negative impact on the economy of the County.

Staff notes that the Public Works Department, MDFRD, Florida Department of Transportation (FDOT) and DERM do not object to the application. DERM indicates in their memorandum that the proposed excavation is located within 700 feet of the Everglades National Park (ENP) and the L-31N levee and has recommended approval based on certain conditions. As such, based on memoranda from these departments, approval of this application would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction or tend to create a fire or other equally or greater dangerous hazards.

Notwithstanding, *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,* staff opines that approval of the requested unusual use to permit the rock mining operation would be **incompatible** with the surrounding area. Staff notes that the subject property provided a

significant separation between the previously approved rock mining uses on the properties located to the north and the farm residences located to the south of the subject property. Staff recognizes that the applicants have proffered a covenant which, in addition to combining the rock mining operations on the abutting parcel to the north, also helps to mitigate negative visual or aural impacts that the proposed use would have on the farm residences located to the south and to the east. Said covenant would among other things, require the applicant to install a 15' high berm along the south property line as well as limit the use of explosives within 500' of existing residences. However, notwithstanding the memoranda from the Public Works and Miami-Dade Fire Rescue Departments, staff opines that approval of the expansion of the mining activities onto the subject property could result in an increase in traffic, dust and noise from the rock mining operations that would have a negative impact on the surrounding agricultural properties. Therefore, notwithstanding the applicants' proffered covenant, staff opines that approval of this application will result in the removal of this parcel which acts as a buffer and would result in a southward expansion of the mining operations. Said expansion in staff's opinion would have a negative visual and aural impact on the farm residences and other agricultural parcels located to the south and east of the subject property as well as the environmentally protected national park located to the west.

As such, staff opines that the applicants' request to permit the expansion of an existing rock mining operation onto additional property to the south is **consistent** with the adopted interpretative text of the CDMP. However, it would be **incompatible** with the majority of the properties in the surrounding area and as such should be denied. **Based on the aforementioned, staff recommends that the applicants' request for an Unusual Use to permit a lake excavation be denied without prejudice under Section 33-311(A)(3), Standards for Special Exceptions, Unusual Uses and New Uses.**

H. RECOMMENDATION: Denial without prejudice.

I. CONDITIONS: None.

DATE TYPED: 12/03/10
DATE REVISED: 02/06/10, 12/8/10, 01/28/11, 02/02/11, 02/07/11, 02/08/11, 02/09/11, 03/02/11, 04/12/11, 04/19/11
DATE FINALIZED: 04/19/11
MCL:GR:NN:AA:CH

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

Memorandum

Date: March 10, 2011

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

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

Subject: BCC #Z2009000176 -5th Revision
Santa Fe Haciendas, LLC
North of S.W. 100th Street between S.W. 177th Avenue and S.W. 188th Avenue
Unusual Use to Permit a Lake Excavation and portable rock crushing and screening equipment
(AU) (412 Acres)
01-55-38

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

Wetlands

The Wetland Resources Section has reviewed the revised site plan submitted on August 20, 2010 by Santa Fe Haciendas, LLC requesting an unusual use to permit a lake excavation and the use of mobile ancillary rock crushing and screening equipment for a property located west of Krome Avenue and south of theoretical S.W. 91st Street. On May 26, 2009, a Class IV Permit application was submitted to DERM requesting to excavate 5.18 acres of wetlands within the 412-acre project area. To date, the Class IV Wetland Permit has not been issued.

DERM notes that the edge of the proposed excavation is located within 700 feet of Everglades National Park (ENP) and the L-31N levee, however, the excavation is proposed to be phased, with the first phase having a minimum of 2500 feet of set-back from the levee. It is anticipated that the full excavation will increase the seepage from the higher groundwater stages to the west to the lower stages to the east. This will be detrimental to the wetlands within the ENP. The phased approach is acceptable provided the use be conditioned to specifically prohibit mining within the 2500 foot set-back area until a seepage management plan is provided and approved by DERM.

The revised site plan depicts a lake excavation within the agricultural designation of the Comprehensive Development Master Plan (CDMP). This appears to be a new commercial use within the Agricultural area. DERM recommends that Planning carefully evaluate appropriateness of this use under the CDMP.

Wellfield Protection
The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Section 24-43(7) of the Code regulates excavations within wellfield protection areas. Section 24-43(7)(a) requires that no excavation may be permitted within a wellfield protection area unless the property owner has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County that shall provide for security measures during the excavation. The property owner has submitted a properly executed covenant, in accordance with Section 24-43(7) of the Code. T

Section 24-43(5) of the Code regulates to a prohibition of hazardous materials within the wellfield protection areas. Therefore, a (5)(a) covenant must be proffered for the use of fuel and lubricants required for rockmining operations. As stated in this section of the Code, "... no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy...or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning actions.....without obtaining the prior written approval of the Director or Director's designee." The property owner has submitted a properly executed covenant, in accordance with Section 24-43(5) of the Code

Stormwater Management
An existing covenant running with the land, executed by the owner of the property in favor of Miami-Dade County in accordance with Section 24-43(7) of the Code of Miami-Dade County, Florida (the Code), has been reviewed and approved by DERM's Water Control Section. In addition, DERM has no objection to this application if the following conditions are also satisfied:

An Environmental Resources Permit from the South Florida Water Management District shall be required for the construction and operation of the required water management system. This permit shall be obtained prior to platting and site development, or Public Works approval of paving and drainage plans.

Any proposed development must comply with the Water Quality Level of Service (WQLOS) and the minimum acceptable Flood Protection Level of Service (FPLOS) set forth by the CDMP.

The development criteria and the level of on-site flood protection may be influenced if the ground water stages are increased as a consequence of the implementation of the Comprehensive Everglades Restoration Plan.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the property or abutting the property. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

Tree Preservation
The subject property contains tree resources and contains jurisdictional wetlands. Wetland Resources will be regulated through a DERM Class IV Wetland Permit. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Concurrency Review Summary

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

PH# Z2009000176
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: SANTA FE HACIENDAS LLC

This Department has no objections to this application.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

This land may require 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.

Additional improvements may be required at time of permitting/platting.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

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

Raul A Pino, P.L.S.
22-APR-10

PLANNING AND ZONING
AGENDA OFFICE
2011 MAR 10 P 12:09

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

2011 MAR -9 P 3:57
OFFICE OF THE
SECRETARY
PLANNING & ZONING
METROPOLITAN PLANNING SECT

February 28, 2011

RECEIVED
MAR 04 2011
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
20110237

Mr. Mark LaFerrier
Department of Planning and Zoning, Miami-Dade County
Zoning Hearing Section
111 North West First Street, 11th Floor
Miami, Florida 33128

Re: Santa Fe Haciendas Zoning Application, P.H. No. 09-176
(Process Number **Z2009000176)**

Dear Mr. Mark LaFerrier:

It has come to my attention Santa Fe Haciendas and Cemex, Inc. has a pending application for an unusual use approval for a limestone mining expansion to supply material to their Florida Department of Transportation (FDOT) approved Source 87089 on Krome Avenue, Miami, Florida.

Because of its strategic location along the CSX rail corridor, Cemex's Krome mine has historically been a valuable supply source of construction aggregates to rail redistribution terminals in the following areas: Orlando, Jacksonville, Tampa, Daytona, Gainesville, Ocala, Mulberry, and Largo. This successful network is essential to the continuance of FDOT's road and bridge construction work program commitments across a large portion of the state.

This property is the only remaining significant upland (non-jurisdictional by US Army Corps of Engineers) tract, which is also outside of the Lake Belt. Krome is the only mine that was able to operate fully during the Lake Belt shutdown period. It has always been a critical supply link and that is even more so if something were to interrupt the Lake Belt mining again.

In order for Florida to maintain its economic growth and quality of life, the state must continue to improve its transportation infrastructure. A stable supply of all types of aggregate, including Miami limestone, is important to that effort and to ensure that road projects as well as private developments may move forward without delay.

Without locally available sources, the only viable alternative is to acquire this material from other states or countries. These sources are often more costly and delivery is sometimes not reliable. This project will fulfill a critical need for aggregate material and is located for convenient transport of the material north to where it is needed.

I hope you find this information useful in your deliberations. If you have any questions, please contact me at 850-414-5240.

Sincerely,

Brian Blanchard, P.E.
Chief Engineer

BB/jsi

cc: The Honorable Joe Martinez, Chair

REVISION 2

Memorandum

Date: 12-OCT-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000176

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 10, 2010.
APPROVAL
- No objection to site plan date stamped September 27, 2010.

Service Impact/Demand:

Development for the above Z2009000176
located at LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 91 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1813 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: 8:10 minutes

Existing services

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

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine Haz Mat Support.

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.

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

16

DATE: 09-FEB-11

REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC	LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000176

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
BUILDING &NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
LYING WEST OF SW 177 AVE(KROME AVE) AND SOUTH OF THEORETICAL SW 90 ST,
MIAMI-DADE COUNTY

Folio: 30-5801-000-0010

DATE:
2/8/11

CURRENT ENFORCEMENT HISTORY:

Open Cases:
No open cases.

Closed Cases:
No previous cases.

Ronald Szep,
Building Enforcement and Legal Services Division Director

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: N/A 02/25/11

Process #:	**Applicant's Name**
Z2009000176	SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

Locations: LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 412 ACRES **Folio #:** 3058010000010

Request:

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM AGRICULTURAL-RESIDENTIAL DISTRICT TO HEAVY INDUSTRIAL MANUFACTURING DISTRICT AND AN UNUSUAL USE FOR A LAKE EXCAVATION AND ROCK CRUSHING AND SCREENING PLANT ANCILLARY TO THE PROPOSED LAKE EXCAVATION.

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

none

USE(S) OF PROPERTY:

row crops

FENCES/WALLS:

none

LANDSCAPING:

none

BUFFERING:

none

VIOLATIONS OBSERVED:

BNC MEMO DATED 02/09/2011 REV#2 ON FILE. NO OTHER VIOLATION CASES FOUND.

OTHER:

Process # Applicant's Name

ZONING INSPECTION REPORT

Z2009000176 SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

SURROUNDING PROPERTY

NORTH:
AU

SOUTH:
GU

EAST:
AU

WEST:
GU

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS:
agricultural uses

COMMENTS:
*THIS IS ONLY FOR ENFORCEMENT HISTORY. AN UPDATED REPORT WILL FOLLOW ONCE SITE HAS BEEN INSPECTED.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: **CEMEX Construction Materials Florida, LLC**

NAME AND ADDRESS	Percentage of Stock
CEMEX S.A.B. de C.V., Traded in NYSE	100 %

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

TRUST/ESTATE NAME_____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:_____

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER:_____

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

Date of contract:_____

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

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 10th day of January, 2011. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 9/4/11

Seal

SHERYL M. TYSON
My Comm. Expires SEP 4, 2011
No. DD 883827
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.

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: Sante Fe Haciendas, LLC

NAME AND ADDRESS	Percentage of Stock
Mr. Masoud Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126	50%
Mrs. Maria Lamas-Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126	50%

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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2091700
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final 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 18 day of December, 2009. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

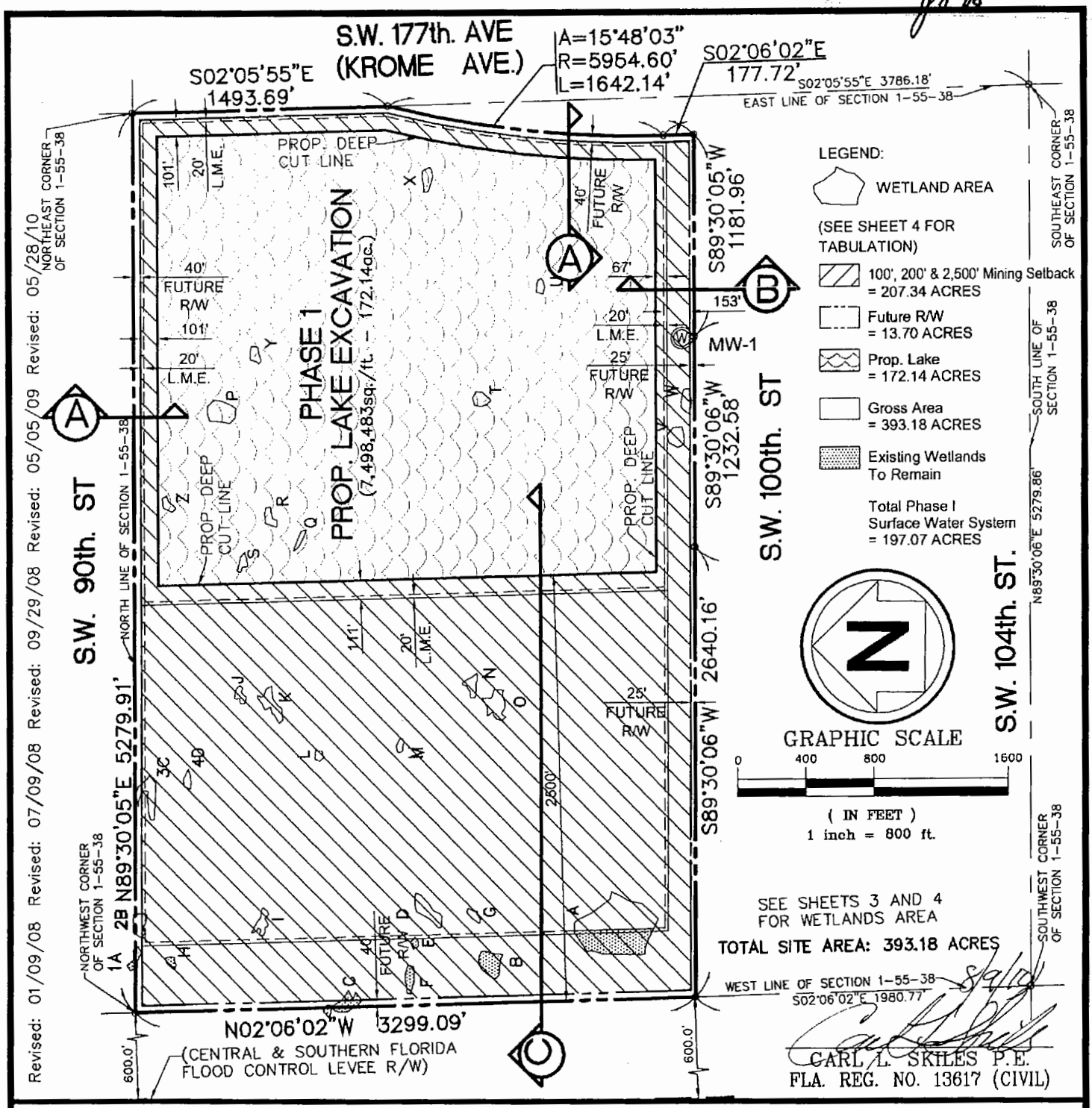
LYDIA CABRERA
Notary Public - State of Florida
My Commission Expires Aug 30, 2012
Commission # DD 785284
Bonded Through National Notary Assn.

My commission expires 8/30/12

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

RECEIVED
209176
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

209-176
Revit 1 A G 7



CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

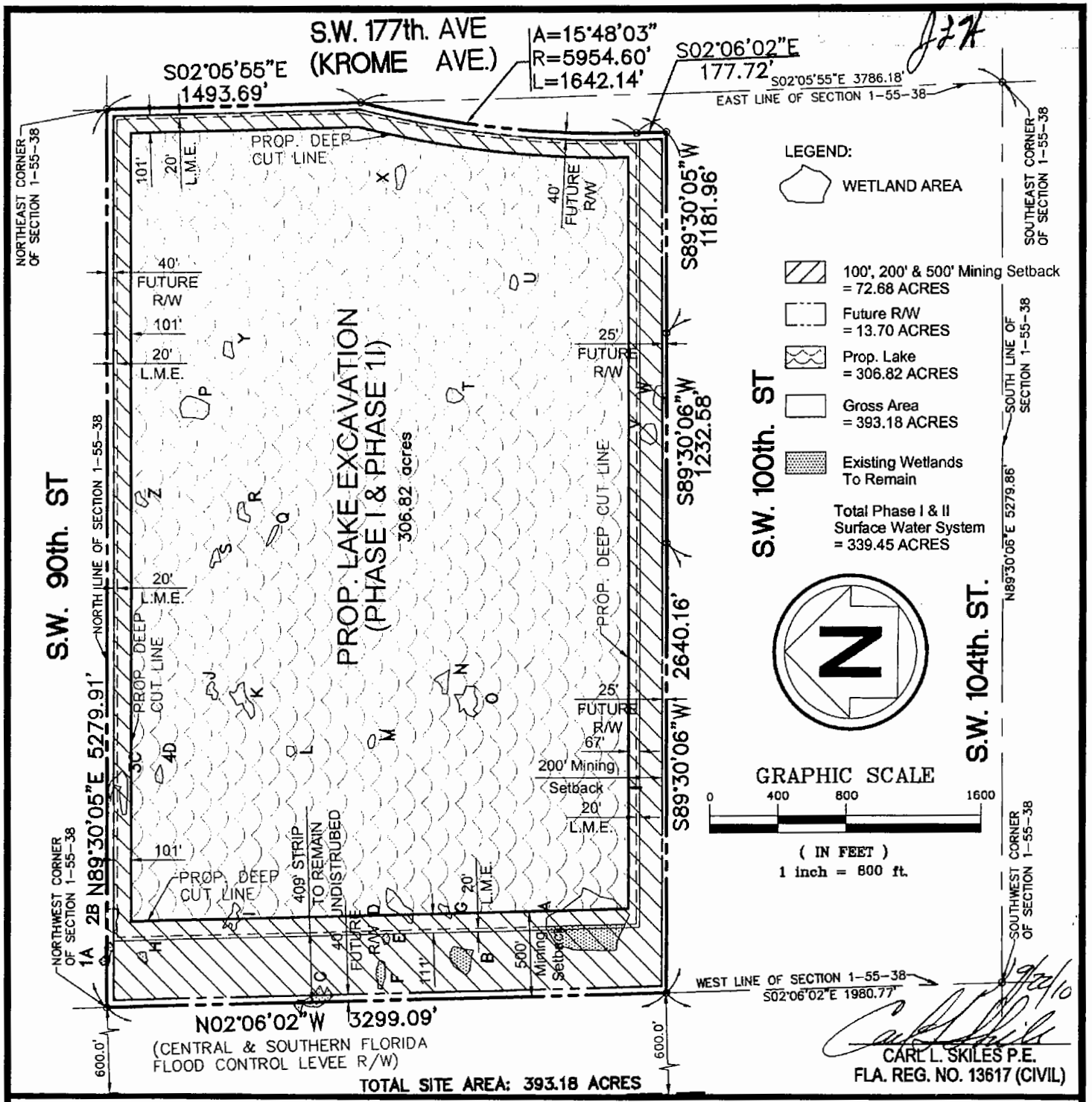
LAKE MINING PLAN - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/18/06
Scale	1"=800'
Job. No.	067027
Dwg. No.	1006-192
Sheet	2 of 6

25

209-176
Rev#2



CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-EX
Ref. Dwg.	3006-075
Plotted:	9/22/10 9:35a

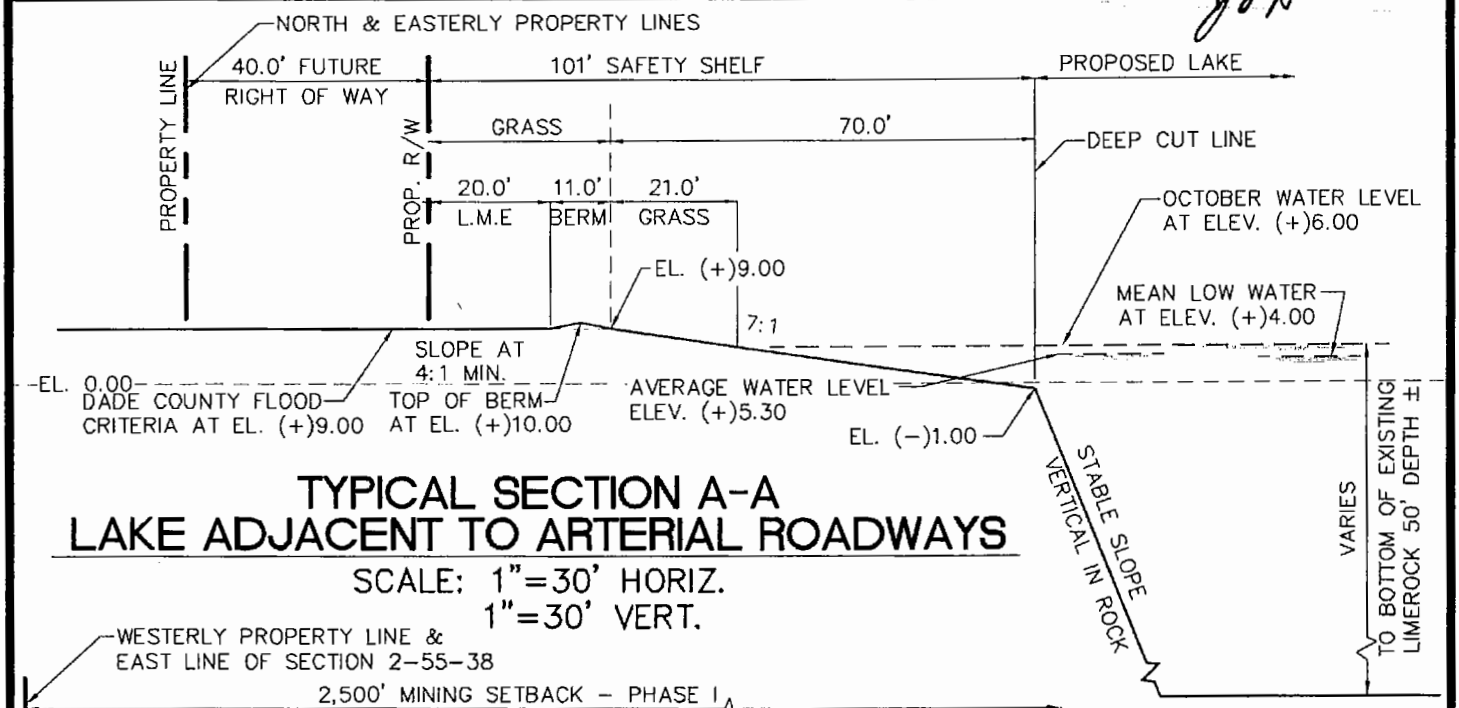
Lake Excavation Plan (Phase I & Phase II) - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/22/10
Scale	1"=800'
Job. No.	067027
Dwg. No.	1006-192-Ex
Sheet	2A of 6

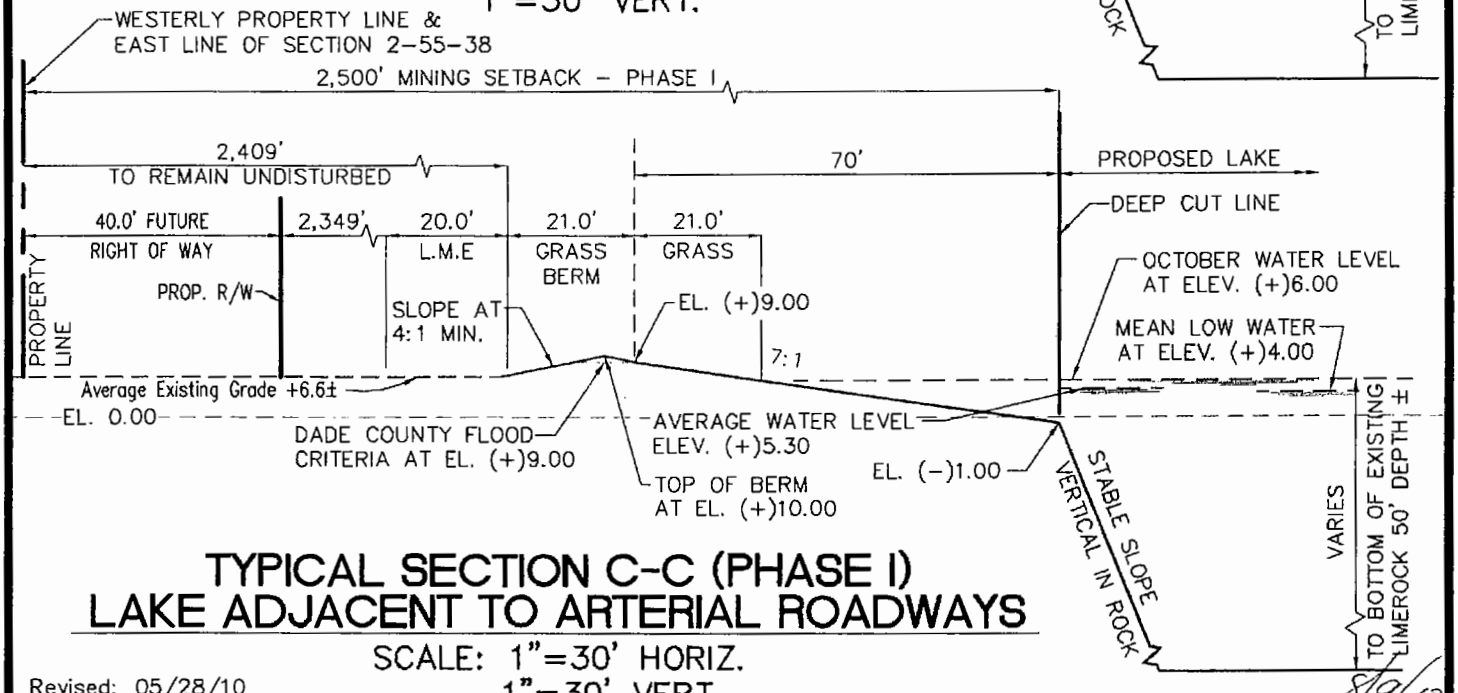
Rev#1 Z09-176 AG 7

JSN



TYPICAL SECTION A-A
LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.



TYPICAL SECTION C-C (PHASE I)
LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

Revised: 05/28/10
Revised: 05/05/09
Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

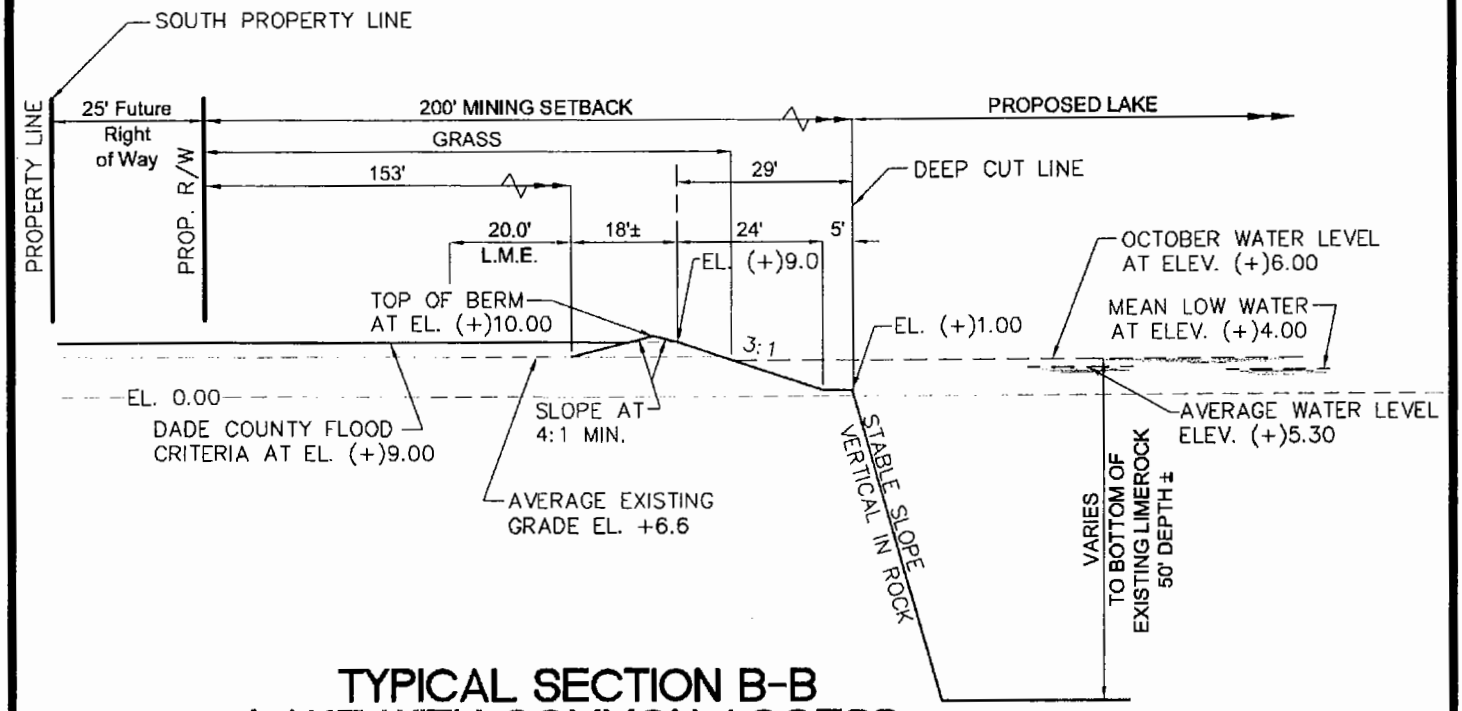
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	5 of 6

27

209-176
Rev#1 M G T

JSA



TYPICAL SECTION B-B
LAKE WITH COMMON ACCESS, NOT ADJACENT TO ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Revised: 09/29/08
Revised: 01/09/08

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

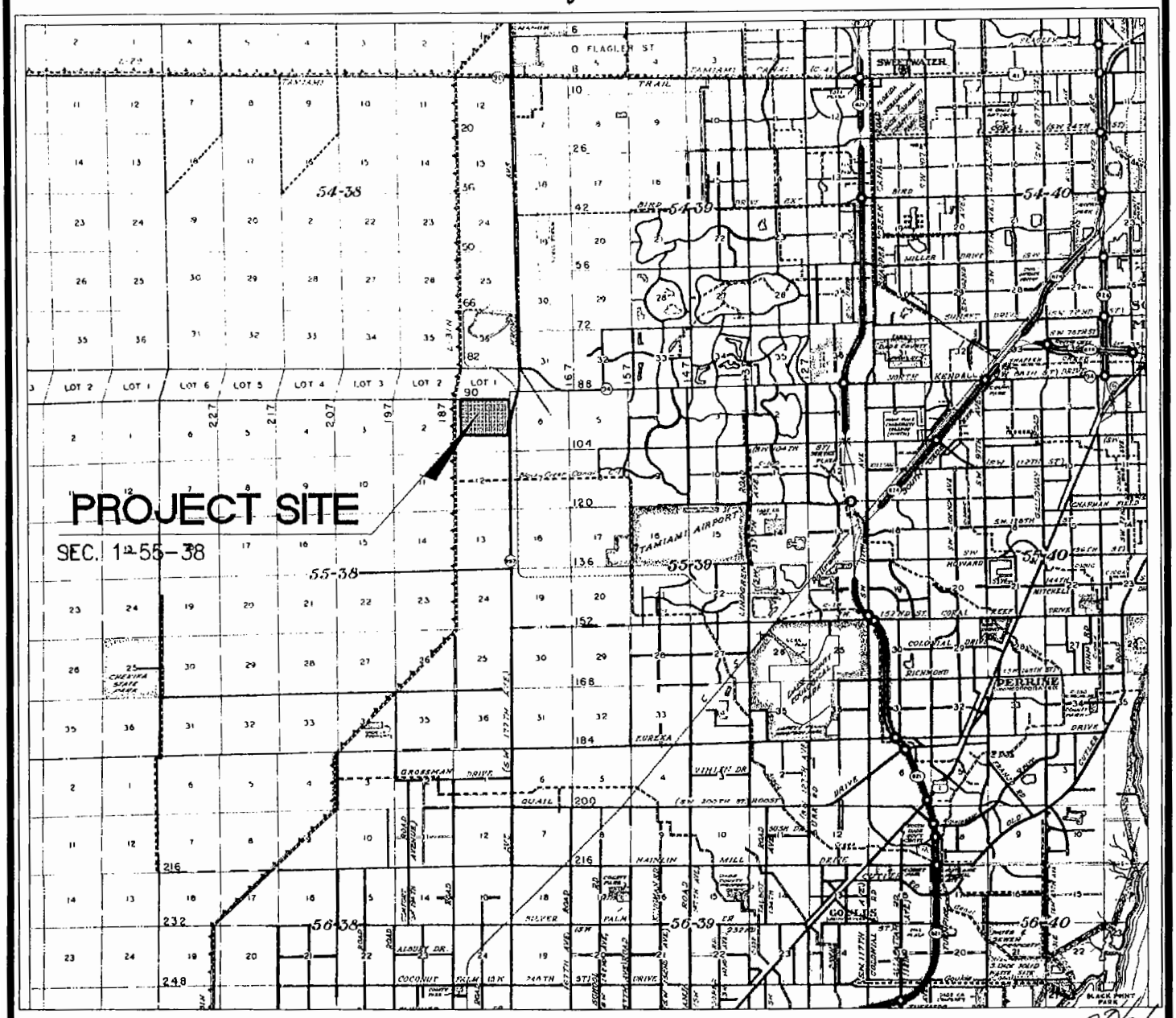
PROP. LAKE EXCAVATION - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	6 of 6

209-176 Rev#1

JSH



LOCATION SKETCH

SECT 1, TWP. 55s, RNG. 38e.
N.T.S.

Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

N

5/27/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

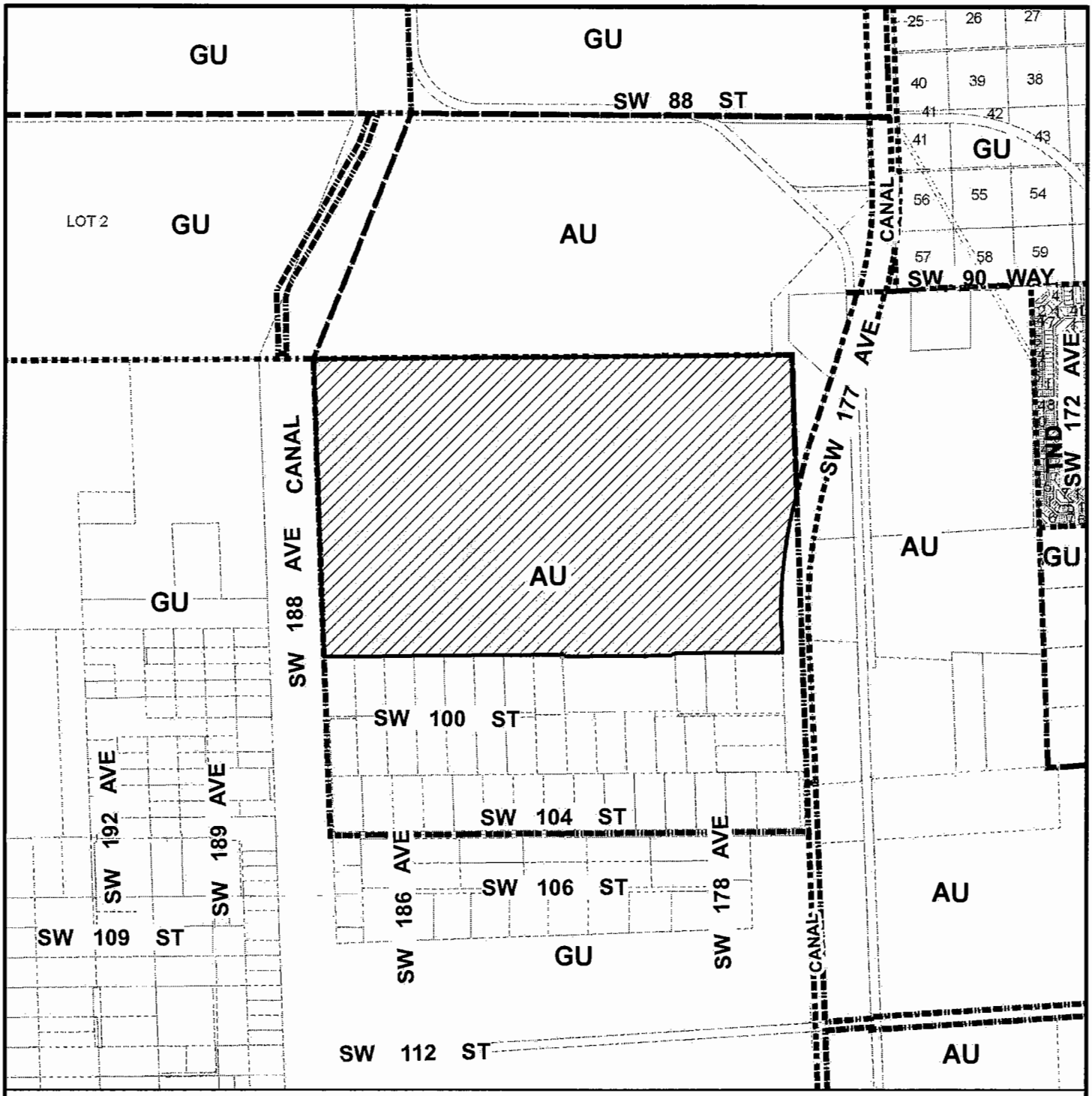
Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	1 of 6

29



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-176

Section: 01 Township: 55 Range: 38
Applicant: SANTA FE HACIENDAS LLC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS

N
W E
S

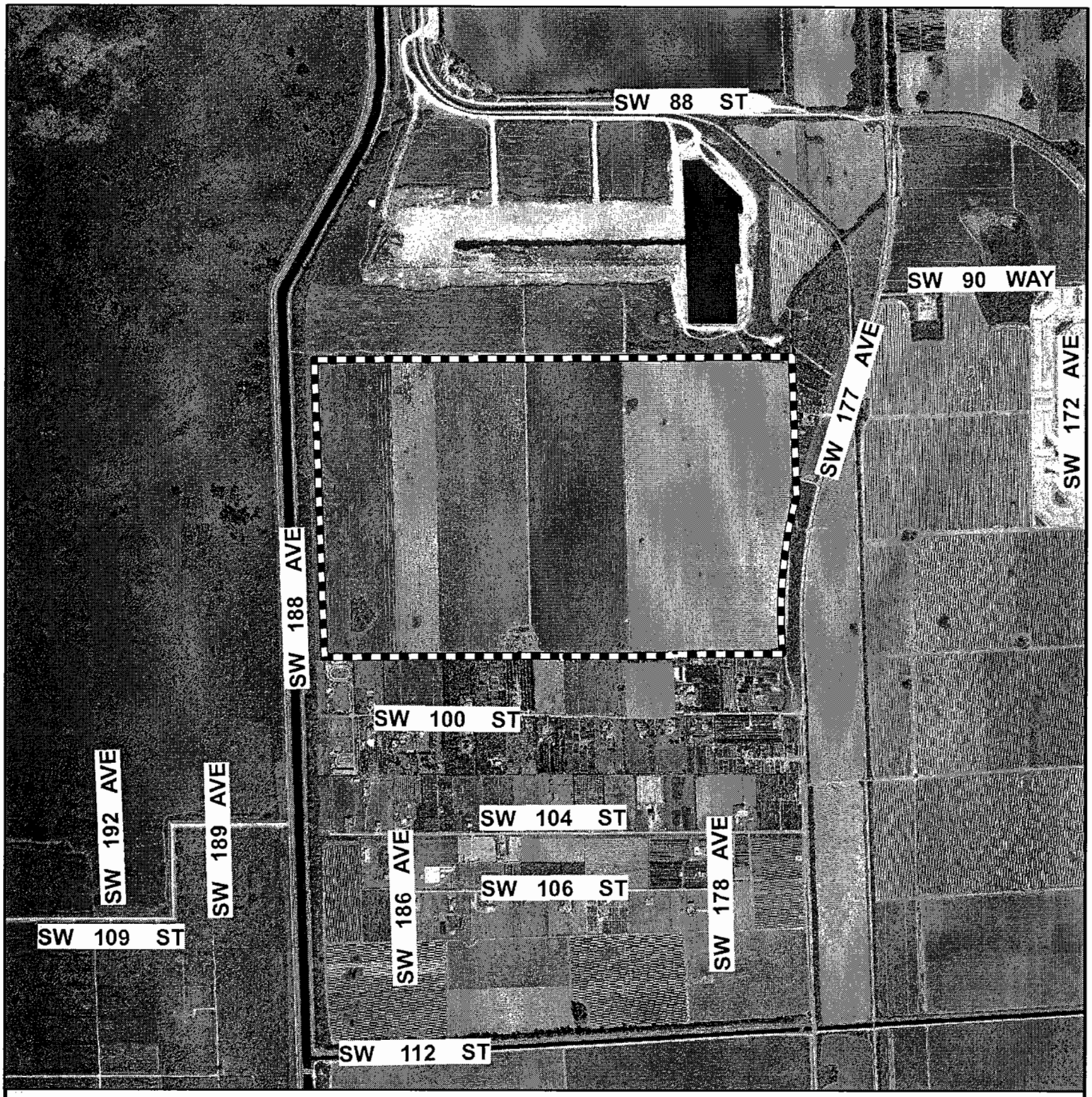
SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

30



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

09-176

Section: 01 Township: 55 Range: 38
Applicant: SANTA FE HACIENDAS LLC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS

N
W E
S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

BCC — April 28, 2011
Item # — Z09-176
Santa Fe Haciendas, LLC

This instrument was prepared by:
Name: Kerri L. Barsh, Esq.
Address: Greenberg Traurig
333 Ave. of the Americas
40th Floor
Miami, FL 33131

PLANNING AND ZONING
AGENDA OFFICE
2011 APR 20 A 11:46

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto (the "Property"), which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the Owner and its co-applicant, CEMEX Construction Materials Florida, LLC (the "Operator"), during consideration of Public Hearing No. 09-176 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. The approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.

2. The complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Planning and Zoning (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.

3. The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM).

4. Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of the DERM.

5. If the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.

6. The time for the completion of the project, including the lake excavation and grading, shall be 25 years, depending upon the time required to secure the Phase II permits, and the work shall be carried on expeditiously so that the work will be completed within the allocated time.

7. If, in the opinion of the Director of the Department of the Planning and Zoning, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.

8. The hours of the lake excavation operation shall be controlled by the Director, except that the Operator shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays; Saturday and Sunday operation and/or hours of operation other than 7:00 A.M. to 5:00 P.M. on weekdays, may be allowed by the Director only if the same does not become a nuisance to the surrounding area.

9. To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

10. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

11. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Department of Environmental Resources Management.

12. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works Department.

13. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.

14. All applicable federal, state and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.

15. The Operator shall, prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.

16. The Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.

17. The Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.

18. The Operator shall obtain and renew on an annual basis, an Excavation Use Permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.

19. **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.

20. **Covenant Running with the Land**. This Declaration 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 its heirs, successors, and assigns until such time as the covenant 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 its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

21. **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.

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

Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director 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.

23. **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.

24. **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.

25. **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.

26. **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.

27. **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

28. **Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the application for Public Hearing No. 09-176. 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 for Public Hearing No. 09-176, in its entirety, and upon written request, the Director t or the executive officer of the successor of the Department of Planning and Zoning, 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.

29. **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.

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

[Execution Pages Follow]

(Space reserved for Clerk)

Signed, witnessed, executed and acknowledged on this 19 day of April , 2011.

IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

Witnesses:

Signature Paulette Gonzalez Print Name Paulette Gonzalez	**Santa Fe Haciendas, LLC, a Florida limited liability company**
Signature Print Name JORGE NAVARRO	By Masoud Shojaee, **Managing Member**
STATE OF FLORIDA	**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Managing Member of Santa Fe Haciendas, LLC, on behalf of the LLC. He is personally known to me or has produced FLA Driver's License as identification.

Witness my signature and official seal this 19 day of April, 2011 , in the County and State aforesaid.

IRIS V. ESCARRA Notary Public - State of Florida My Comm. Expires Oct 6, 2012 Commission # DD 813681 Bonded Through National Notary Assn.	Signature Notary Public-State of Florida Print Name IRIS ESCARRA
My Commission Expires:	

Exhibit "A"

Legal Description:

A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NO2'06'03"W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NO2'06'03"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89'30'05"E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02'06'00"E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76'17'57"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177TH AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15'48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02'06'00"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02'06'00"E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE 589'30'05"W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE NO2'06'03"W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.

D. ASPIRA OF FLORIDA, INC.
(Applicant)

11-3-CC-3 (10-030)
BCC/District 09
Hearing Date: 04/28/11

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
1955	Lyle T. Pritchard	- Zone change from AU to BU-1A.	ZAB	Denied
1955	Lyle T. Pritchard	- Zone change from AU to BU-1A.	BCC	Approved w/conds.
1967	Marvin Schild, ET AL	- Modify Resolution.	BCC	Approved w/conds.
1976	Marvin Schild, ET AL	- To permit the sales of beer & wine.	C04	Approved
1986	Ralph Laughridge	- Use Variance to permit a motel. - Non-Use Variance for setbacks. - Parking.	C04	Approved w/conds.
1988	Falcon Motors Inn, Inc.	- Non-Use Variance sign regulations.	C04	Approved w/conds.
2007	Aspira of South Florida	- Special Exception to permit charter school. - Non-Use Variance for lot area. - Lot Coverage. - Setbacks.	BCC	Approved w/conds.

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

ZONING ACTION

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

DATE: 3/17/2011 **#Z-**

ITEM: 3
APPLICANT: ASPIRA OF FLORIDA, INC.
(11-3-CC-3/10-030)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

Memorandum

MIAMI-DADE COUNTY

Date: April 28, 2011

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Aspira of Florida, Inc. (Z10-030)

SUMMARY OF REQUESTS:

The applicant is requesting a Modification of a previously approved Resolution and Declaration of Restrictions in order to submit revised plans, request an increase in the number of students permitted in Phase I from 300 to 400 students, limit the enrollment permitted in Phase II to a maximum of 200 additional students, for a total maximum enrollment of 600 students, request an extension of time for a previously approved modular building and request a non-use variance to permit an interior side (north) setback of 29'1" (29'4" previously approved, 50' required).

LOCATION: 13330 SW 288 Street, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee on February 9, 2011 because the applicant is requesting to modify a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

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

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

DIC RECOMMENDATION:

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

In addition, as part of the motion, the Executive Council added the following condition:

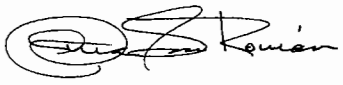
- That bicycle racks be provided on the subject property.

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 conditions and 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. Z10-30
ASPIRA OF FLORIDA, INC.,

Respectfully Submited,

DIC Executive Council
February 09, 2011

Susanne M. Torriente Assistant County Manager		AYE
Manny C. Mena, Division Fire Chief Miami-Dade Fire Rescue Department		AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat		AYE
Grisel M. Rodriguez, Assistant Director for Zoning Department of Planning and Zoning		AYE
Esther Calas, P.E., Director Public Works Department		Absent
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt		AYE
John W. Renfrow, P.E., Director Miami-Dade Water and Sewer Department		Absent

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Aspira of Florida, Inc. **PH:** Z10-030 (10-BCC)

SECTION: 2-57-39 **DIC DATE:** February 9, 2011

COMMISSION DISTRICT: 9

==========

A. INTRODUCTION:

o SUMMARY OF REQUESTS:

The applicant seeks to modify conditions of a previously approved Resolution along with paragraphs of the accompanying Declaration of Restrictions to allow for the extension of the time period for the use of a modular structure on the previously approved Charter School property, an increase in the amount of children in Phase I of the Charter School development, and limit the amount of children permitted in Phase II. Additionally, the applicant seeks to permit an existing building with a greater encroachment into the interior side (north) setback area than was previously approved.

o REQUESTS:

(1) MODIFICATION of Condition #2 and #7 of Resolution Z-7-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That the use of the property shall be established and maintained substantially in accordance with the plan submitted with the application entitled "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be modified at public hearing on the application (the "Plan").

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of eight (8) sheets and dated stamped received October 26, 2010.

FROM: "7. That the modular structure be removed from the property upon completion of the 2-story educational facility structure and the retrofitting of the existing buildings or prior to the beginning of the 2009 school year.

TO: "7. That the modular structure be removed from the property upon the completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first.."

(2) MODIFICATION of paragraphs Nos. 6 and 7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 as follows:

FROM: "6. Phase 1 of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year."

TO: "6. Phase 1 of the Charter School shall be limited to a maximum of 400 students. Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School."

FROM: "7. That the modular structure be removed from the property upon completion of the two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. That the modular structure be removed from the property upon completion of the two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

The purpose of the requests is to allow the applicant to submit a new site plan illustrating the relocation of one of the classroom buildings, to extend the time permitted for the use of the modular building and to increase the number of students permitted in Phase I of the Charter School.

(3) Applicant is requesting to permit an existing cafetorium building setback 29'-0" from the interior side (north) property line, (50' required, 29'-4" previously approved).

- **LOCATION:** 13330 SW 288 Street, Miami-Dade County, Florida.
- **SIZE:** 3.53 Acres

B. ZONING HEARINGS HISTORY:

In April 2007, pursuant to Resolution #Z-7-07, the subject property was approved for a Special Exception to permit a charter school along with other requests for setback, lot coverage and lot area. Additionally, the applicant proffered a covenant that limited the use of modular structures on the property up until the 2010-2011 school year and the number of students per phase.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **1.4 miles north of and within the Urban Development Boundary Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category*

is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

2. ***Land Use Element Goal.*** *Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.*

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

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

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

6. ***Objective EDU-1.*** *Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective EDU-2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.*

7. ***Policy EDU-1A.*** *Cooperate with the Miami-Dade County Public School System in their efforts to continue to provide new student stations through the Capital Outlay program, in so far as funding is available.*

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

9. ***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.*

8.

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

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;

    viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by the development. The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU; charter school	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: GU; gas station RU-1: trailer park	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-3M; condominiums, rental apartments	Low-Medium Density Residential, 6 to13 dua
EAST: AU; Homestead Airbase	Institutions, Utilities and Communications
WEST: GU; shopping center	Low Density Residential, 2.5 to 6 dua

E. PERTINENT ZONING 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.

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

Section 33-314 Direct applications and appeals to the County Commission

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

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311 (A)(3) of this code.

(13) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.

Section 33-153 Public hearing required in all districts.

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

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions.

G. PLANNING AND ZONING ANALYSIS:

This application is being heard by the Board of County Commissioners pursuant to Section 33-314 of the Code of Miami-Dade County which states the County Commission shall have jurisdiction to directly hear applications for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

The subject property is designated **Low Density Residential** Use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The CDMP indicates that other uses permitted in residential communities are neighborhood and community services including **schools** only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Additionally, existing uses and zoning classifications are not specifically depicted on the LUP map; however; all existing lawful uses and zoning are deemed to be consistent with the CDMP. Staff notes that the existing charter school was previously approved with conditions pursuant to Resolution No. Z-7-07, at which time the applicant proffered a covenant, which among other things, limited the use of the modular structure to the beginning of school year 2010-2011. Approval of the modification of conditions of a resolution (request #1) and of paragraphs of an accompanying Declaration of Restrictions (request #2), would allow for; (a) the extension of the time period for the use of a modular structure on the previously approved charter school property; (b) increase the maximum amount of children allowed during Phase I of the development of the Charter School from 300 to 400 and (c) limit the maximum amount of children allowed in Phase II, to keep the total number of children at the school at 600. The proposed extension would allow the applicant to continue to provide additional solutions to school overcrowding (Objective EDU-1) and an operational alternative which mitigates the impacts of overcrowding, while maintaining the instructional integrity of the educational program (Policy EDU-1C). Notwithstanding, Policy LU-4A of the CDMP's interpretative text states that when evaluating compatibility among proximate uses, the County shall consider, among other things, such factors as traffic, noise, access, and hours of operation. Staff is of the opinion that approval of the applicant's request for an extension of the time for the use of the modular building and an increase in the amount of children allowed in Phase I of the Charter School development will not have a negative visual and aural effect on the surrounding properties. As such, staff is of the opinion that approval of the application will be **compatible** with the area and **consistent** with the LUP map of the CDMP.

When requests #1 and #2 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modifications will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Additionally, staff notes that the applicant has stated in their Letter of Intent that the extension of time and the increase in the number of children in Phase 1 from 300 to 400 will not intensify the use of the subject property by expanding the number of grades or the total number of students previously approved, pursuant to Resolution No. Z-7-07. Staff acknowledges that DERM, the Public Works, Miami-Dade Fire-Rescue, Water and Sewer and Miami-Dade Transit Departments do not object to the application and based on their memoranda pertaining to this application, staff

opines that approval of these requests will not unduly burden the services provided by the County in this area. In addition, the site plans submitted by the applicant depict a proposed continuous row of trees, 18' tall at time of planting along the front (south), interior sides (north and west) and side (east) property lines which staff opines will be sufficient to mitigate any negative visual impact the modular structure or the encroachment of the classroom buildings will have on the surrounding area and in particular, the completed apartment buildings located to the south of the subject property. Further, staff opines that the parking, drives and playground for the school are oriented to the north and center of the property, away from the residential uses located to the south and as such, will not have a negative aural impact on said residential developments located to the south. Staff, therefore, opines that the approval of the applicant's requests would not have a protracted negative visual or aural impact on the recently developed residential developments to the south and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7), Generalized Modification Standards.

When request #3, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the cafetorium building was previously approved, pursuant to Resolution #Z-7-07, setback 29' 4" from the interior side (north) property line and as such, the requested additional 4" encroachment into said setback area is minimal and would not have a negative visual impact on the surrounding area. Further, in addition to the aforementioned approval for a setback encroachment, the subject property was also approved for variances of 14' 10" and 15' 1" (50' required for both) along the interior side (west) and side (east) property lines in said Resolution in April 2007. The applicant's letter of intent indicates that the purpose of this request is to accommodate a slight shift in the building due to the location of an existing water main and its easement. As such, staff opines that approval of the applicant's request for a 29' setback along the interior side (north) property line is not overly intensive and will not set a precedent for overly intensive variances of the setback requirements. Therefore, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

Based on the aforementioned, staff maintains that approval of the modifications (request #1 and #2) to allow the extension of time for the use of the modular building up until the 2013-2014 year as requested and to increase the number of children in Phase 1 of the development, along with the increased setback encroachment (request #3), would be **consistent** with the LUP map of the CDMP and **compatible** with the surrounding area. Accordingly, staff recommends approval of requests #1 and #2 under Section 33-311(A)(7) and approval with conditions of request #3 under Section 33-311(A)(4)(b) NUV Standards.

H. RECOMMENDATION:

Approval with conditions.

I. CONDITIONS:

1. That all the conditions of Resolution #Z-7-07 remain in full force and effect except as herein modified.

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

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

DATE TYPED: 08/11/10
DATE REVISED: 08/12/10, 08/17/10, 08/18/10, 01/19/11, 01/20/11, 01/27/11, 02/02/11
DATE FINALIZED: 02/02/11
MCL:GR:NN:JV:NC:CH

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

NDN
J.V.
GR

Memorandum

MIAMI-DADE COUNTY

Date: December 16, 2010

To: Jorge Vital
Educational Facilities Coordinator
Department of Planning and Zoning

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

Subject: Recommendations for Aspira of Florida, Inc., Process No. Z2010000030

Miami Dade County Public Works Department Traffic Engineering Division (TED) has no objections to this application provided the recommendations and comments, as indicated below, are adequately addressed in the related documentation, and found acceptable to TED.

TED has reviewed the Letter of Intent, dated 10/21/2010; the Survey, revised 04/20/2010; and the Declaration of Restrictions, recorded on 06/28/2007, in Record Book 25739, Pages 2913 – 2924, for the proposed facility located at 13330 SW 288 Street, and has the following recommendations and comments:

- Letter of Intent Comments:

  The applicant shall propose to modify the existing Declaration of Restrictions by including the following statement: "The applicant shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights-of-way onto the school site. Access to onsite loading facilities shall be open a minimum of 45 minutes prior to all arrival and dismissal time(s)."

- Project Requirements

  1. School speed zone flashing beacons and signs are required along SW 288 Street to supplement the existing 15 MPH School Speed Zone signs, and 15 MPH School Speed Zone signs and pavement markings are required along old Biscayne Drive on the south side of the site, as previously required.

  2. All off-site improvements shall be constructed prior to the school expansion.

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

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division
Tiffanie A. Pauline, Executive Director, Charter School Operations, MDCPS
Mohammed Mansuri, P.E., Public Works Land Development
Leandro Rodriguez, Public Works Land Development

Memorandum

MIAMI-DADE COUNTY

Date: November 16, 2010

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

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

Subject: C-15 #Z2010000030-1st Revision
Aspira of Florida, Inc.
13330 S.W. 288th Street
Requesting Modification of a Condition
(GU) (3.53 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
This application qualifies for No-Notice General Permit.

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

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

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

Tree Preservation
Tree Removal Permit 2008-TREE-PER-00244 was issued for this property to Aspira of Florida Inc, on May 6, 2008. This permit expired on May 6, 2009, however the property passed a final inspection that was performed by DERM staff on October 13, 2009.

Please be advised that a Tree Removal Permit is required for the removal or relocation of any trees that have not been previously permitted. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History
DERM has found five (5) closed enforcement records for the subject property identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing preliminary notice.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case for failure to secure a Private Sanitary Sewers Operating Permit. A Uniform Civil Violation Notice (UCVN # 733159) was issued on 03/18/99 and the case was subsequently closed with the issuance of the permit on April 23, 1999.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case for failure to secure a Private Sanitary Sewers Operating Permit. A Uniform Civil Violation Notice (UCVN # 708071) was issued on February 16, 2000 and the case was subsequently closed with the issuance of the permit on March 14, 2000.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case relating to a pump out of service, and Warning Notice issued on August 22, 2005. A Uniform Civil Violation Notice (UCVN # 969662) was issued on September 27, 2005 for failure to comply with the Warning Notice and the case was subsequently placed in dormant status, due to the selling of the property. A new enforcement action was open citing the new property owner.

Falcon Motor Inn
DERM has file # PSO-365. A Notice of Violation was issued on May 11, 2005 for failure to submit a Sanitary Sewer Evaluation Survey (SSES). The case was closed with the submittal of the SSES and plans on January 26, 2007.
Falcon Motor Inn
DERM has file # PSO-365. A Notice of Violation was issued on December 10, 2004 for failure to secure a Private Sanitary Sewers Operating Permit. The case was closed with the issuance of the permit on March 31, 2005.

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

Memorandum

MIAMI-DADE COUNTY

Date: December 13, 2010

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

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

Subject: DIC 2010000030 – Aspira of Florida, Inc.
13330 SW 288 Street, Miami-Dade County, Florida
Revision No. 1

According to the letter of intent dated March 18, 2010, the applicant is seeking to modify a Resolution and Declaration of Restrictions for the purpose of requesting an extension of time in connection with the use of an approved modular building for an existing Charter School.

On October 21, 2010, the applicant proffered an addendum to the letter of intent seeking to modify a Resolution and Declaration of Restrictions in order to increase the number of students permitted in Phase I and reduce the number of students permitted in Phase II of the subject Charter School. Additionally, the applicant is seeking a non-use variance of setback requirements in order to allow the Charter School to setback less than required from the northern property line.

The approval of the requests will allow the applicant to continue utilizing the modular building during the development of the previously approved Charter School facility and reconfigure the number of students for Phase I and II of the Charter School.

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to the application. According to the letter of intent dated October 21, 2010, the application will not expand the grade levels or increase the number of students. As such, there will be no impacts to capacity or levels of service that MDFR provides to that area of the County.

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the site plan entitled 'Aspira South Charter School' as prepared by Civica Architects, dated stamp received October 26, 2010.

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

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

HL:ch

Heredia, Carlos (MDFR)

From: Bennett, Ron (MDFR)
Sent: Monday, December 13, 2010 11:08 AM
To: Heredia, Carlos (MDFR)
Subject: RE: DIC 10-30

No objection to the site plan that is date stamped October 26, 2010.

R.J. Bennett, FSS2

Miami-Dade Fire Rescue Department
Fire Engineering and Water Supply Bureau
Telephone: (786) 315-2855
Fax: (786) 315-2922
"Delivering Excellence Every Day"

From: Heredia, Carlos (MDFR)
Sent: Monday, December 13, 2010 10:52 AM
To: Bennett, Ron (MDFR)
Subject: DIC 10-30

Ron,

I would appreciate your help in reviewing DIC 10-30. The applicant submitted a revised letter of intent (which I would like for you to review) increasing the number of students and stating that the building was slightly shifted to accommodate a water line.

Please let me know if the current site plan is acceptable.

Thank you,

Carlos Heredia, Planning Section Supervisor
Miami-Dade Fire Rescue Department
Planning Section
9300 NW 41 Street, Doral, Florida 33178
786-331-4544 (Office)
305-322-9742 (Mobile)
786-331-5259 (Fax)
carlos.heredia@miamidade.gov
www.miamidade.gov/mdfr

"Delivering Excellence Every Day"
"Always Ready, Proud to Serve"

Memorandum

MIAMI-DADE COUNTY

Date: July 14, 2010

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #10-030
Aspira of Florida
DN-10-07-395

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #10-030, Aspira of Florida. The applicant is requesting a modification to a condition in a previously approved resolution and covenant. The subject property contains ± 3.53 acres and is located at 13330 SW 288 Street in Miami-Dade County, Florida.

Based on the available information, MDAD determined that the proposed use is compatible with operations from Homestead General Aviation Airport. Please be advised, however, that the applicant is required to contact Mr. Larry Ventura of Homestead Air Reserve Base (HARB) so he is notified of the requested modification to a condition in the previously approved resolution and covenant. Mr. Ventura may be reached at 305-224-7163 or at Lawrence.ventura@homestead.af.mil. Please note that MDAD does not have jurisdiction over Homestead Air Reserve Base.

C: S. Harman
Jorge Vital, DIC Coordinator, Department of Planning & Zoning

DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

02 August 2010

Lawrence Ventura
Chief, Environmental Flight
482 MSG/CEV
29350 Westover Street, Bldg 232
Homestead ARB, FL 33039-1299

Mr. Marc C. LaFerrier, Director
Miami-Dade Department of Planning and Zoning
111 NW 1st Street, 12th Floor
Miami, FL 33128

Dear Mr. LaFerrier,

This letter is in response to the zoning application DIC #10-30, Aspira of Florida. Aspira is seeking to modify a condition of their zoning approval in order to extend the use of a modular building an additional three years. The school is not proposing an expansion or any modification to its current operations.

Homestead Air Reserve Base (HARB) has no objections to the modification. However, HARB reminds the applicant that modular buildings are usually less insulated than standard construction. Accordingly, noise generated by HARB aviation activities may be distracting to the School's staff and students in the modular building. In addition, HARB has proposed a new Entry Control Complex near the current main gate. Although the exact date of construction is not know, it is scheduled to be implemented in the near future. Accordingly, their may be additional noise from local contruction for the Entry Control Complex.

If you have any additional questions or comments in regards to this letter, please feel free to contact me at (305) 224-7163.

Sincerely,

LAWRENCE VENTURA
Chief, Environmental Flight

cc: Leila Batties, Holland & Knight

DATE: 19-NOV-10
REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

ASPIRA OF FLORIDA, INC.,	13330 S.W. 288 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2010000030

HEARING NUMBER

HISTORY:

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT:

UPDATE ONLY

NEIGHBORHOOD COMPLIANCE ENFORCEMENT:
SEE PREVIOUS HISTORY - NO NEW OPEN OR CLOSED CASES

BUILDING ENFORCEMENT CASES:
UPDATE ONLY

OPEN (BLDG) CASES

A2009002003839 EXPIRED PERMIT

A Notice of Violation was issued on 08-16-2010. Case remains open pending compliance inspection.

CLOSED BUILDING CASES:

There are no new closed cases to report.

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: N/A 03/03/11

Process #:	**Applicant's Name**
Z2010000030	ASPIRA OF FLORIDA, INC.,

Locations: 13330 S.W. 288 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 3.53 ACRES **Folio #:** 3079020030010

Request:

1 Modification of Condition #11 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners and reads as follows:

FROM: "11. That the modular structure be removed from the Property upon completion of the 2-story educational facility structure and the retrofitting of the existing buildings or prior to the beginning of the 2009 school year, whichever occurs first."

TO: "11.That the modular structure be removed from the property prior to the beginning of the 2013-2014 school year, whichever occurs first".

2 Modification of Paragraph # 7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 as follows:

FROM: "7. The modular structure shall be removed from the Property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. The modular structure shall be removed from the Property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first".

EXISTING ZONING

Subject Property GU,

EXISTING USE CHARTER SCHOOL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

school building

USE(S) OF PROPERTY:

charter school with a valid Certificate of Use for Phase 1

FENCES/WALLS:

LANDSCAPING:

BUFFERING:

VIOLATIONS OBSERVED:

ZONING INSPECTION REPORT

BNC MEMO DATED 11/19/2010 REV#2 ON FILE REQUIRES UPDATING. CVN# P001738/$10,510.00 WAS ISSUED ON 12/16/2010 & POSTED 01/21/2011. ALSO OPEN CVN# 708071/ $485.00 ISSUED ON 02/16/2000 BY DERM AND CVN# B114309/ $510.00 ISSUED ON 11/09/2010 BY FIRE.

OTHER:

Process #	Applicant's Name
Z2010000030	ASPIRA OF FLORIDA, INC.,

SURROUNDING PROPERTY

NORTH:
RU1 trailer park and vacant

SOUTH:
RU3M apartment units

EAST:
AU government land

WEST:
GU shopping strip

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS:
Mixed use of apartments, trailer park, strip shopping center and government land

COMMENTS:
**NOTE: THIS IS ONLY FOR ENFORCEMENT HISTORY. AN UPDATED REPORT WILL FOLLOW AFTER SITE INSPECTION.

Memorandum

MIAMI-DADE COUNTY

Date: July 9, 2010

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

From: Maria Batista
Principal Planner
Miami-Dade Transit / Transit Planning Section

Subject: Review of DIC Project No. 10-030 (Aspira of Florida, Inc.)

The applicant is requesting a modification of a previously approved Resolution and Declaration of Restrictions in order to request an extension of time for a previously approved building. The subject property for this application is approximately 3.53 acres and is located at 13330 S.W. 288th Street in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Route 70 along SW 132nd Avenue and SW 288th Street. The service headways for this route (in minutes) are as follows:

Metrobus Route Service Summary
Aspira of Florida, Inc.

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		
70	30	60	60	N/A	60	60	0.1	L

Notes: *L means Metrobus local service*
F means Metrobus feeder service to Metrorail
E means Metrobus express or limited-stop service

Future Transportation/Transit Improvements

Currently, the 2011 Transportation Improvement Program (TIP) does not propose any improvements in the immediate vicinity of this project. The 2035 Long Range Transportation Plan (LRTP) also does not propose any improvements in the immediate vicinity of this project.

The draft 2010 ten-year Transit Development Plan (TDP) identifies in its 2020 Recommended Service Plan the following improvement/adjustment on the existing route serving the vicinity of the project:

Route 70: Truncate route at Southland Mall when Cutler Bay Circulator begins service

No new bus service is proposed in the immediate vicinity of this project within the 2020 Recommended Service Plan.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application site. 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: November 22, 2010

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

Thru Maria I. Nardi, Chief M.N.
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z10-030 Aspira of Florida, Inc. (Second Amended Letter of Intent 10/21/2010)

Application Name: Aspira of Florida, Inc.

Project Location: The site is located at 13330 SW 288th Street, Miami-Dade County. The site is currently used as a charter school for 600 students in grades K-8.

Proposed Development: The applicant has submitted an amended Letter of Intent dated 10/21/2010 requesting approval for an extension of time in connection with the use of an approved modular building, change in phasing for enrollment not to exceed 600 students and a non-use variance to shift the building location.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

Therefore, we have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum

MIAMI-DADE COUNTY

Date: November 24, 2010

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

From: Maria A. Valdes
Planning & Water Use Unit Supervisor

Subject: ASPIRA of Florida, Inc
DIC Application # Z2010000030

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

Application Name: ASPIRA of Florida, Inc.

Proposed Development: The applicant is requesting an extension of time in connection with the use of an approved modular building until completion of the new two story educational facility depicted in Phase II of the Plan or prior to the beginning of the 2013-2014 school year, whichever comes first. Said school was previously approved by resolution No. Z-7-07. The school is approved for a total of six hundred (600) students for grades K-8 and a total of 49 teachers/staff. The school will have a total gross area of 48,430 square feet. The total water demand of the school is 5,812 gallons per day (gpd), based on new rates implemented on October 1, 2010. Please see the table below which describes the project total net increase of water demand.

Total Water Demand		
USE	Rate	Water Demand (gpd)
Proposed Total School Square Footage = 48,430 sq.ft.	12gpd/100sq.ft.	5,812
• Two existing school buildings = 19,775 sq. ft. • Existing Modular Building = 5,700 sq.ft. **Total Existing Use Square Footage = 25,475 sq.ft.**	12gpd/100sq.ft.	3,057
	NET Increase	**2,755**

Project Location: The subject property is located at 13330 SW 288th Street, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. The source of water for this project is the Alexander Orr Water Treatment Plant. The plant is operating under a 20-year Water Use Permit issued by South Florida Water Management District on November 1, 2010. MDWASD will be the utility providing water services subject to the following conditions:

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

Sewer: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.
- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

Should you have any questions, please call me at (786) 552-8198.

ASPIRA SOUTH CHARTER SCHOOL

13330 SW 288TH Street
Leisure City, FL 33033

APPLICANT:

ASPIRA OF FLORIDA, Inc.

4100 N.E. 2nd Avenue, Suite 302
Miami, FL 33137

DATE: OCT, 2010

ISSUE FOR: D.I.C. MODIFICATION TO 2007 APPROVAL

INDEX OF DRAWINGS

ARCHITECTURAL

COVER	
A-0.1	PROPOSED SITE PLAN
A-0.2	TYPICAL PARKING DETAILS & DATA
A-1.0	PROPOSED FIRST FLOOR PLAN
A-2.0	PROPOSED SECOND FLOOR PLAN
A-3.0	PROPOSED ELEVATIONS
LA-1	PROPOSED LANDSCAPE PLAN
LA-2	SPECIFICATION PLANT LIST

ARCHITECT

CIVICA

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

ASPIRA SOUTH

13330 SW 288TH Street
Leisure City, FL 33033

ASPIRA OF FLORIDA, Inc.
4100 N.E. 2nd Avenue, Suite 302
Miami, FL 33137

DATE: OCT, 2010

ISSUE FOR: D.I.C. MODIFICATION TO 2007 APPROVAL

Aspira

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DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY MC.

RECEIVED
Z10-30
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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

32

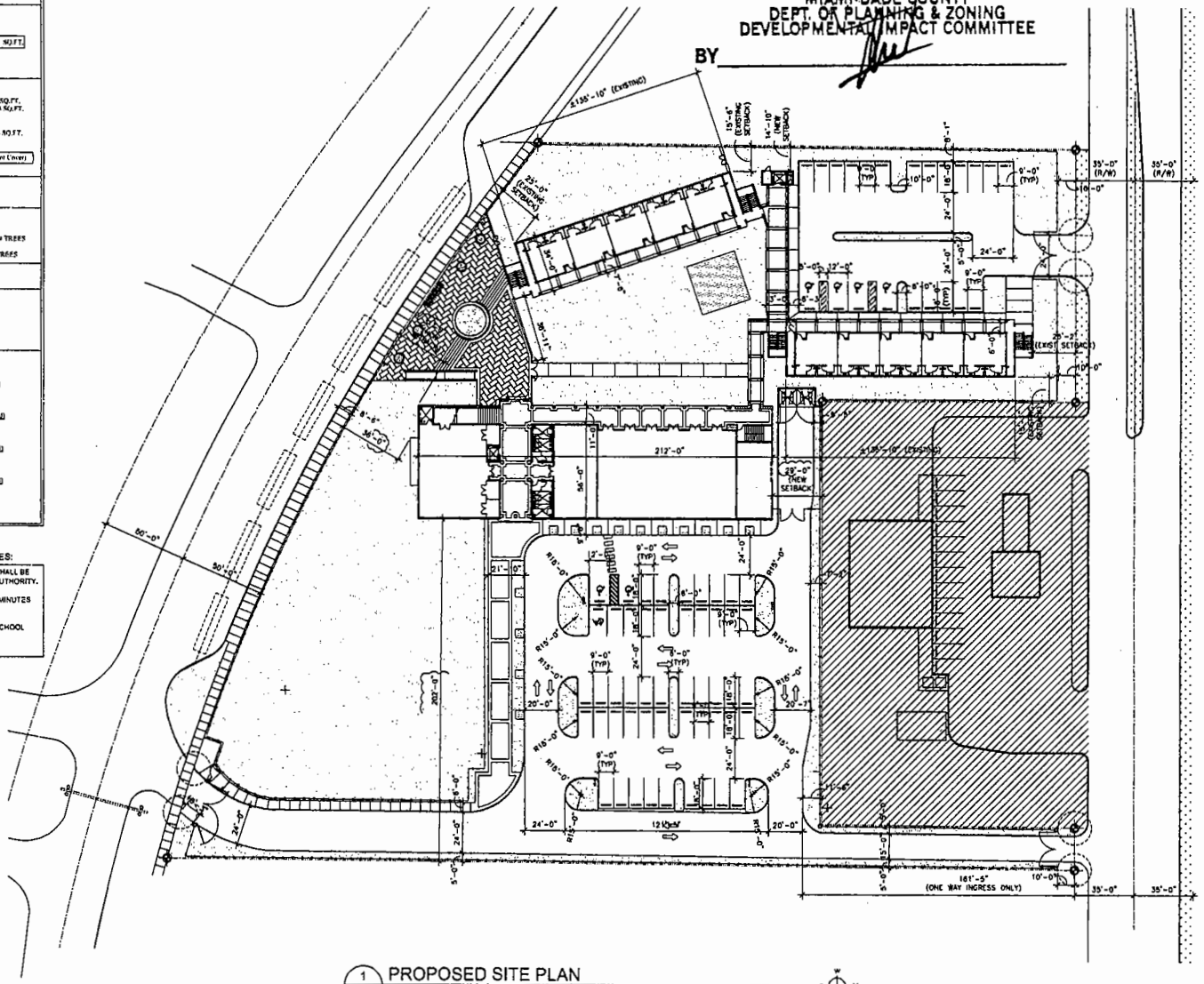
•PROPOSED USE: EDUCATIONAL	•EXISTING (PUBLIC CHARTER SCHOOL)
•ZONING DISTRICT - GU (INTERIM DISTRICT)	
•NET LOT AREA:	(EXISTING TO REMAIN) (INCLUDES PRIVATE ROAD) +/- 3.53 Acres = 153,809.435 SQ.FT.
•LOT COVERAGE: (40% MAX ALLOWED)	
Building Foot Print:	EXST. BLDGS 3,763 SQ.FT. NEW BLDGS 11,388 SQ.FT.
Proposed Open Covered Areas:	ARCADES & CANOPIES 4816 SQ.FT.
TOTAL COVER: 23,971 = (10.8735% Lot Cover)	
•FLOOR AREA RATIO: (EXISTING + PROPOSED BLDG)	
Total Provided: 33,356 SQ.FT. = (0.21 FAR)	
• NUMBER of TREES REQ'D	
REQUIRED 30 TREES PER ACRES: (3.53 x 30) + 19 Street Trees = 117.84 TREES	
PROVIDED	131 TREES
• PARKING REQUIRED..... 54 SPACES	PROVIDED..... 73 SPACES
• BUILDING HEIGHTS	
Allowed (High Point of Top of Roof / Parapet)..... 35'-0"	
Provided..... 34'-6"	
Top of Decorative Towers..... 42'-6"	
• SETBACKS GU-Zoning (Same as EU-2 & EU-1)	
West (Side)..... (15'-0" Min Required)	
Existing..... 15'-0"	
New..... 14'-10"	
North (Rear)..... (15'-0" Min Required)	
Existing..... 25'-0"	
New..... 24'-0"	
East (Side)..... (15'-0" Min Required)	
Existing..... 15'-0"	
New..... 26'-0"	
South (Front)..... (25'-0" Min Required)	
Existing..... 25'-0"	
New..... 31'-0"	

MIAMI-DADE COUNTY TRAFFIC DEPARTMENT / GENERAL NOTES:

1). 15 MPH SCHOOL SPEED ZONE AND SPEED ZONE FLASHING SIGNALS SHALL BE PROVIDED BY MIAMI-DADE PUBLIC WORKS DEPARTMENT AND TRAFFIC AUTHORITY.

2). SCHOOL SHALL OPERATE ON A STAGGERED SHIFT WITH MINIMUM 30 MINUTES BETWEEN SHIFTS FOR ARRIVALS AND FOR DISMISSAL TIMES.

3). ALL FULL WIDTH, SCHOOL BUSES PROVIDED SHALL APPROACH THE SCHOOL FROM THE EAST ALONG SW 288th STREET.



1 A0.1 PROPOSED SITE PLAN

SCALE: 1" = 30'

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

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY I.A.F.
APPROVED BY I.A.F.
DATE 7010
SCALE: AS SHOWN

SIGNATURE

ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
A-0.1

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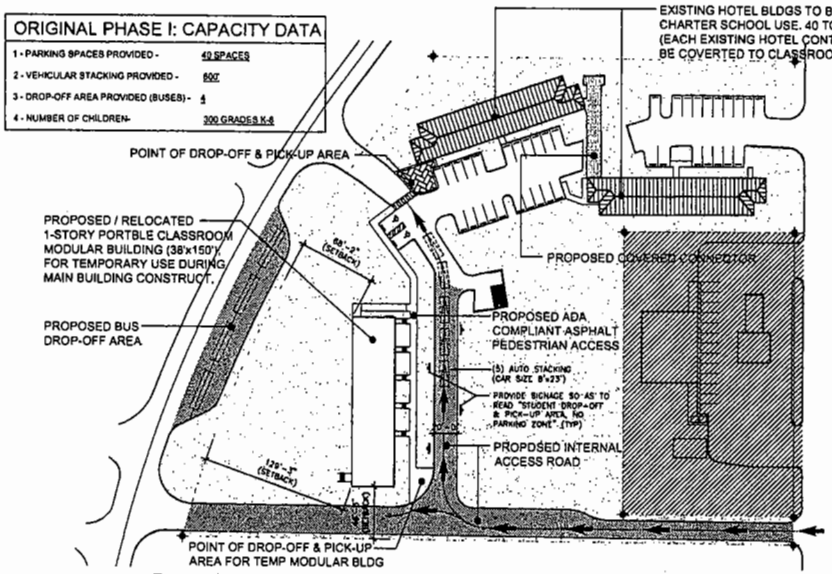
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

ORIGINAL PHASE I: CAPACITY DATA	
1 - PARKING SPACES PROVIDED -	40 SPACES
2 - VEHICULAR STACKING PROVIDED -	600'
3 - DROP-OFF AREA PROVIDED (BUSES) -	4
4 - NUMBER OF CHILDREN-	300 GRADES K-8



1 A0.1A PROPOSED SITE PLAN: (PHASE-I) ORIGINAL APPROVAL

SCALE: 1" = 600'

LOCATION MAP

SCALE: N.T.S.

CIVICA
2121 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9969

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

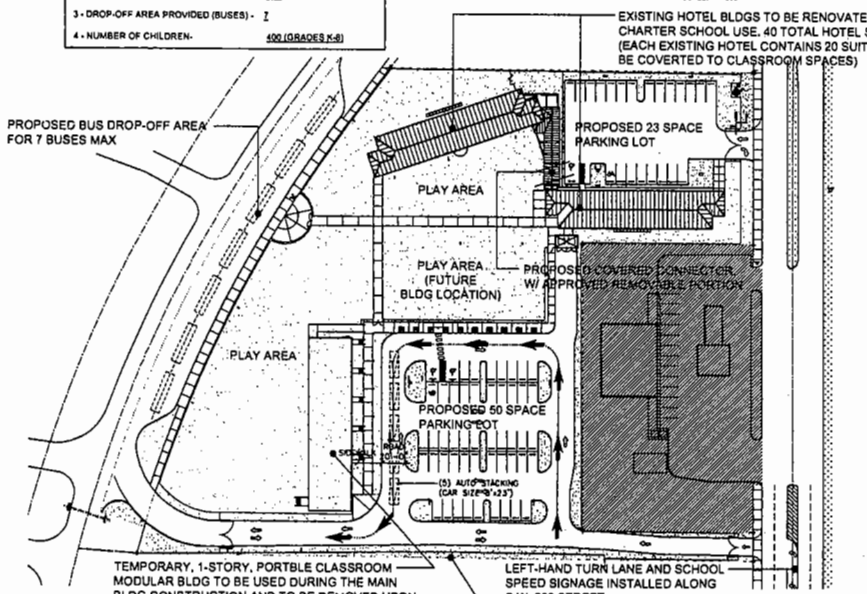
APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY: LAF. APPROVED BY: LAF.
DATE: 2010 SCALE: AS SHOWN

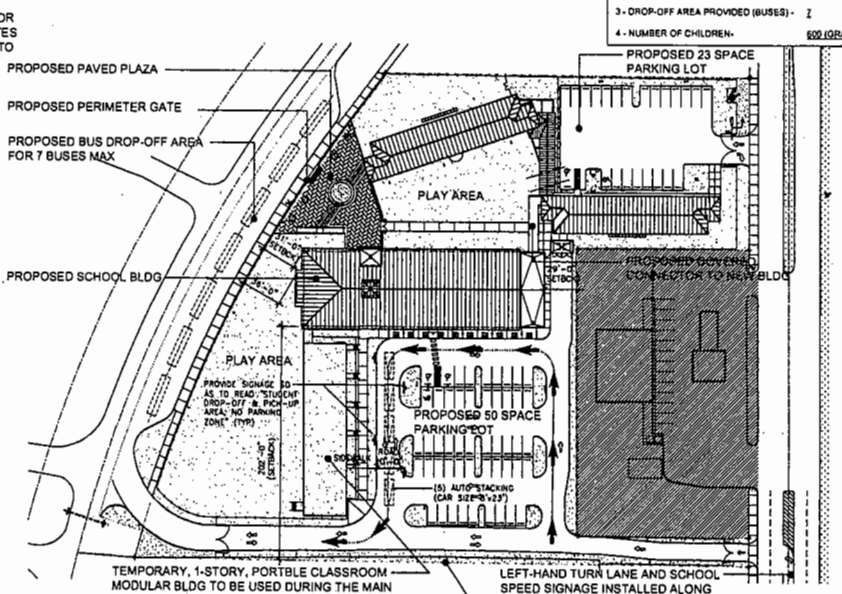
AS-BUILT PHASE I: CAPACITY DATA	
1 - PARKING SPACES PROVIDED -	73 SPACES
2 - VEHICULAR STACKING PROVIDED -	438'
3 - DROP-OFF AREA PROVIDED (BUSES) -	7
4 - NUMBER OF CHILDREN-	600 (GRADES K-8)



1A A0.1A AS-BUILT SITE PLAN: (PHASE-I)

SCALE: 1" = 600'

PHASE II: CAPACITY DATA	
1 - PARKING SPACES PROVIDED -	73 SPACES
2 - VEHICULAR STACKING PROVIDED -	438'
3 - DROP-OFF AREA PROVIDED (BUSES) -	7
4 - NUMBER OF CHILDREN-	600 (GRADES K-8)



2 A0.1A PROPOSED SITE PLAN: (PHASE-II) NEW BLDG

SCALE: 1" = 600'

SIGNATURE

10.18.10

ROLANDO LLANES, AIA
AR - 0013180

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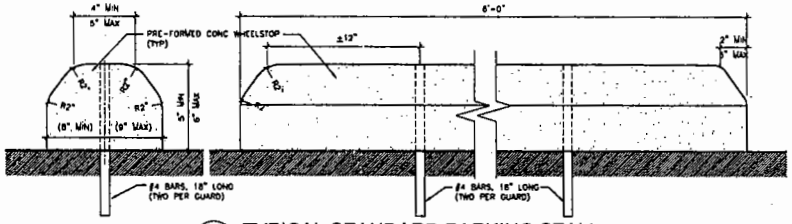
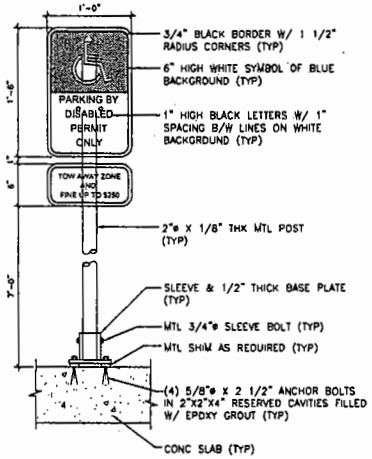
SHEET TITLE
PROPOSED PHASING PLAN

SHEET NUMBER
A-0.1A



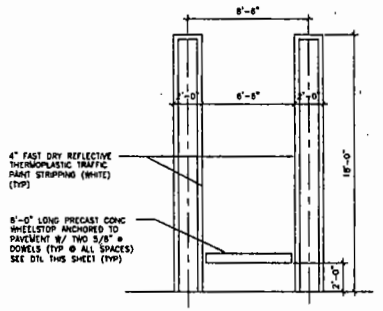
1 A-0.2 TYPICAL STANDARD PARKING STALL

SCALE: 3"=1'-0"



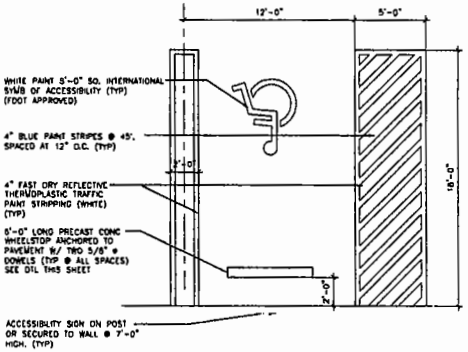
3 A-0.2 TYPICAL ACCESSIBLE PARKING SIGNAGE

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



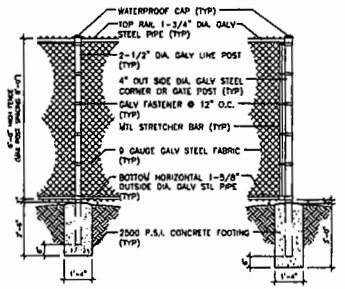
2 A-0.2 TYPICAL STANDARD PARKING STALL

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



4 A-0.2 TYPICAL ACCESSIBLE STANDARD PARKING STALL

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



5 A-0.2 TYPICAL FENCE DETAIL

SCALE: 3/8" = 1'-0"

PARKING DATA FOR K-8th GRADE SCHOOL SITE: (PROPOSED 600 STUDENTS)

Uses Proposed	No. of Classrooms	Classroom Area	No. of Students	No. of Teachers	No. of Assist	No. of Admin	Total Personnel
K-5th GRADES	20	11,700 SQ.FT.	(420 Students)	20	6	6	32
6th-8th GRADES	9	6,283 SQ.FT.	(180 Students)	9	4	4	17
Grand Total	29	17,983 SQ.FT.	600 Students	29	10	10	49

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

Code Requirement	Parking Required		Parking Provided
1 Pkg per e.a. Staff	(32 Staff x 1 space) = 32 spaces	Total Parking Required for K-8: 32 + 22 = 54 Spaces	73
1 Pkg per e.a. Staff plus 1/4 of staff	(17 Staff x 0.25 space) = 4.25 17+5= 22 spaces		
Total Parking Required for K-8th Grade School: 32 + 22 = 54 Spaces Required			Total Parking Provided: 50 + 23 = 73 Spaces *

* 4 Total Handicapped Spaces Provided
*19 Surplus Parking Spaces Provided for Visitor

MIAMI-DADE COUNTY TRAFFIC DEPARTMENT / GENERAL NOTES:

1). 15 MPH SCHOOL SPEED ZONE AND SPEED ZONE FLASHING SIGNALS SHALL BE PROVIDED BY MIAMI-DADE PUBLIC WORKS DEPARTMENT AND TRAFFIC AUTHORITY.

2). SCHOOL SHALL OPERATE ON A STAGGERED SHIFT WITH MINIMUM 30 MINUTES BETWEEN SHIFTS FOR ARRIVALS AND FOR DISMISSAL TIMES.

3). ALL FULL WIDTH, SCHOOL BUSES PROVIDED SHALL APPROACH THE SCHOOL FROM THE EAST ALONG SW 288th STREET.

RECEIVED
Z10-30
OCT 26 2010
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

CIVICA
8323 NW 12th St, Suite 206
Doral, FL 33126
tel: 305.593.9659

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL, 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY: I.A.F.
APPROVED BY: I.A.F.
DATE: 2010
SCALE: AS SHOWN

SEAL & SIGNATURE
ROLANDO LLAMES, AIA
AR - 0012180

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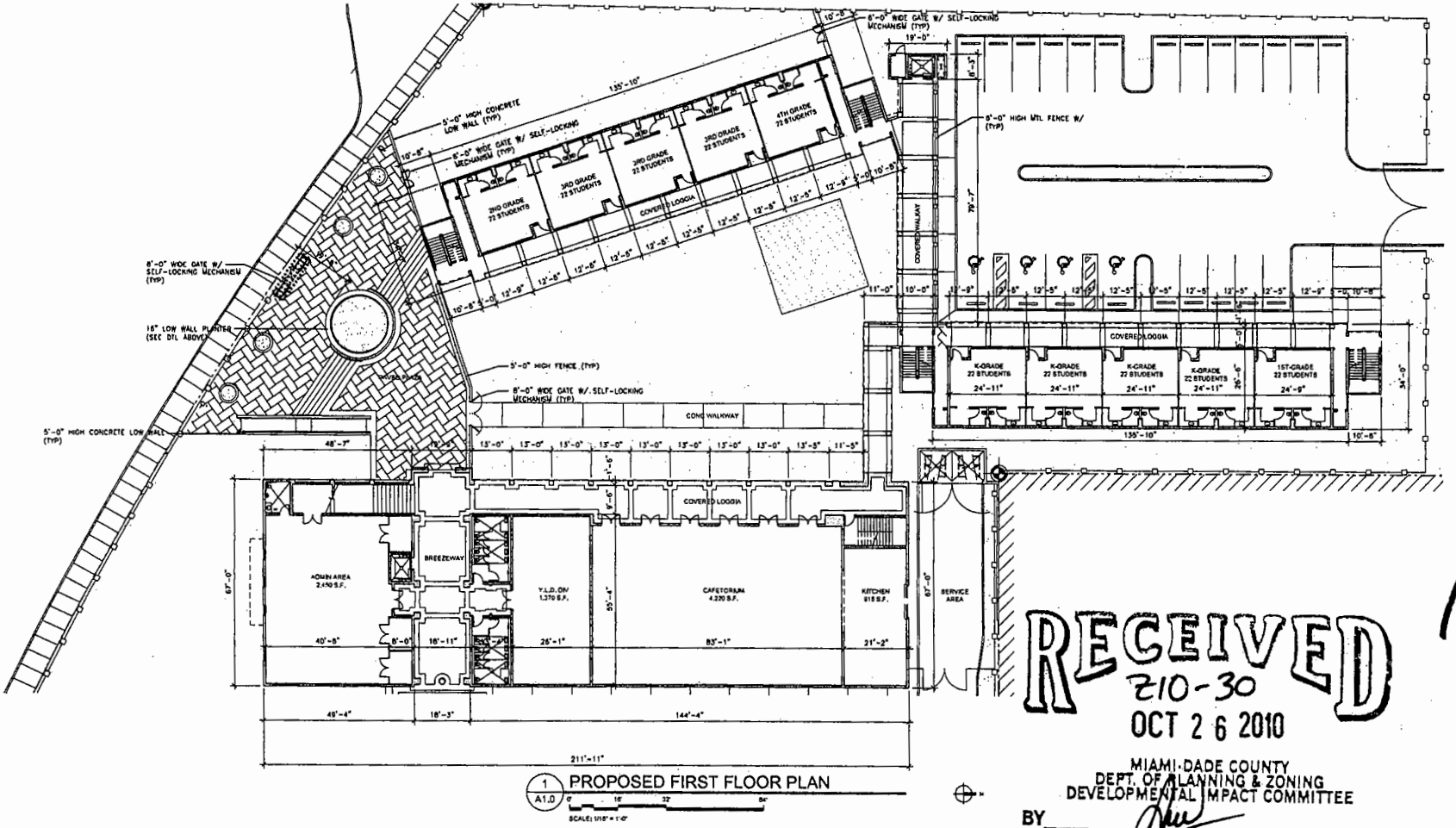
SHEET TITLE
SITE PARKING DETAILS

SHEET NUMBER
A-0.2

35

PROPOSED LOW WALL PLANTER FEATURE

PROPOSED LOW WALL PLANTER FEATURE



1 A1.0 PROPOSED FIRST FLOOR PLAN

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

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

CIVICA
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9969

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL, 33137

ISSUED FOR:
DISTRICT II

No.	DATE	REVISION	BY

DRAWN BY: I.A.F.
APPROVED BY: I.A.F.
DATE: 2010
SCALE: AS SHOWN

SIGNATURE

10.18.10

ROLANDO LLANES, AIA
AR - 0013180

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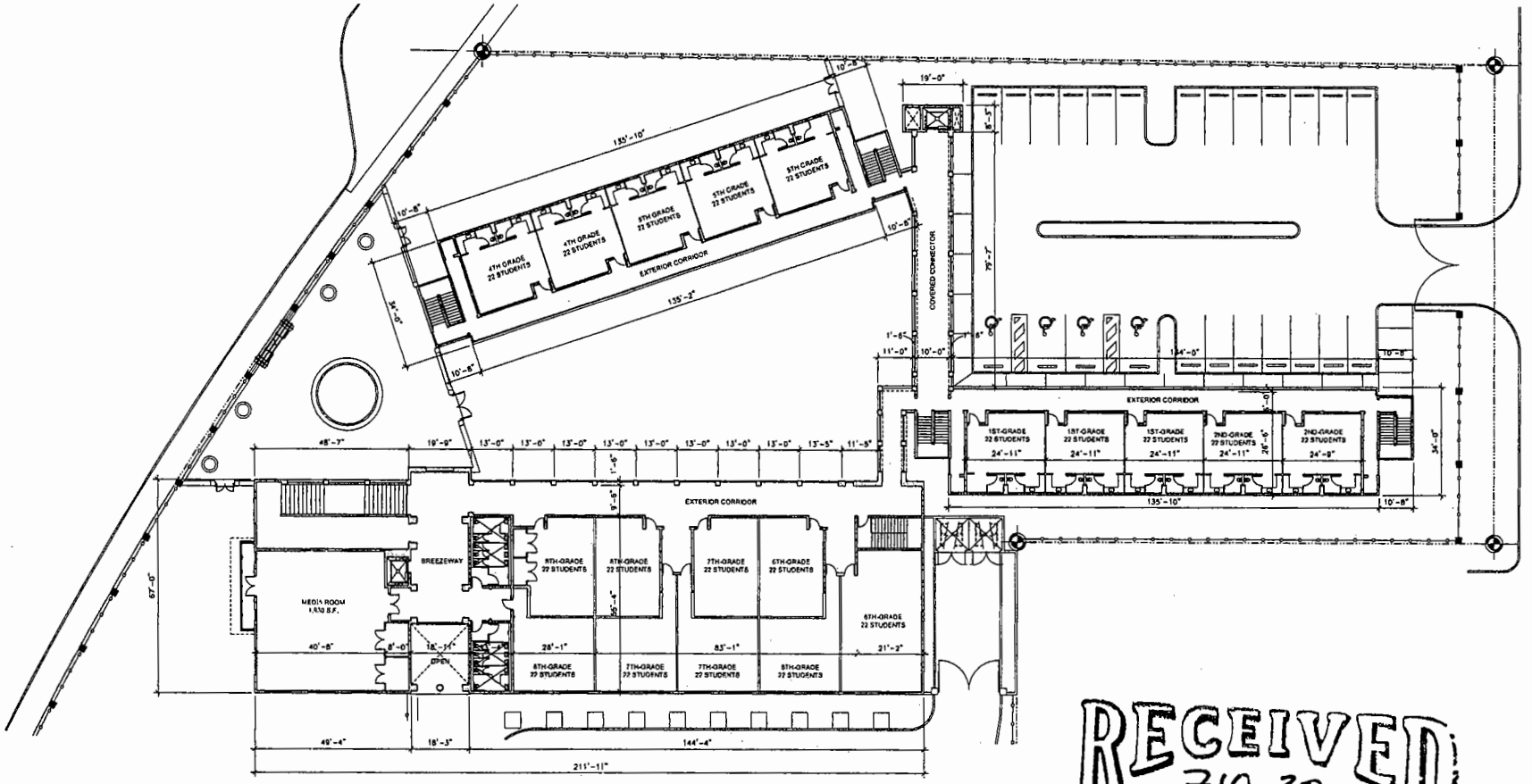
SHEET TITLE
PROPOSED FIRST FLOOR PLAN

SHEET NUMBER
A-1.0



1 A2.0 PROPOSED SECOND FLOOR PLAN

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

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Leisure City, FL 33033

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Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL, 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

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APPROVED BY: I.A.F.
DATE: 2010
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ROLANDO LLANES, AIA
AR - 0013160

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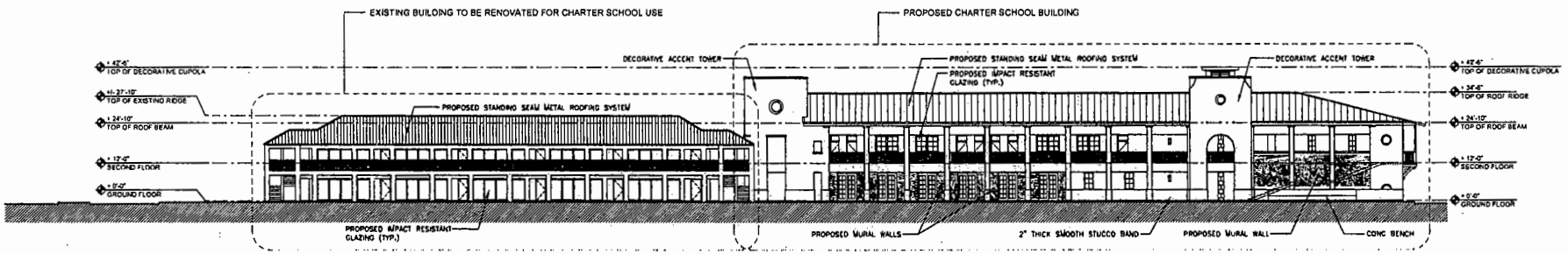
SHEET TITLE
PROPOSED SECOND FLOOR PLAN

SHEET NUMBER
A-2.0

3.7



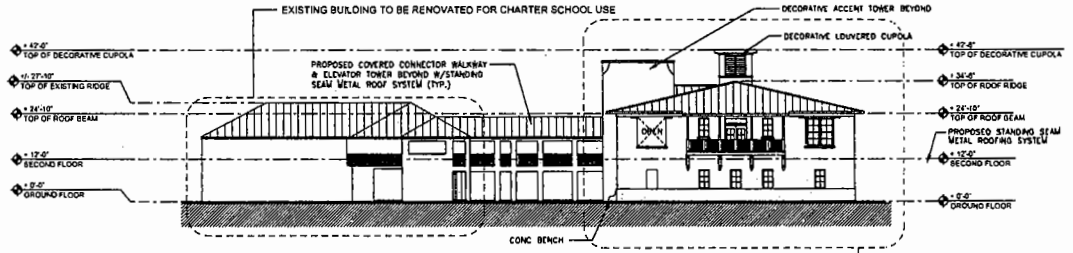
1 A3.0 **PROPOSED WEST ELEVATION**

0' 16' 32' 64'

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

ELEVATION NOTE:

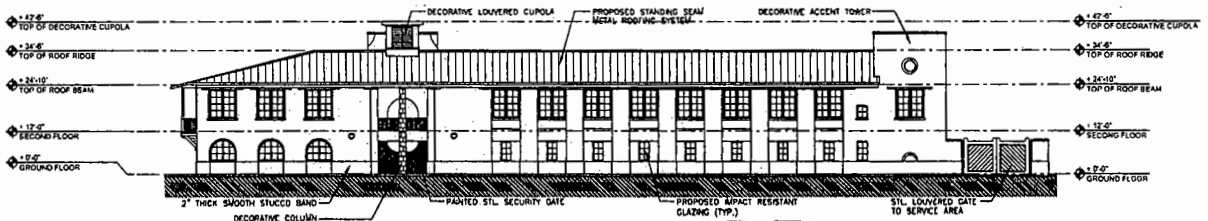
ALL ROOF DECORATIVE LANTERNS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 35'-0" HEIGHT RESTRICTIONS AS PER SEC 33-55(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



2 A3.0 **PROPOSED NORTH ELEVATION**

0' 16' 32' 64'

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



3 A3.0 **PROPOSED EAST ELEVATION**

0' 16' 32' 64'

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

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ASPIRA SOUTH CHARTER SCHOOL

13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:

Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:

DIC SUBMITTAL

No.	DATE	REVISION	BY

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APPROVED BY: I.A.F.
DATE: 2010
SCALE: AS SHOWN

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ROLANDO LLAMES, AIA
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SHEET TITLE

PROPOSED ELEVATIONS

SHEET NUMBER

A-3.0

PLANTING NOTE: SECT 18A-6 (H)

PROVIDE SHRUBS BETWEEN ADJACENT PROPERTIES. [WHERE CHAIN LINK FENCING IS USED], WIDTH A MINIMUM OF THIRTY (30") INCHES IN HEIGHT AT TIME OF PLANTING, AND SHALL BE PLANTED AT A MAXIMUM AVERAGE SPACING OF THIRTY-SIX (36) INCHES ON CENTER, OR A MINIMUM OF THIRTY-SIX (36") INCHES IN HEIGHT AT TIME OF PLANTING AND PLANTED AT A MAXIMUM AVERAGE SPACING OF FORTY-EIGHT (48") INCHES ON CENTER. SAID BUFFER SHALL FORM A CONTINUOUS SCREEN BETWEEN THE DISSIMILAR LAND USES [BETWEEN ADJACENT PROPERTY LINES] WITHIN ONE (1) YEAR AFTER PLANTING. ALSO PROVIDE TREE SPACING AT A MAXIMUM OF 35'-0" ON CENTER ALONG PROPERTY LINES.

LANDSCAPE SITEPLAN PLANT LIST

TREE TABLE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	NATIVE	DROUGHT TOLERANCE	NATURAL HEIGHT RANGE	SPECIFICATION
	237	Bucida buceras	Gumbo-Limbo	YES	YES	30'-50'	12' O.A. ht., 4" DBH, MATCHED
	156	Peltophorum pterocarpum	Yellow Poinciana	NO	YES	30'-50'	12' O.A. ht., 4" DBH, MATCHED
	607	Quercus virginiana	Live Oak	YES	YES	30'-50'	12' O.A. ht., 4" DBH, MATCHED
	221	Quercus virginiana	Live Oak	YES	YES	30'-50'	12' O.A. ht., 4" DBH, MATCHED
	20	Tabebuia heterophylla	Pink Trumpet	YES	YES	30'-50'	12' O.A. ht., 4" DBH, MATCHED

PALM TABLE

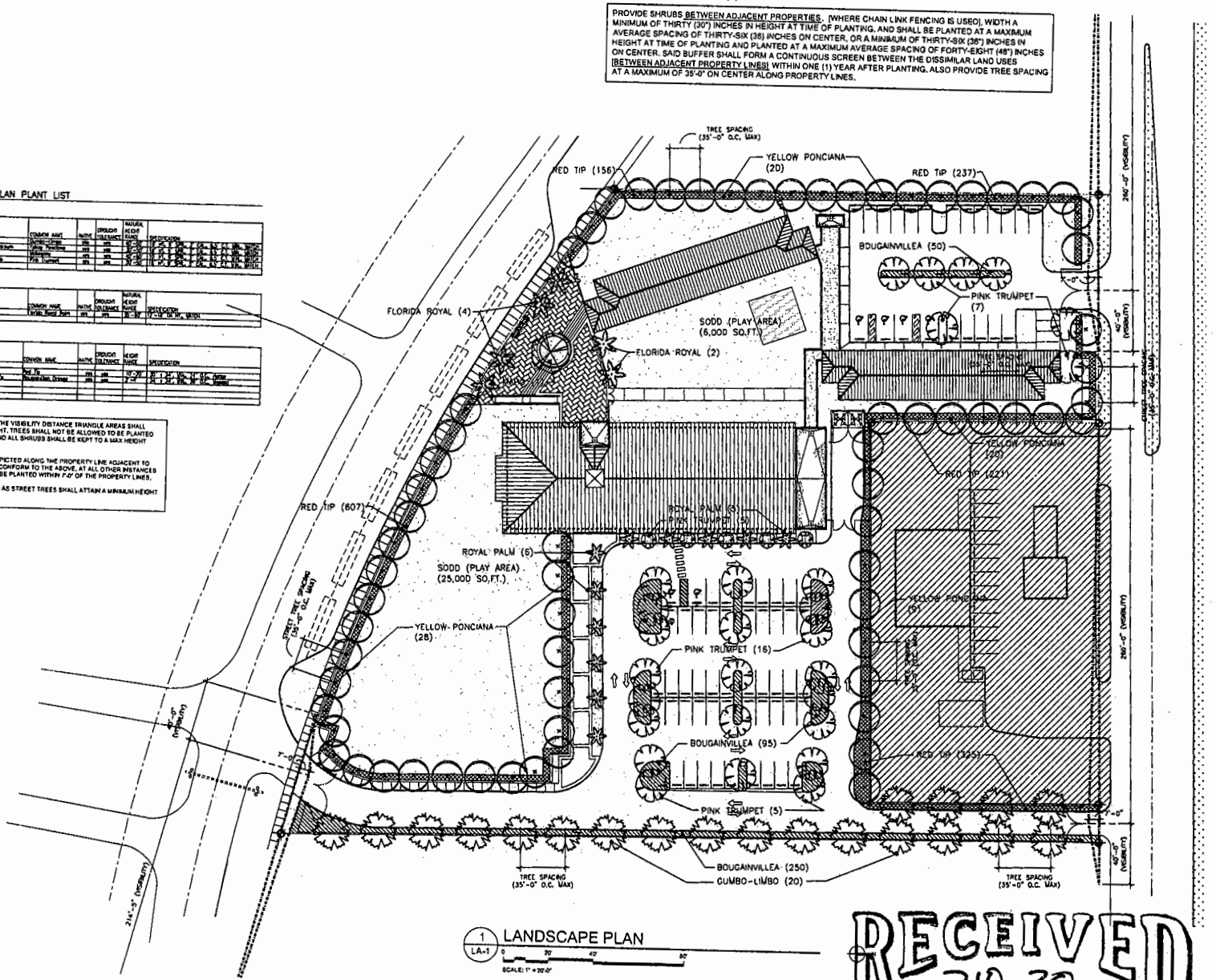
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	NATIVE	DROUGHT TOLERANCE	NATURAL HEIGHT RANGE	SPECIFICATION
	14	Roystonea elata	Florida Royal Palm	YES	YES	80'-100'	12'-18" OA HT., MATCH

SHRUBS TABLE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	NATIVE	DROUGHT TOLERANCE	HEIGHT RANGE	SPECIFICATION
	1,500	Chrysobalanus icaco	Red Tip	YES	YES	10'-20'	30" - 36" OA., 24" O.C. Hedge
	250	Bougainvillea spectabilis	Bougainvillea Orange	YES	YES	4'-6'	24" - 30" OA. Ht., 36" O.C. Spacing

LANDSCAPING NOTE:

1. ALL ELEMENTS WITHIN THE VISIBILITY DISTANCE TRIANGLE AREAS SHALL NOT EXCEED 30" IN HEIGHT. TREES SHALL NOT BE ALLOWED TO BE PLANTED WITHIN THESE AREAS, AND ALL SHRUBS SHALL BE KEPT TO A MAX HEIGHT OF 30".
2. ALL "STREET TREES" DEPICTED ALONG THE PROPERTY LINE ADJACENT TO RIGHT-OF-WAYS SHALL CONFORM TO THE ABOVE, AT ALL OTHER INSTANCES "STREET TREES" SHALL BE PLANTED WITHIN 7'-0" OF THE PROPERTY LINES.
3. ALL SPECIES PROVIDED AS STREET TREES SHALL ATTAIN A MINIMUM HEIGHT OF 12'-0"



1 LA-1 LANDSCAPE PLAN

SCALE: 1" = 20'-0"

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Aspira of Florida, Inc.
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MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY: I.A.F.
APPROVED BY: I.A.F.
DATE: 2010
SCALE: AS SHOWN

SIGNATURE
10.19.10
ROLANDO LLANES, AIA
AR - 0013180

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SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
LA-1

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

39

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

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

1.2 SUBSTITUTIONS
A. Only materials specified shall be accepted, unless approved in writing by the Landscape Architect in advance.

1.3 PLANT SIZES
A. [illegible]

1.4 PLANT QUALITY
A. [illegible]

1.5 PLANT QUANTITY
A. [illegible]

1.6 UNIT PRICES
A. [illegible]

1.7 INSPECTION CERTIFICATES
A. [illegible]

1.8 GRADING
Rough Grading: [illegible]
B. Fine Grading: [illegible]

CLEAN-UP
A. [illegible]

1.10 MAINTENANCE
A. The Contractor is responsible to maintain the plantings until they are accepted under the provisions of 1.11-C "ACCEPTANCE".
1. Plants: [illegible]
2. Turf Areas: [illegible]
3. Watering of Plant-Grown Plants: [illegible]

- up to 4 inch trunk caliper for trees and large shrubs — 10 gallons
- from 4 to 8 inch caliper — 20 gallons
- 8 inch and up caliper — 50 gallons

1.11 OPERATIONS FOR ACCEPTANCE
A. [illegible]
B. [illegible]
C. [illegible]

1.12 GUARANTEE
A. [illegible]

1.13 REPLACEMENT
A. [illegible]

1. Materials and Operations: [illegible]
2. Cost of Replacements: [illegible]

PART 2 - MATERIALS

2.1 PLANTING SOIL
A. General Purpose Planting Soil: [illegible]
B. Special Planting Soil: [illegible]

2.2 FERTILIZER
A. [illegible]

2.3 WATER
A. [illegible]

2.4 MULCH
A. [illegible]

PART 3 - INSTALLATION PROCEDURES

3.1 LAYOUT
A. [illegible]

3.2 HERBICIDE TREATMENT
A. [illegible]
B. [illegible]

3.3 PLANT PIT EXCAVATION AND BACKFILLING
A. Trees: [illegible]
B. Shrubs and Groundcover: [illegible]

3.4 WATERING-IN
A. [illegible]
B. [illegible]

3.5 FERTILIZING
A. [illegible]
1. Trees & Large Shrubs: [illegible]
2. Shrubs: [illegible]
3. Groundcovers: [illegible]
4. Sod: [illegible]

3.6 MULCHING
A. [illegible]

3.7 GUYING & BRACING
A. See the details bound herewith or made part of the plans.

3.8 SODDING
A. [illegible]
B. [illegible]
C. [illegible]
D. [illegible]
E. Apply fertilizer to the sod after initial sodding, as specified in Section 3.5.

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

TREE PLANTING/STAKING DETAIL
N.T.S.

PALM PLANTING/STAKING DETAIL
N.T.S.

SHRUB/ GROUNDCOVER PLANTING DETAIL
N.T.S.

LANDSCAPE LEGEND

Zoning District: GU (INTERIM DISTRICT) Net Lot Area 3.53 acres (153,879.3 Sq. Ft.)

	REQUIRED	PROVIDED
OPEN SPACE		
Square Feet of open space as required by Chapter 33, as indicated on site plan: Net Lot Area 153,879.43 s.f. x 40% = 61,551.77 s.f.	61,551.77 S.F.	124,008.435 S.F.
Square feet of parking open space required by Chapter 18A, as indicated on site plan: No. of Parking Spaces 74 spaces X 10 s.f. per parking space = 740 s.f.	740 S.F.	3,900 S.F.
Total s.f. of landscaped open space required by Chapter 33: A + B = s.f.	62,292 S.F.	127,908.435 S.F.
LAWN AREA CALCULATION		
A. Total s.f. of landscaped open space required by Chapter 33	62,292 S.F.	127,908.435 S.F.
B. Maximum lawn area (sod) permitted = 50% X 62,292 s.f. = 31,146 s.f.	31,146 S.F.	31,000 S.F.
TREES		
A) No. of trees required per net lot acre; Less existing number of tree meeting minimum requirements = 28 trees X (3.53) net lot acres = 98.84	99	106
B) % Palms allowed: No. trees provided (99 trees)/2 x 30% = 14.85	15 Allowed Max	15
% Palms permitted to count as street trees on 1:1 basis = 30% = 0	N/A	N/A
C) % Natives required: No. trees provided (99 trees) x 30% = 29.7	30	127
D) Street trees (maximum average spacing of 35' o.c.): 656' linear feet along street / 35' = 18.74	19	25
E) Street trees located directly beneath power lines (max. average spacing of 25' o.c.): 0 linear feet along street / 25 = 0	N/A	N/A
TOTAL TREES REQUIRED (A + D + E)	118	131
SHRUBS		
No. of trees required (118 trees) x 10 = 1,180 shrubs required	1,180	2,026
No. of shrubs required (1,180 shrubs) x 30% = 354 native shrubs required	354	2,026

SOD NOTES FOR REVIEWER:

SECTION 18A-6 A(4):
VERY DROUGHT TOLERANT GRASSES AND LOW GROWING NATIVE PLANTS, INCLUDING GRASSES AND FORBS, AS REFERENCED IN THE LANDSCAPE MANUAL, MAY BE USED AS GROUNDCOVER BEYOND THE MAXIMUM PERMITTED GRASS AREA SPECIFIED IN TABLE A

SECTION 18A-6 C(5):
GRASSED AREAS THAT ARE TO BE USED FOR ORGANIZED SPORTS SUCH AS FOOTBALL AND SOCCER OR OTHER SIMILAR SPORTS OR PLAYGROUNDS, THAT ARE CLEARLY IDENTIFIED ON A LANDSCAPE PLAN SHALL NOT BE COUNTED TOWARD CALCULATING TREE REQUIREMENTS.

SOD
Bermuda Grass for parking areas and playfields (100% of species provided shall be drought tolerant)

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

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

[illegible]

Fertilizer shall comply with state fertilizer laws. It shall have a chemical designation as indicated for each type of plant.

Turf: 4-1-2 N-P-K with micronutrients. Apply at a rate of 1 lb. of nitrogen per 1000 s.f.
Palms: 2-1-1 N-P-K with micronutrients.

Shrubs and Trees:
7-6-8 N-P-K with micronutrients. Mulch shall be clean, bright and free of seeds, moss sticks and other debris.

All landscape installation to be 100% irrigated to meet local and state regulations with a minimum of 50% overlap. (See Pipes and Specs)

All work shall be done in accordance with authorities having jurisdiction. Contractor shall submit shop drawings for approval.

No changes/ substitutions shall be made without prior consent of the designer.

Contractor shall field verify locations of all utilities prior to installation.

All landscape areas shall be sodded unless otherwise noted. Landscape contractor shall coordinate his work with that of the irrigation contractor.

[illegible]

Plant quantities in plant legend are for reference only. If discrepancies exist between quantities in legend and quantity shown on plans, plan shall govern.

Plant Quantities: Plant quantities are provided as a courtesy and should be verified by the contractor prior to bidding.

Sod: Sod shall be clean and visibly free of weeds, noxious pests, and diseases.

Planting: All planting holes shall be excavated to a minimum of 1 1/2 times the diameter of the root ball of plant to be planted and backfilled with planting soil. Plant beds shall be excavated to a minimum of 12" and back filled with planting soil.

Sizes: All sizes shown for plant material on the plan are to be considered as minimums. All plants must meet or exceed these minimum requirements for height, spread, trunk caliper.

All shrubs, trees and palms shall be minimum of 6' away from all other utilities.

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13330 SW 288th Street
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APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL 33137

ISSUED FOR:
DIC SUBMITTAL

No.	DATE	REVISION	BY

DRAWN BY: I.A.F. APPROVED BY: I.A.F.
DATE: 2010 SCALE: AS SHOWN

SEAL/SIGNATURE
10.18.10
ROLANDO LLANES, AIA
AR - 0013160

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SHEET TITLE
LANDSCAPE SPECIFICATIONS PLANT LIST

SHEET NUMBER
LA-2

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: **ASPIRA of Florida, Inc., a Florida non-profit corporation, 4100 N.E. 2nd Avenue, Suite 302 Miami, Florida 33137.**

NAME AND ADDRESS		Percentage of Stock
Raul A. Martinez, President and CEO		No stock
Victor Vazquez-Hernandez, Chairperson Address: 4100 N.E. 2nd Avenue, Suite 302, Miami, Florida 33137		No stock
Miream Sierra, Vice-Chairperson of Programs and Planning		No stock
Edward Hernandez, Secretary		No stock
Tulia Badillo, Treasurer		No stock
Ruth Pacheco, Vice Chair Fundraising		No stock

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of

	Interest

Date of contract: _____

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

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of f

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

Signature: _____

Raul A. Martinez, President and CEO

Sworn to and subscribed before me this 2ND day of APRIL, 2010. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

PAMELA JACKSON
MY COMMISSION # DD 927323
EXPIRES: December 17, 2013
Bonded Thru Notary Public Underwriters

My commission expires _____

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

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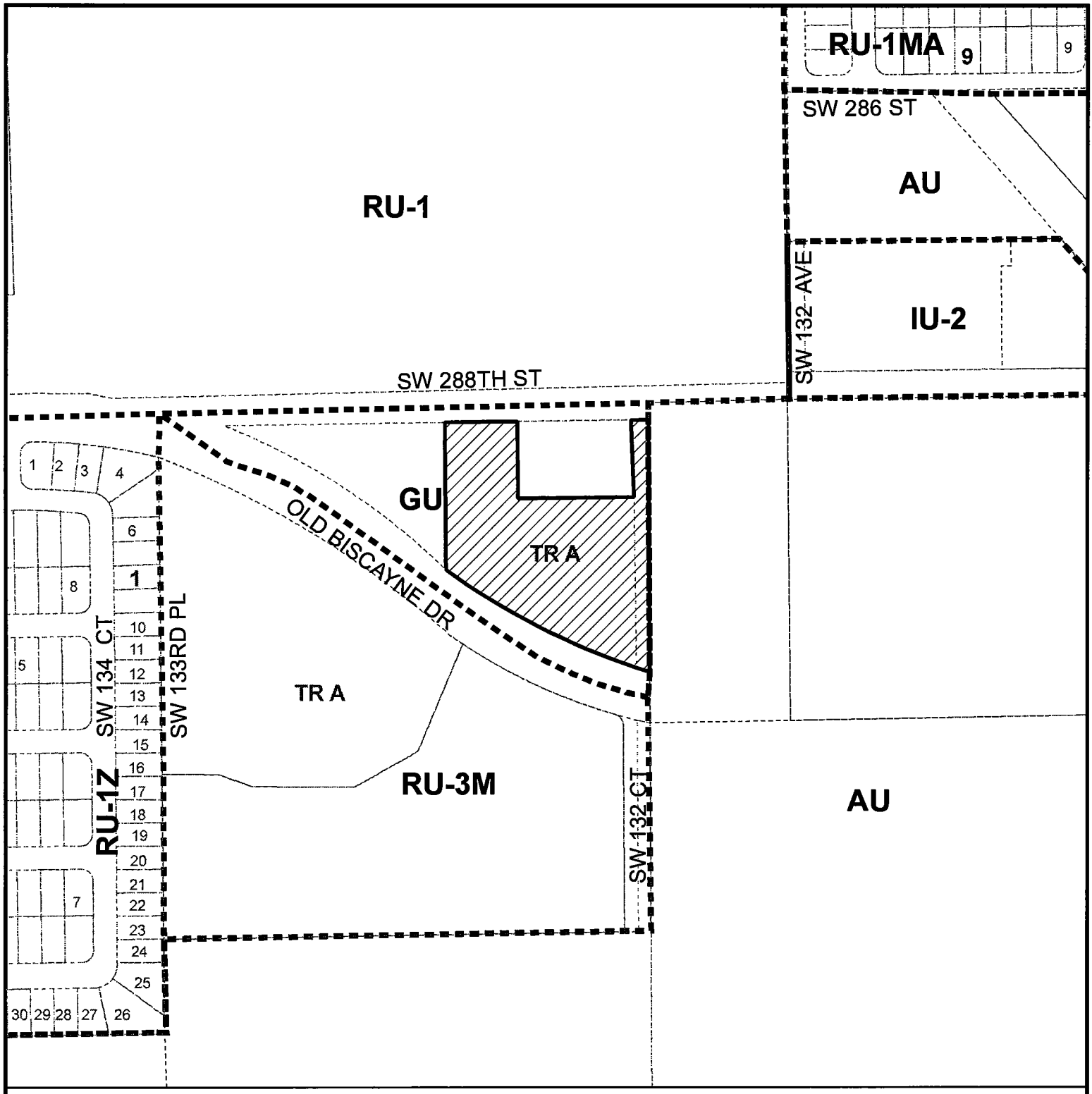
BY: _____



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000030

Section: 02 Township: 57 Range: 39
Applicant: ASPIRA OF FLORIDA, INC.,
Zoning Board: C15
Commission District: 9
Drafter ID: KEELING
Scale: NTS

N
W E
S

Legend

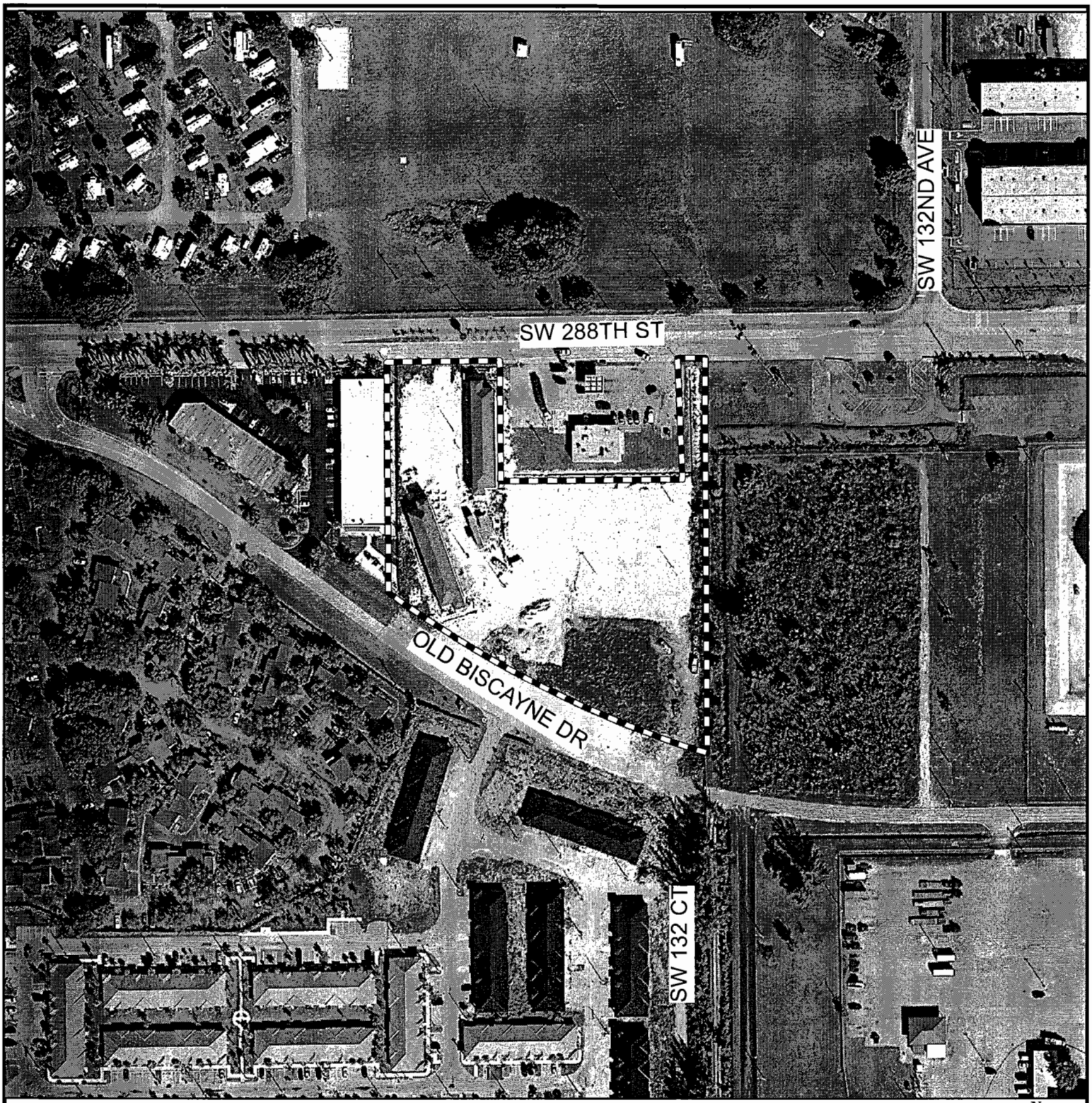
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, April 12, 2010

REVISION	DATE	BY
	42	



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000030

N
W E
S

Section: 02 Township: 57 Range: 39
Applicant: ASPIRA OF FLORIDA, INC.,
Zoning Board: C15
Commission District: 9
Drafter ID: KEELING
Scale: NTS

Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, April 12, 2010

REVISION	DATE	BY

1. NORTHSTAR GRACELAND, LLC
(Applicant)

11-4-CC-1 (10-076)
BCC/District 08/09
Hearing Date: 04/28/11

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
1978	Graceland Cemeteries Inc.	- Special Exception to permit a cemetery.	C04	Approved w/conds.
1979	Paradie Memorial Gardens, Inc.	- Special Exception to modify site plans & Specail Exception to resubdivide platted lots. - Non-Use Variance setbacks.	C04	Approved w/conds.
1988	Pinelawn Memorial, Inc.	- Modification of previous plans. - Non-Use Variance for office building. - Unusual Use to permit Entrance Feature.	C04	Approved in part w/conds.
1992	Osiris Holdings of Florida D/B/A Graceland Cemeeteries, Inc. and Pinelawn Memorial, Inc.	- Special Exception to resubdivide. - Non-Use Variance of setbacks. - Unusual Use to permit Entrance Feature. - Modification of resolution.	C04	Approved w/conds.
1994	Osiris Holdings	- Modification of Resolution. - Non-Use Variance of setback. - Non-Use Variance.	C05	Approved w/conds.
1997	Osiris Holdings of Fla.	- Modification of resolution. - Special Exception for site plan approval. - Non-Use Variance.	BCC	Approved w/conds.

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

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

APPLICANT: Northstar Graceland, LLC **PH:** Z10-76 (11-4-CC-1)

SECTION: 24/13-55-39 **DATE:** April 28, 2011

COMMISSION DISTRICT: 8 and 9 **ITEM NO.:** 1

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A. INTRODUCTION

o SUMMARY OF REQUESTS:

The applicant is requesting a district boundary change from BU-1A, Limited Business District, to GU, Interim District, a special exception to permit an existing cemetery and a deletion of a recorded agreement on a portion of the subject property in order to permit the continued use of an existing cemetery on said parcel. The applicant also seeks to modify a condition of a previous Resolution in order to submit revised plans showing the existing cemetery and the relocation of a previously approved office building.

o REQUESTS:

(1) DISTRICT BOUNDARY CHANGE from BU-1A to GU.

(2) SPECIAL EXCEPTION to permit an existing cemetery.

(3) Deletion of a Declaration of Restrictions recorded in Official Record Book 17735, Pages 3054 through 3057.

The purpose of request #3 is to remove an agreement limiting the uses on this portion of the subject property to a funeral home and administrative office only and to allow the continued use of an existing cemetery.

Requests #1 through #3 on Exhibit "C"

(4) MODIFICATION of plans approved pursuant to Resolution No. 7696, last modified by Condition #2 of Resolution No. Z-68-97, both passed and adopted by the Board of County Commissioners, 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 "Graceland South" as prepared by Jack D. Raudenbush, Architect, dated received May 3, 1996, and consisting of 4 sheets, except as herein modified as follows:

2a. Remove the island at the entrance from the cemetery road and provide a 14' width for entrance and exit driveways."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Office Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A. consisting of seventeen (17) sheets dated stamped received December 13, 2010."

The purpose of request #4 is to allow the applicant to submit revised plans showing the reconfiguration of the existing cemetery and the relocation of a previously approved office building.

Request #4 on Exhibit "A", "B", and "C"

- **LOCATION:** 13900 SW 117 Avenue, Miami-Dade County, Florida.
- **SIZE:** 36.02 Acres

B. ZONING HEARINGS HISTORY:

In 1954, a portion of the subject site was granted approval of a special permit for a cemetery use, pursuant to Resolution No. 7696. In 1978, a portion of the subject site was granted approval of requests to permit a cemetery use and waive the required 80' right-of-way for SW 136th Street in order to permit said cemetery use to traverse the section line of theoretical SW 136th Street, pursuant to Resolution No. 4-ZAB-415-78. In 1979, a portion of the subject site was granted approval of requests to submit revised plans illustrating a proposed office and garage building and an expansion of the grave sites, to re-subdivide a platted tract of land into 20 grave sites, to permit the re-subdivision of 88 grave sites into a building site for the proposed office building, to permit the office building setback 50' from the front (east) property line, and to permit burial sites 22.5' (50' required) from a right-of-way which is 70' or more in width (SW 117 Avenue), pursuant to Resolution No. 4-ZAB-452-79. In 1988, a portion of the subject site was granted approval of requests to modify the previously approved site plan, to permit a proposed office building setback 37.2' (50' previously approved) from the front (east) property line, to permit a proposed mausoleum setback 22.5' (50' required) from a right-of-way which is 70' or more in width (SW 117 Avenue), and a request to permit two (2) entrance features, pursuant to Resolution No. 4-ZAB-428-88. In 1992, the subject site was granted approval of requests to modify the previously approved plans in order to permit the re-subdivision of platted tracts of land and grave sites into building sites for proposed mausoleums, proposed office buildings and proposed drives, to permit mausoleums setback 12' from SR-821 (Florida Turnpike), to permit an entrance feature with decorative masonry walls, sign copy, identification logo, gates and landscaping, pursuant to Resolution 4-ZAB-265-92. In 1997, the subject site was granted approval of requests to modify the previously approved site plans in order to show an expansion of the cemetery and a proposed funeral home and office site and a portion of the subject site (Parcel C) was granted a district boundary change from AU, Agricultural District, to BU-1A, Limited Business District, a special exception for the expansion of a cemetery and funeral home, and a request to waive the required 5' high masonry wall where a business lot abuts a GU zoned property along the interior side (north and south) and rear (west) property lines, all pursuant to Resolution No. Z-68-97. A Declaration of Restrictions recorded in ORB 17735, Pages 3054-3057, restricts the use permitted on the BU-1A zoned portion of the site to a funeral home and administrative office.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for* ***Low-Medium Density.*** *This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling 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 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. ***Public Facilities.*** *Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, cell antenna, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or Business and Office areas.* ***Cemeteries*** *may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.*

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

5. *The Board of County Commissioners, or the appropriate Community Zoning Appeals Board, may approve residential development at a density up to 17 percent above the maximums provided below where it is certified that no less than 30 percent of the units in the development, excepting accessory dwelling units, will be priced to be affordable to low and*

very-low income households. 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. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

6. ***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.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU; GU; BU-1A; cemetery, vacant land	Low Medium Density Residential, 6-13 dua
Surrounding Properties:	
NORTH: AU; nursery	Low Medium Density Residential, 6-13 dua
SOUTH: GU; cemetery	Low Medium Density Residential, 6-13 dua
EAST: RU-1; single-family residences	Low Density Residential, 2.5-6 dua
WEST: GU; Florida Turnpike	Transportation

E. PERTINENT ZONING 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 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.

(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, and to* ***modify*** *or eliminate any condition restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(c)(3); 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions indicated in their memoranda.

G. PLANNING AND ZONING ANALYSIS:

The Board of County Commissioners (BCC) shall have jurisdiction to directly hear applications encompassing property located in more than one Community Zoning Appeals Board (CZAB) pursuant to Section 33-314(A)(2). The subject property is located within two (2) separate CZAB Districts. A portion of the subject property is located within the CZAB 12 District and the remainder is located within CZAB 14 District.

The 36.02 acre subject property which consists of three (3) parcels ("A", "B" and "C"), located within the Urban Development Boundary (UDB) designated as **Low-Medium Density Residential** on the LUP map of the CDMP. *The CDMP indicates that this category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments.* However, the CDMP states that *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.* Said CDMP also states that, *Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering.* ***Cemeteries*** *may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.* Further, the interpretative text of the CDMP states that *neighborhood or community-serving institutional uses, including* ***cemeteries*** *may be approved where compatible in* ***all urban land use categories****, in keeping with any conditions specified in the applicable category.* The subject property was granted approval for a cemetery and ancillary uses which included mausoleums and offices in conjunction with the cemetery. Additionally, the interpretative text states that *exceptions to the minimums density guidelines 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.* The applicant also seeks to rezone a portion of the subject property from BU-1A, Limited Business District, to GU, Interim District. In staff's opinion, the proposed GU zoning is compatible with the existing zoning and uses on the remainder of the subject property. As such, staff opines that the continued use of the existing cemetery, mausoleum and the relocation of the previously approved office uses in conjunction with the cemetery, are **compatible** with the surrounding area and **consistent** with the interpretative text and 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. Additionally, 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 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. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, a portion of the subject property, Parcel "C", was previously granted a district boundary change from AU to BU-1A in 1997, pursuant to Resolution No. Z-68-97. A Declaration of Use was at the time proffered by the then owners of the subject property which restricted the uses on this portion of the site (Parcel "C") to a funeral home and administrative office. However, the applicant is now seeking to rezone this portion of the property from BU-1A to GU and to allow the existing cemetery to remain. Staff is supportive of the approval of this request, which would be **compatible** with the remainder of the property (Parcel "A" and "B") which is zoned AU and GU, as well as the residentially zoned properties located to the east. Additionally, approval of request #1 would allow this portion of the property to be brought into conformity with the LUP map of the CDMP by the removal of the commercial zoning on this portion of the property. **Therefore, staff opines that approval of request #1 would be consistent with the CDMP.**

When request #2 is analyzed under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that approval would be **compatible** with the surrounding AU and GU district cemetery uses on the remainder of the property and would be **consistent** with the Low-Medium Density designation of the subject property on the LUP map of the CDMP. Staff notes that based on memoranda from DERM, the Public Works Department and the Miami-Dade Fire Rescue Department (MDFRD), approval of this request to permit the continued use of the cemetery on this parcel (Parcel "C"), will not *generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception 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.* Further, staff opines that approval of this request will not have an unfavorable effect on the economy of the County. Additionally, staff opines that this request is germane to request #1, and that the approval of the continued use of the existing cemetery will bring the parcel into conformity with the LUP map of the CDMP. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).**

Similarly, when requests #3 and #4 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval of these requests would be **compatible** with the surrounding cemetery and mausoleum uses and **consistent** with the Low-Medium Density designation of the subject property on the LUP map of the CDMP. Section 33-311(A)(7) states that 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, and to* ***modify*** *or* ***eliminate any condition restrictive covenants, or parts thereof,*** *accepted at public hearing, except as otherwise provided in Section 33-314(c)(3); 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.* Request #3, is germane to requests #1 and #2, of

which staff is supportive. Approval of this request, would allow the applicant to delete a covenant which restricts the use on this parcel, Parcel "C", to a funeral home and administrative office. As previously noted, neither DERM, MDFRD nor the Public Works Department object to this application and as such, staff opines that approval would not create any dangerous hazards or provoke a nuisance that would be incompatible with the surrounding area. Further, staff opines that the removal of the funeral home use, which is a commercial use, would be consistent with the existing designation of the subject parcel on the LUP map of the CDMP.

Additionally, staff opines that approval of request #4, which would allow the applicant to submit revised plans showing the configuration of the existing cemetery and the relocation of the office that was previously approved on the site, would not also create any dangerous hazards or be incompatible with the surrounding area. Staff notes that the cemetery uses and office uses that were ancillary to the cemetery and mausoleums were approved pursuant to prior resolutions from 1954 through 1992. As such, the approval of request #3, and request #4, would not have a negative visual impact on the surrounding area, would not set a precedent for similar uses in this area and would be **compatible** with same. However, staff notes that condition #6 of Resolution No. Z-68-97, required a Unity of Title for the entire property. Staff notes that at the time of writing, said Unity of Title has not been submitted. As such, staff recommends that as a condition for approval that a Unity of Title be provided as required by condition #6 of the aforementioned 1997 resolution, within 60 days of the final approval for this hearing. **Therefore, staff recommends approval with conditions of requests #3 and #4, under the Generalized Modification Standards, Section 33-311(A)(7).**

Based on the aforementioned, staff opines that approval of request #1 and approval with conditions of requests #2 through #4 would be compatible with the existing cemetery and mausoleum uses on the remainder of the subject property and the residential uses located to the east and would be consistent with the LUP map of the CDMP.

H. RECOMMENDATION:

Approval of request #1 and approval with conditions of requests # 2 through #4.

I. CONDITION: (For requests #2 through #4 only)

1. That all the conditions of Resolution No. 7696, and Resolution No. Z-68-97 remain in full force and effect except as herein modified.

2. That a Unity of Title be provided, as required by Condition #6 of Resolution #Z-68-97, within 60 days of the final approval for this hearing.

DATE TYPED: 03/22/11
DATE REVISED: 03/22/11, 03/24/11, 04/19/11
DATE FINALIZED: 04/19/11
MCL:GR:NN:AA:CH

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

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2010

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

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

Subject: C-12 #Z2010000076
Northstar Graceland, LLC
13900 S.W. 117th Avenue
District Boundary Change from AU to BU-1A, District Boundary Change from BU-1 to GU and Special Exception to Permit a Cemetery in the GU Zoning District
(BU-1) (36.02 Acres)
24-55-39

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

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 the Code requirements.

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 2,066 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the (LOS) standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction 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 alternative means of sewage disposal. Use of an alternative 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 platting and/or site development, 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 system. Drainage must be provided for the 5-year/1-day storm event. Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

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

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

Tree Preservation

According to the site and landscape plans submitted with this zoning application, the proposal of the new buildings will not impact tree resources. Therefore, the DERM Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24 of the Code.

Hazardous Materials Management

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

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

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

Enforcement History
DERM has reviewed the Permits and Enforcement database and has found no open or closed enforcement records for the subject properties identified by Folios 30-5913-000-0033, 30-5913-000-0032, 30-5924-000-0040 and 30-5924-000-0051.

DERM has reviewed the Permits and Enforcement database and has found one closed enforcement records for the subject property identified by Folio 30-5924-001-0010. DERM has a case under the name Pine Lawn Memorial located at 13900 SW 117th Ave. Notices of Violations were issued on December 19, 1989 and February 22, 1990 for improper disposal of solid waste. An inspection on May 5, 1990 indicated the site all fill was removed and the case was subsequently closed.

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

REVISION 1

PH# Z2010000076
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: NORTHSTAR GRACELAND, LLC

This Department has no objections to this application.

Proposed median improvements/modifications along SW 117 Avenue are not part of this application and are subject to the approval of the Director.

Sidewalk may be required along the property line for SW 117 Avenue.

Additional improvements may be required at time of permitting/platting.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required 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 30 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
9752	SW 117 Ave. s/o SW 136 St.	C	C
9754	SW 117 Ave. s/o SW 152 St.	C	C
9850	SW 152 St. w/o SW 117 Ave.	D	D
F-56	SW 152 St. e/o SW 107 Ave.	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.
03-JAN-11

REVISION 1

Memorandum

Date: 22-FEB-11

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2010000076

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated July 20, 2010.
APPROVAL
No objection to site plan date stamped December 13, 2010.

Service Impact/Demand:

Development for the above Z2010000076
located at 13900 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2022 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
3,349 (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: 0.74 alarms-annually.
The estimated average travel time is: 6:32 minutes

Existing services

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

Station 53 - Turnpike - 11600 SW Turnpike Hwy
Rescue, Squad

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 site plan date stamped December 13, 2010. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 06-APR-11

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

NORTHSTAR GRACELAND, LLC	13900 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2010000076

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY
10-076
ADDRESS: 13900 SW 117 AVE

FOLIO: 3059130000033, 3059130000032, 3059240010010, 3059240000051, 3059240000040

DATE: 4/6/11

NAME: NORTHSTAR GRACELAND, LLC

OPEN CASES:
Neighborhood Regulations:
No open cases.

15

Building Code:
No open cases.

CLOSED CASES:
Neighborhood Regulations:
No closed cases.

Building Code:
No closed cases.

_____
Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: N/A 04/01/11

Process #:	**Applicant's Name**
Z2010000076	NORTHSTAR GRACELAND, LLC

Locations: 13900 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

Size: 36.02 ACRES **Folio #:** 3059240010010

Request:

1 DBC from BU-1A to AU
2 Special Exception to permit a proposed cemetary.

3 Deletion of a Declaration of Restrictions, recorded on Official record Book 17735, pages 3054 through 3057.

The purose of request #3 is to remove an agreement on the site limiting it to a funeral home and administrative offices only, to permit the cemetery in lieu thereof.

Requests #1 through #3 on Exhibit "C"
4 Modification of plans approved pursuant to Resolution No. 7696, last modified by condition #2 of Resolution No. Z-68-97, both passed and adopted by the Board of County Commissioners, 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 "Graceland South," as prpared by Jack D. Raudenbush, Architect, dated received May 3, 1996 and consisting of 4 sheets, except as herein modified as follows:

To: "2. That in the approval of the plan, the same be substancially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park" as prepared by Gomez Associates Architects P.A., consisting of seventeen (17) sheets dated stamped received December 13th, 2011.

The purpose of request #3 is to allow the applicant to submit plans showing the addition of an office building to the subject property.

Request #4 on Exhibits "A", "B" & "C"

EXISTING ZONING

Subject Property AU, BU-1A, GU,

EXISTING USE CEMETERY

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THREE (3) ONE STORY MAUSOLEUM, ONE (1) ONE STORY MAINTENANCE BUILDING, ONE MODULAR BUILDING: OFFICE, & ONE 20 FT CARGO STORAGE CONTAINER.

USE(S) OF PROPERTY:

CEMETERY: "GRACELAND SOUTH MEMEMORIAL PARK"

FENCES/WALLS:

5 FT CBS PILARS CONNECTED WITH ONE CONCRETE ACROSS BETWEEN COLUMNS ON EAST PROPERTY LINE. 6 FT CHAINLINK FENCE WITH 3 STRAND BOB WIRE ON THE NORTH, WEST, AND SOUTH PROPERTY LINES. 3 FT CBS WALL AROUND THE ABOVE GROVE BURIAL AREA. 20 FT

ZONING INSPECTION REPORT

COLUMNS ENTRANCE FEATURES WITH 12 FT IRON GATES AT THREE ACCESS ROADS ON THE EAST PROPERTY SIDE.

LANDSCAPING:

2 FT HEDGE ALONG EAST FENCE BUT NOT ALONG FOLIO NO. 30-5913-000-0033 WHICH IS NOT LANDSCAPED. LANDSCAPING WITHIN THE CEMETERY IS POOR.

BUFFERING:

20 FT ROW OF TREES PLANTED ABUTTING SW 117 AVE SWALE AREA EVERY 35 FT. BUFFERING REQUIRED ON THE WEST PROPERTY SIDE ABUTTING FLORIDA NORTH BOUND TURNPIKE.

VIOLATIONS OBSERVED:

NOTICE OF VIOLATION ISSUED BY DEPARTMENT OF PLANNING & ZONING FOR 33-8, CEMETERY UNDER NEW OWNERSHIP. NO PERMITS FOUND FOR SALES OFFICE MODULAR BUILDING WITHIN THE 50 FT FRONT SETBACK AND A CARGO STORAGE CONTAINER. DEATCHED SIGN ON PROPERTY FOLIO NO. 30-5913-000-0033 WITHOUT PERMIT. BNC MEMO DATED 04/06/2011ON FILE. NO OPEN CASES WITH BNC. NO OPEN CIVIL VIOLATION NOTICES WITH CLERK OF THE COURT.

OTHER:

THERE IS AN ILLEGAL OPEN STORAGE OF CRYPTS ON THE VACANT LOT FOLIO NO. 30-5913-000-0033.

Process #	Applicant's Name
Z2010000076	NORTHSTAR GRACELAND, LLC

SURROUNDING PROPERTY

NORTH:

AU - PLANT NURSERY

SOUTH:

GU - DADE SOUTH MEMORIAL PARK CEMETERY

EAST:

RU-1 DAYCARE CENTER & SINGLE FAMILY RESIDENCE

WEST:

FLORIDA TURNPIKE - NORTH BOUND

SURROUNDING AREA

THIS AREA ALONG SW 117 AVE HAS VARIOUS CEMETERIES ABUTTING THE FLORIDA TURNPIKE.

NEIGHBORHOOD CHARACTERISTICS

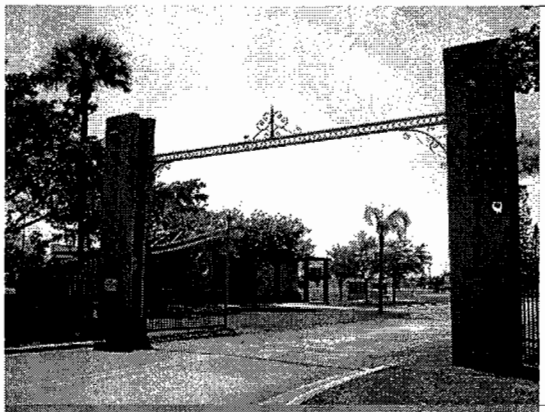
THIS IS A LOW DENSITY AREA TO THE EAST OF THE PROPERTY DIVIDED BY A FULL SECTION ROADWAY WITH LANDSCAPED MEDIAN.

COMMENTS:

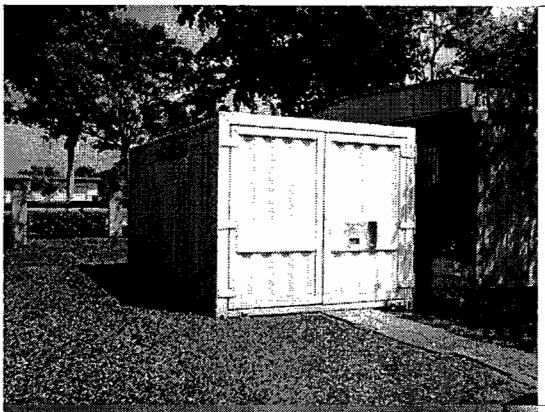
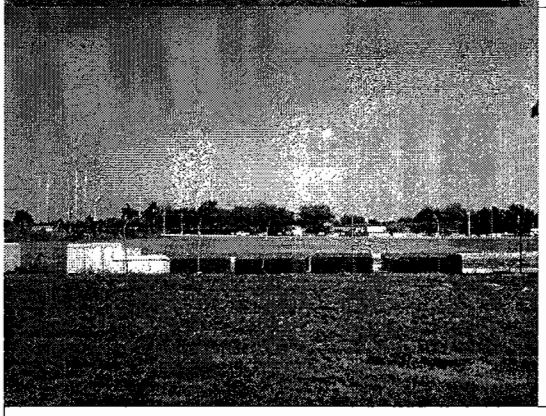
ZONING INSPECTION REPORT

NO PERMITS WHERE FOUND FOR THE SALES OFFICE TO INCLUDE CARGO STORAGE CONTAINER WHICH IS BEING USE TO STORE FILE AND THE NEW PARKING CONFIGURATION.

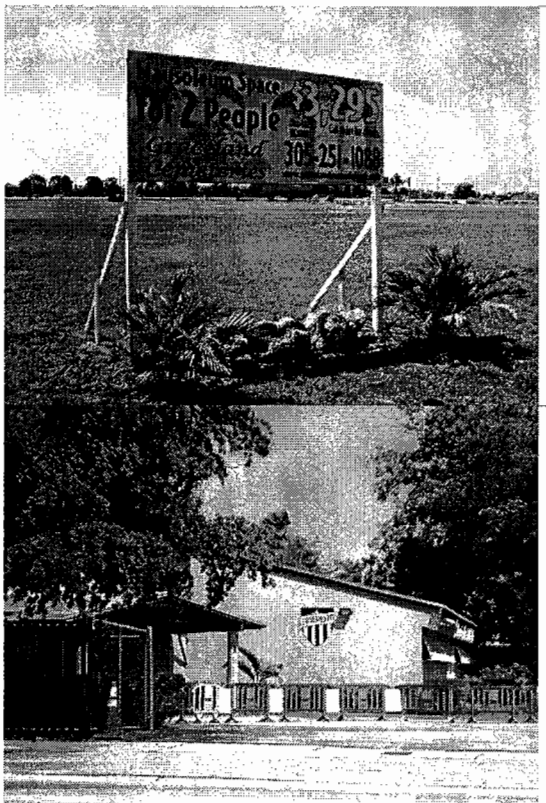
Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2010000076*** **Applicant Name** ***NORTHSTAR GRACELAND, LLC***

	Date: 12-APR-11 Comments: MAIN ENTRANCE FEATURE FOR THE CEMETERY ON THE EAST AND LAST ACCESS ENTRANCE TO THE SOUTH.
	Date: 12-APR-11 Comments: SALES OF AT THE CENTER ENTRANCE ON THE EAST ENCROACHING THE 50 FT SETBACK REQUIREMENT.
	Date: 12-APR-11 Comments: SALES OFFICE AT MIDDLE ENTRANCE ON EAST SIDE OF THE PROPERTY REAR VIEW.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2010000076*** **Applicant Name** ***NORTHSTAR GRACELAND, LLC***

	Date: 12-APR-11 Comments: CARGO STORAGE CONTAINER ON THE NORTH SIDE OF THE SALES OFFICE ON THE EAST SIDE ALSO ENCROACHING 5O FT SETBACK.
	Date: 12-APR-11 Comments: ILLEGAL OPEN LOT STORAGE OF CRYPTS ON THE NW PORTION OF CEMETERY EXPANSION.
	Date: 12-APR-11 Comments: ILLEGAL OPEN LOT STORAGE OF CRYPTS ON THE NW PORTION OF CEMETERY EXPANSION.

Inspector *HASSUN, PEDRO*
Evaluator *N/A*
Process Number: *Z2010000076* **Applicant Name** *NORTHSTAR GRACELAND, LLC*



Date: 12-APR-11

Comments: CLASS B POINT OF SALE DETACHED SIGN WITHOUT PERMITS ON THE VACANT LOT FOLIO NO. 30-5913-000-0033.

Date: 12-APR-11

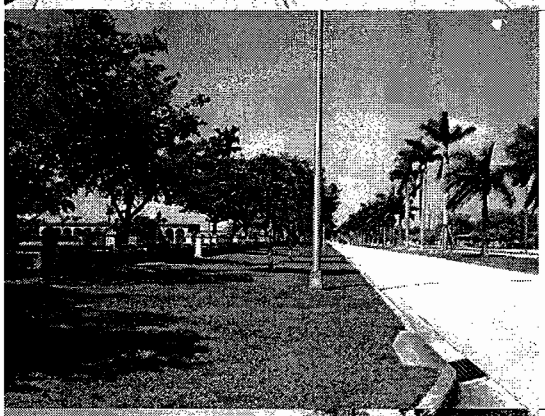
Comments: PROPERTY TO HTE EAST ACROSS VACANT LOT AKA 13301 SW 117 AVE LINCOLN-MARTI CHILD CARE CENTER.

Date: 12-APR-11

Comments: CEMETERY TO THE SOUTH OF SUBJECT PROPERTY.

22

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2010000076*** **Applicant Name** ***NORTHSTAR GRACELAND, LLC***

	Date: 12-APR-11 Comments: NURSERY TO THE NORTH OF PORPERTY.
	Date: 12-APR-11 Comments: NORTH VIEW OF SW 117 AVE.
	Date: 12-APR-11 Comments: SOUTH VIEW OF SW 117 AVE.

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: Northstar Graceland, LLC

NAME AND ADDRESS	Percentage of Stock
William Hamilton	20%
Brian Sullivan 210-07b	20%
Deborah Gilmore	20%
Alan Teal	20%
Detlef Taylpr	20%

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

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:

Z10-076

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

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

Signature:_____
(Applicant)

Sworn to and subscribed before me this 7 day of MAY, 2010. Affiant is personally known to me or has produced PERSONALLY KNOWN as identification.

_____
(Notary Public)

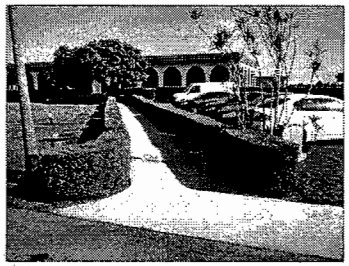
NESTOR SEIJO
MY COMMISSION # DD 807755
EXPIRES: July 21, 2012
Bonded Thru Budget Notary Services

My commission expires_____

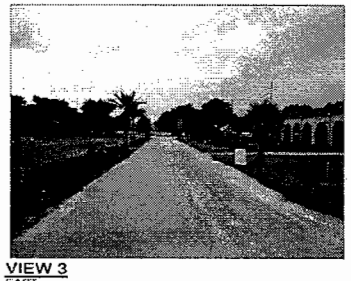
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

26

VIEW 1
EAST



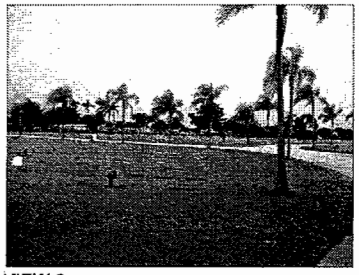
VIEW 2
NORTH



VIEW 3
EAST

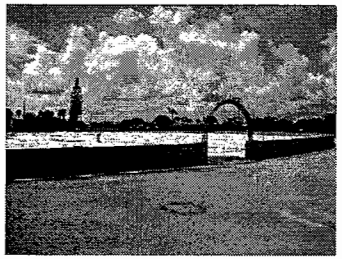
VIEW 4
SOUTHWEST

VIEW 5
NORTHEAST



VIEW 6
SOUTHEAST

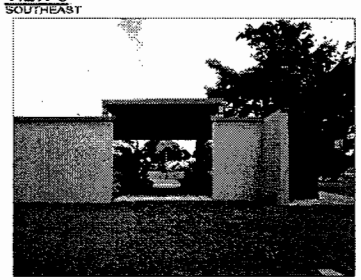
VIEW 13
SOUTHEAST



VIEW 14
SOUTHWEST

VIEW 15
NORTHWEST

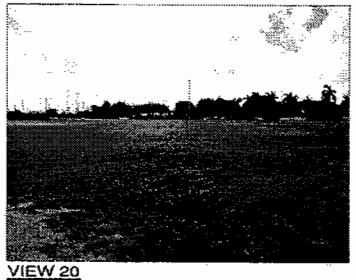
VIEW 16
SOUTHWEST



VIEW 17
SOUTH

VIEW 18
NORTHWEST

VIEW 19
NORTHWEST



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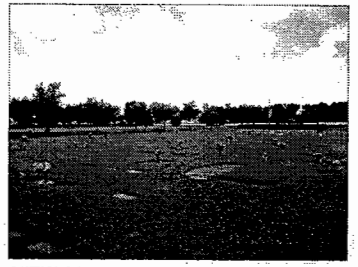
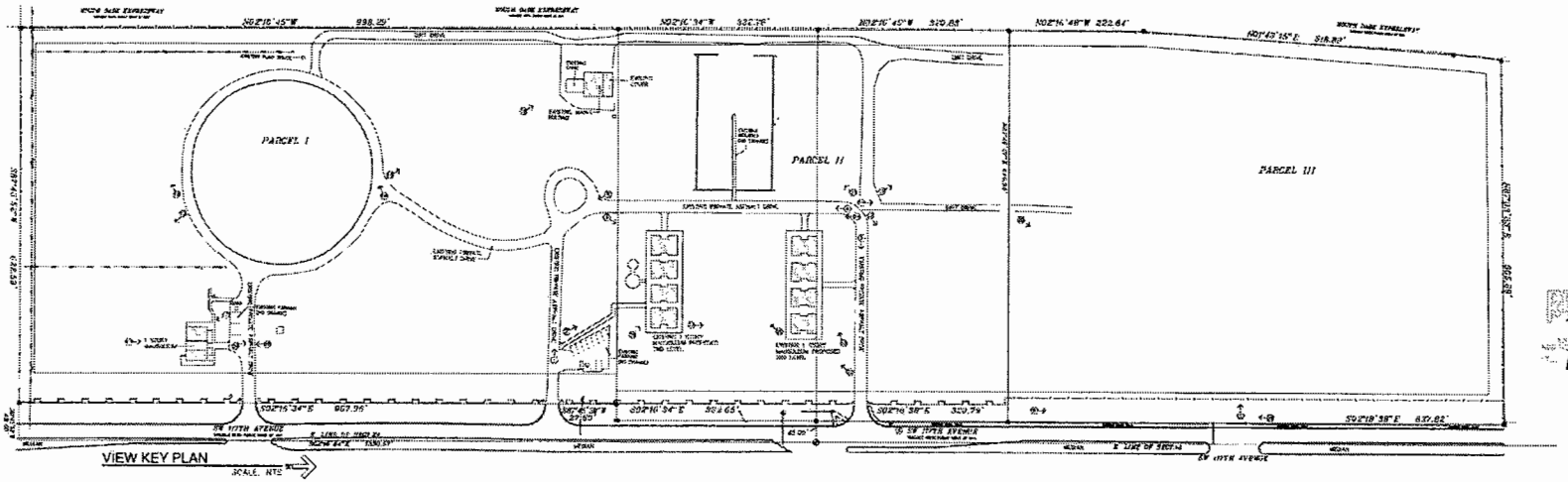


VIEW 21
SOUTHWEST



VIEW KEY PLAN

GOMEZ ASSOCIATES
ARCHITECTS P.A.
Architecture
Engineering
Interior Architecture

4621 N.W. 103rd AVE
SUNRISE
FLORIDA 33351
PH.: (954) 748-5177
FAX: (954) 748-5179
Email: agomez65@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GUARDS
VERIFY ALL DIMENSIONS AND
CONDITIONS ON SITE AND SHALL
ARCHITECT IN WRITING OF ANY
VARIATIONS BEFORE STARTING
CONSTRUCTION

CEMETERY - PHOTOS

PROPOSED OFFICES FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
AA 0001899
BD 0006771

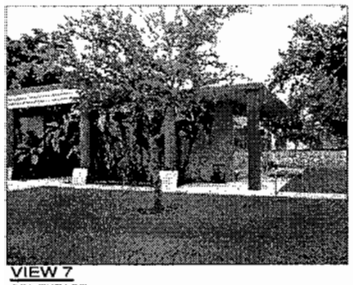
Revisions

No	Date	By
1	05-05-10	JP
2	07-22-10	JP

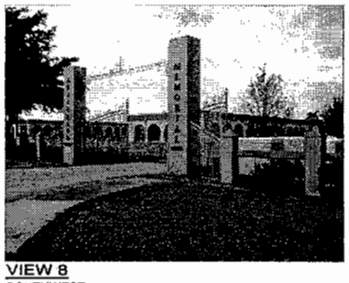
Date: 10-10-09
Drawn: JP
Approved: AG
Project Nº: 2009-48

PH1.01

OF 2



VIEW 7
SOUTHEAST



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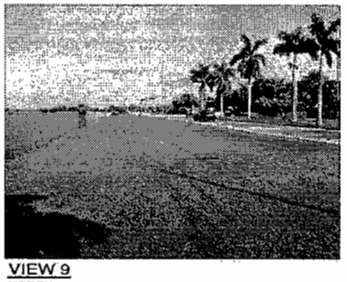

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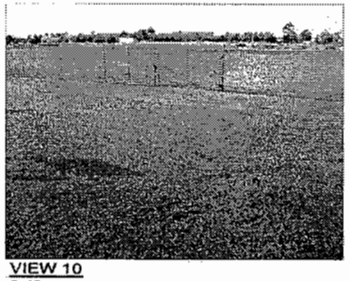

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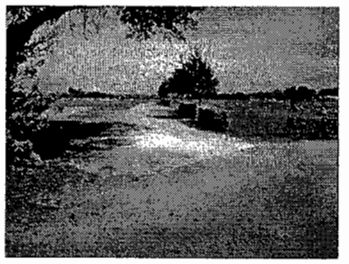
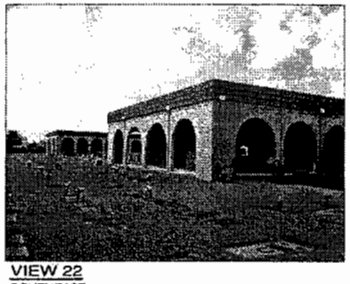


VIEW 11
NORTH

VIEW 12
NORTHEAST



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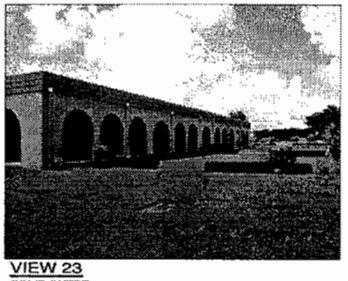

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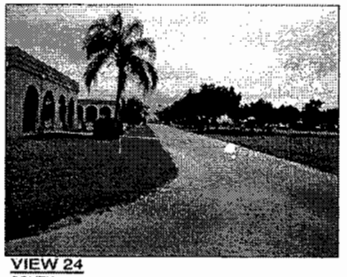

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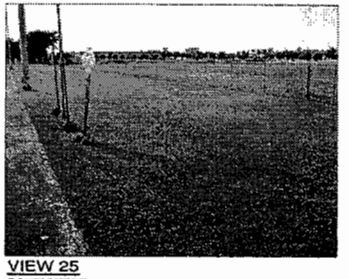
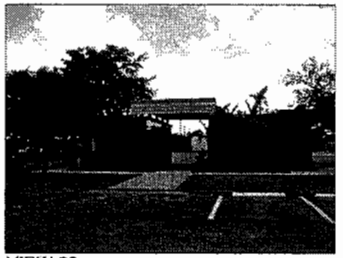


VIEW 25
SOUTHWEST

VIEW 26
SOUTHWEST

VIEW 27
NORTH



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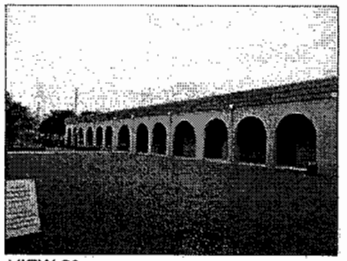
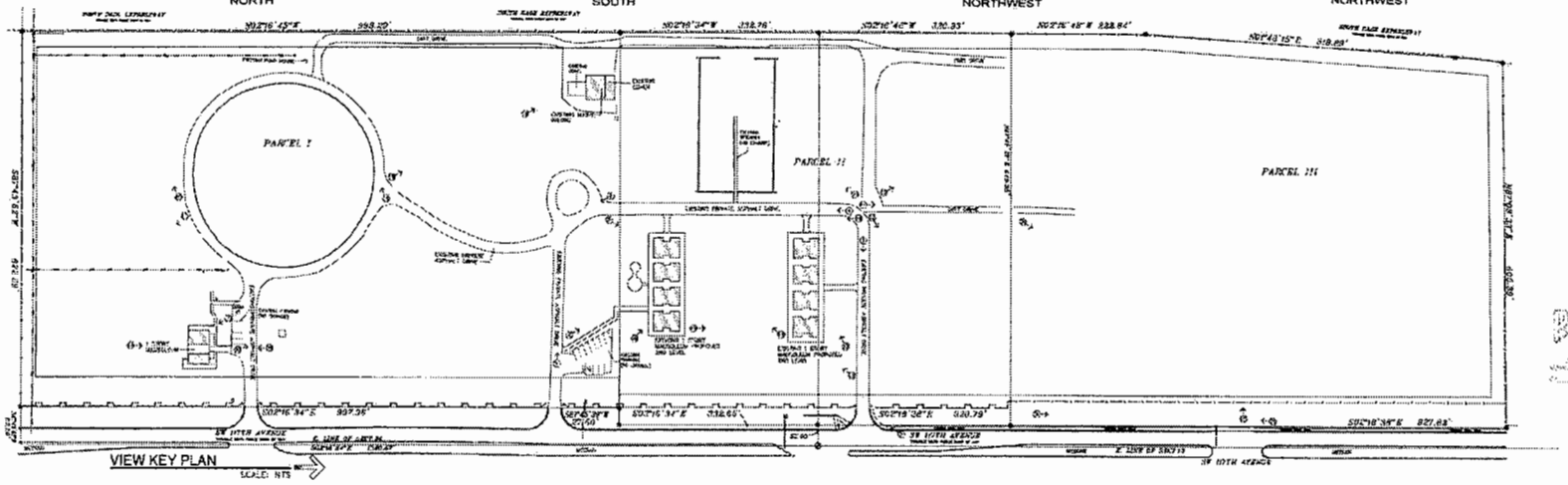


VIEW 29
NORTHWEST

VIEW 30
NORTHWEST



VIEW KEY PLAN
SCALE: NTS

GOMEZ ASSOCIATES
ARCHITECTS P.A.
Architecture
Engineering
Interior Architecture

4021 N.W. 100rd AVE.
SUNRISE
FLORIDA 33351
PH: (954) 748-5177
FAX: (954) 748-5479
Email: agomez05@aol.com

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE BEGINNING CONSTRUCTION.

CEMETERY - PHOTOS

PROPOSED OFFICES FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33186

Seal
Alberto F. Gomez
Lic. # : AR-0004164

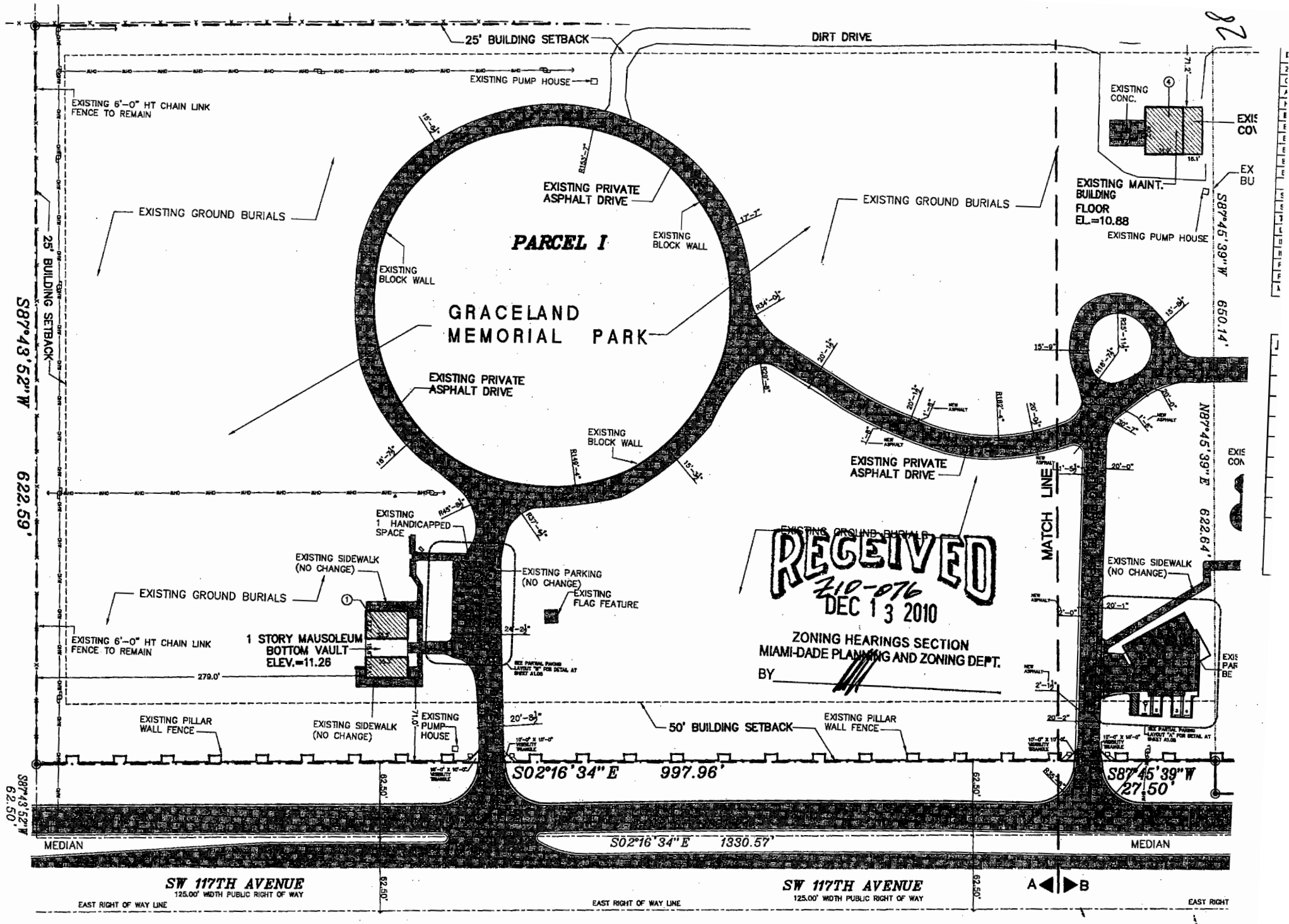
Lic. No
AR 0004164

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP

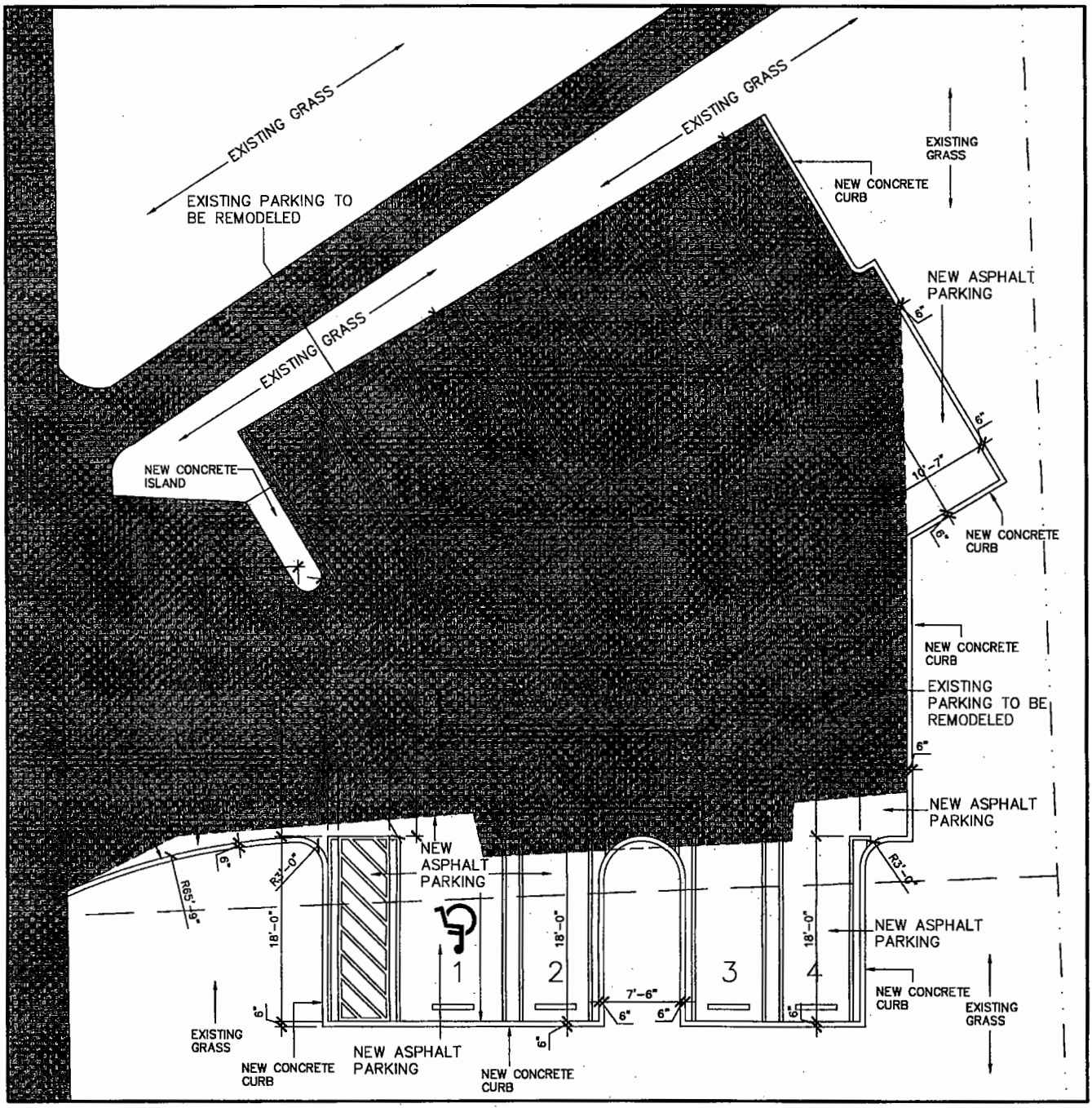
Date: 10-16-09
Drawn: JP
Approved: AG
Project N°: 2009-48

PH1.02

OF 2



ENLARGED SITE PLAN



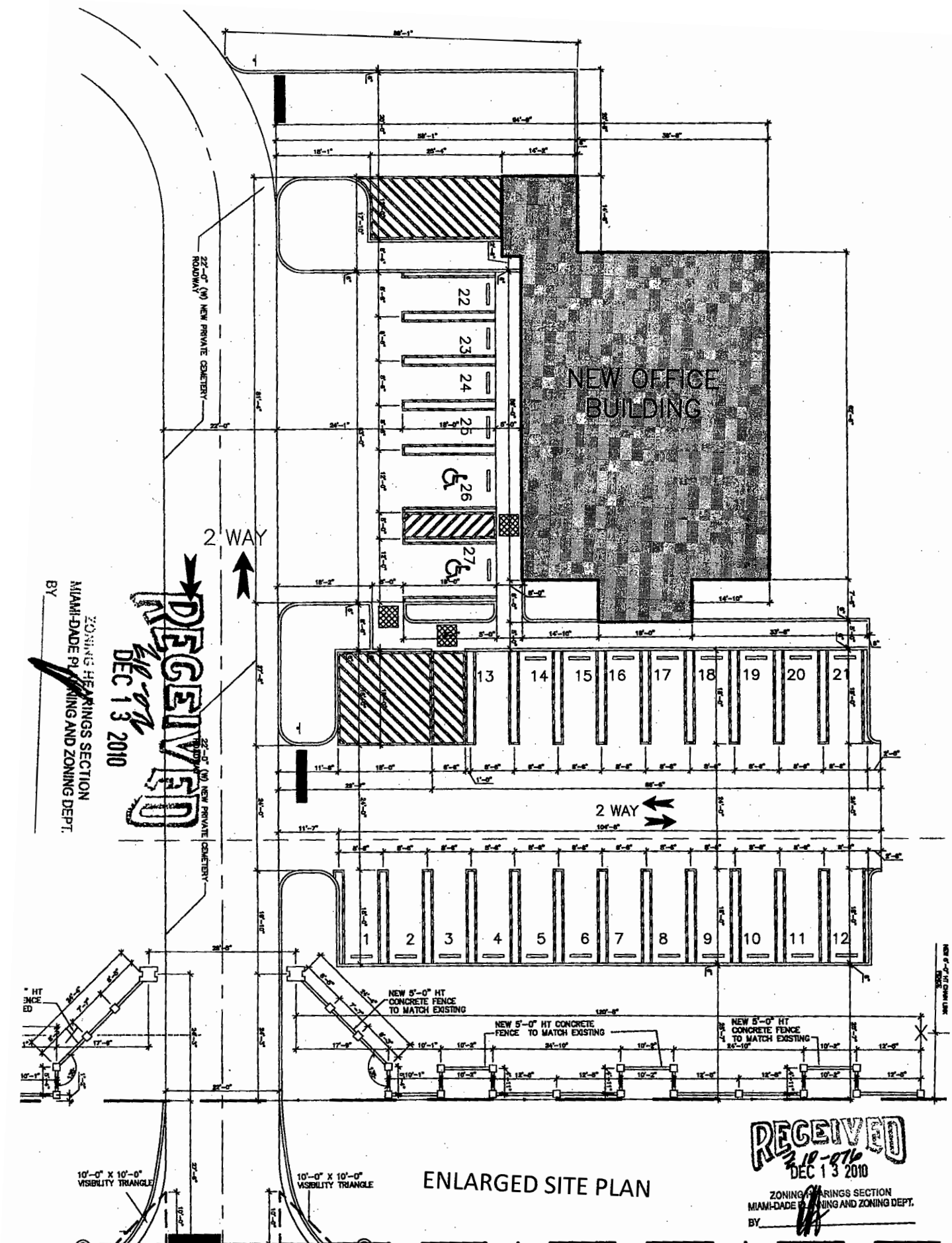
PARTIAL PARKING LAYOUT "A"

EXISTING PARKING TO BE REMODELED

SCALE: 1/8"=1'-0"

RECEIVED
Z10-076
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ENLARGED SITE PLAN



ENLARGED SITE PLAN

RECEIVED
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

OFFICES PARKING PLAN

PH.: (954)
FAX: (954)
Email: ago

DO NOT SCAL
DIMENSIONS G
VERIFY ALL D
CONDITIONS O
ARCHITECT IN
VARIATIONS BI
CONSTRUCTION

Seal
Alberto F.
Lic. N : A

Lic. No
AA 0001895
EB 000677

Re
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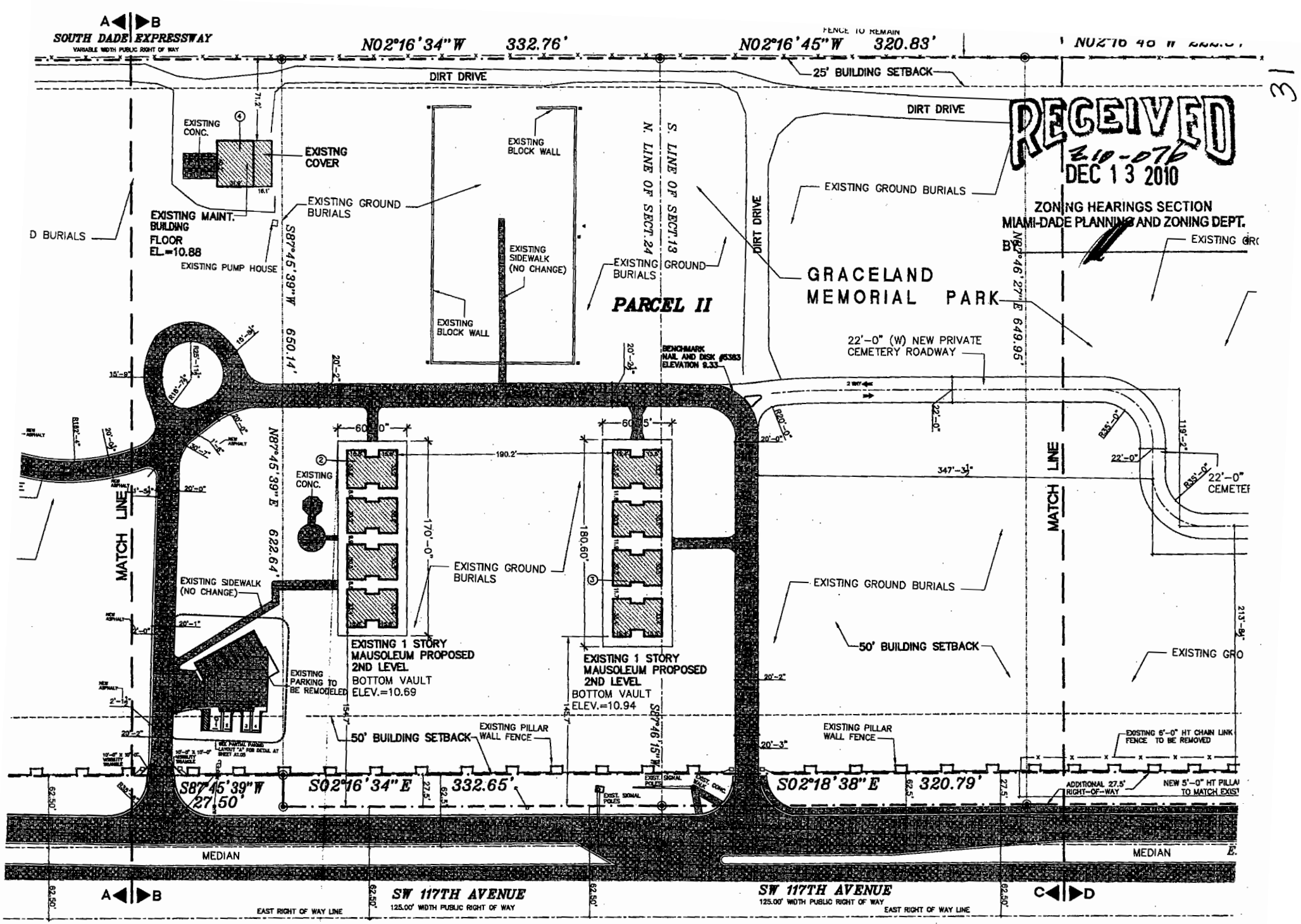
4

30



SITE PLAN 'B-C' (MID- AREA)

SCALE: 1"=50'

ENLARGED SITE PLAN

LEGAL DESCRIPTION:

PARCEL I
PARADISE

THENCE SOUTH 02° 16' 34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF S.W.

SITE PLAN 'A-A' (SOUTH AREA)

SCALE: 1"=50'

SIGNS AND GATES RESOLUTION
APPROVAL No. 4-ZAB-265-92

RECEIVED
Z10-074
DEC 13 2010
ZONING HEARINGS
MIAMI-DADE PLANNING AND ZONING DEPT.
BY ____

LEGAL DESCRIPTION

[illegible]

PROJECT DATA

DESCRIPTION	AREA	% OF COVERAGE LOT (NET)	BUILDING CUBIC CONTENT	REMARKS
ZONING DISTRICT: GU (INTERIM DISTRICT)				
GROSS AREA	N/A			
ACRES:	38.02 AC.			
NET AREA	1,8?? ??? SF.	100 %		
BUILDING AREAS DESCRIPTION				
BUILDING No. 1 (EXISTING MAUSOLEUM)	1,877 SF.		??,??? CF	
BUILDING No. 2 (EXISTING FIRST FLOOR MAUSOLEUM)	10,782 SF		377,720 CF	
BUILDING No. 3 (EXISTING FIRST FLOOR MAUSOLEUM)	11,??4 SF.		3??,1?? CF	
BUILDING No. 4 (EXISTING MAINTENANCE BUILDING)	1,382 SF.		12,??? CF	
BUILDING No. 5 (NEW OFFICES)	3,349 SF.		33,480 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (EXISTING)	25,815 SF.	1.43 %	780,487 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (PROPOSED)	3,349 SF.	0.21 %	33,480 CF	
TOTAL BUILDINGS COVERAGE AREA (EXISTING & NEW)	29,964 SF.	1.64 %	813,917 CF	
LOT COVERAGE REQUIRED (%)		15 %		
IMPERVIOUS AREA (EXISTING)	93,140 SF.	5.84 %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
IMPERVIOUS AREA (NEW)	139,422 SF.	8.16 %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
PERVIOUS AREA (EXISTING)	1,478,??? SF.	94.09 %		
PERVIOUS AREA (NEW)	1,440,??? SF.	91.32 %		
MAXIMUM BUILDING HEIGHT	35'-0" (MAX.)			

PARKING CALCULATIONS (BASED ON AREAS)

DESCRIPTION	(SF)	REQ. PARKING SPACES		REMARKS
NEW OFFICES	3,349 SF	1/300 SF	12 SPACES	
TOTAL OF PARKING REQUIRED			12 SPACES	
TOTAL OF EXISTING PARKING SPACES ON SITE			17 SPACES	
TOTAL OF NEW PARKING SPACES			27 SPACES	
TOTAL OF PARKING PROVIDED			44 SPACES	
REMARKS				

LOCATION SKETCH - KEY PLAN

SCALE N.T.S.

GOMEZ ASSOCIATES ARCHITECTS P.A.
Architecture ■ Engineering ■ Interior Architecture
4621 N.W. 103rd AVE.
SUNRISE
FLORIDA 33351
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FAX: (954) 748-5179
Email: agomez65@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GOVERN
VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

SITE PLAN

PROPOSED OFFICES BUILDING FOR GRACELAND MEMORIAL PARK

13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
AR-0004164

Lic. No
AA C001893
EB 0006771

RECEIVED Z10-074 DEC 13 2010 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY

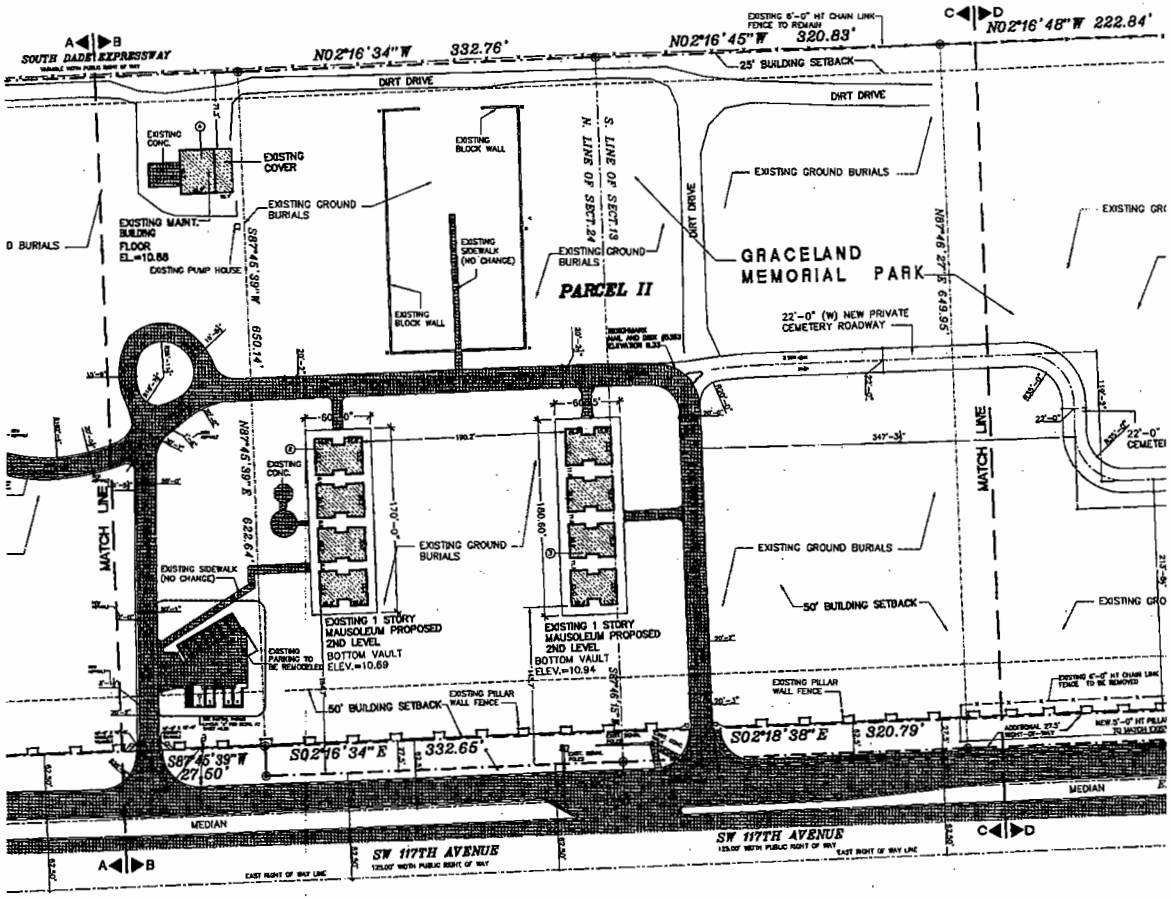
Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP

Date: 12-28-09
Drawn: JP
Approved: AG
Project N°: 2009-04

SP1.01

OF 5

32



SITE PLAN 'B-C' (MID- AREA)

SCALE: 1"=50'

SIGNS AND GATES RESOLUTION APPROVAL No. 4-ZAB-265-92

RECEIVED
E10-076
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LEGAL DESCRIPTION:

PARCEL I
PARADISE

ALL OF "RICHMOND CEMETERY OF PARADISE MEMORIAL GARDENS" ACCORDING TO THE PLAT OF PLAT THEREOF AS RECORDED IN PLAT BOOK 57, PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO DESCRIBED AS A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 332.66 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN SOUTH 87° 45' 39" WEST ALONG THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 27.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SW 117TH AVENUE; THENCE RUN SOUTH 02° 18' 38" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 320.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST BASE EXPERIMENT (STATE ROAD 953); THENCE RUN NORTH 69° 19' 55" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST BASE EXPERIMENT FOR A DISTANCE OF 1,199.15 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN NORTH 87° 46' 24" EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1,322.48 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 650.14 FEET TO THE POINT OF BEGINNING.

PARCEL II
PARADISE

A PORTION OF THE SOUTHWEST ¼ OF SECTION 13 AND A PORTION OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, ALL IN TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NW ¼ OF SECTION 24; THENCE SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 650.14 FEET TO A POINT; THENCE SOUTH 87° 46' 24" WEST FOR 1,322.48 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 332.66 FEET TO A POINT; THENCE SOUTH 87° 45' 39" WEST FOR 27.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SW 117TH AVENUE; THENCE SOUTH 02° 18' 38" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 320.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST BASE EXPERIMENT (STATE ROAD 953); THENCE RUN NORTH 69° 19' 55" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1,199.15 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN NORTH 87° 46' 24" EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1,322.48 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 650.14 FEET TO THE POINT OF BEGINNING.

PARCEL III
PARADISE

A PORTION OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF SECTION 13; THENCE SOUTH 87° 46' 24" WEST ALONG THE SOUTH LINE OF SAID SECTION 13 FOR A DISTANCE OF 1,322.48 FEET TO A POINT ON THE EAST LINE OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 13; THENCE NORTH 02° 16' 34" WEST ALONG SAID EAST LINE FOR A DISTANCE OF 1,179.10 FEET TO A POINT ON THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 826, ALSO KNOWN AS HOMESTEAD EXTENSION TO THE FLORIDA TURNPIKE; THENCE NORTH 69° 19' 24" WEST FOR 1,208.26 FEET; THENCE NORTH 65° 16' 40" WEST FOR 230.63 FEET TO A POINT ON THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 826, ALSO KNOWN AS HOMESTEAD EXTENSION TO THE FLORIDA TURNPIKE; THENCE NORTH 69° 19' 24" WEST FOR 328.04 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN AFTER DESCRIBED; THENCE SOUTH 02 DEGREES 48 MINUTES 21 SECONDS WEST FOR 646.58 FEET TO THE EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 826, ALSO KNOWN AS HOMESTEAD EXTENSION TO FL. TURNPIKE; THENCE NORTH 69 DEGREES 19 MINUTES 55 SECONDS WEST ALONG SAID EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE FOR 1,199.15 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 953 (SR 821 EXT) AND THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,949.86 FEET; THENCE RUN SOUTHWESTERLY ALONG SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1,949.86 FEET, THROUGH A CENTRAL ANGLE OF 01 DEGREES 29 MINUTES 11 SECONDS FOR AN ARC DISTANCE OF 50.44 FEET TO A POINT OF SAID CURVE, SAID POINT BEARS SOUTH 84 DEGREES 43 MINUTES 39 SECONDS EAST FROM THE CENTER OF SAID CURVE (SAID LAST THREE MENTIONED COURSES BEING CONCURRENT WITH SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 953, ALSO KNOWN AS TURNPIKE EXTENSION); THENCE NORTH 84 DEGREES 43 MINUTES 39 SECONDS EAST FOR 1,208.26 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SW 117TH AVENUE; THENCE SOUTH 02 DEGREES 16 MINUTES 34 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 117TH AVENUE FOR 327.83 FEET TO THE POINT OF BEGINNING.

LANDS AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PROJECT DATA:

DESCRIPTION	AREA	% OF COVERAGE LOT (MIN)	BUILDING DUMP CONTENT	REMARKS
ZONING DISTRICT: GU (INTERIM DISTRICT)				
GROSS AREA	N/A			
ACRES:	36.68 AC.			
NET AREA	1,589,008 SF.	100 %		
BUILDING AREAS DESCRIPTION				
BUILDING No. 1(EXISTING MAUSOLEUM)	1,677 SF.		39,899 CF	
BUILDING No. 2(EXISTING FIRST FLOOR MAUSOLEUM)	15,793 SF		377,230 CF	
BUILDING No. 3 (EXISTING FIRST FLOOR MAUSOLEUM)	11,884 SF.		366,136 CF	
BUILDING No. 4 (EXISTING MAINTENANCE BUILDING)	1,382 SF.		13,000 CF	
BUILDING No. 5 (NEW OFFICES)	3,349 SF.		33,490 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (EXISTING)	30,810 SF.	1.93 %	788,427 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (PROPOSED)	3,349 SF.	0.21 %	33,490 CF	
TOTAL BUILDING COVERAGE AREA (EXISTING & NEW)	34,164 SF.	1.84 %	818,917 CF	
LOT COVERAGE REQUIRED (%)		10 %		
IMPERVIOUS AREA (EXISTING)	93,149 SF.	5.84 %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
IMPERVIOUS AREA (NEW)	138,422 SF.	8.15 %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
PERVIOUS AREA (EXISTING)	1,470,865 SF.	94.09 %		
PERVIOUS AREA (NEW)	1,449,594 SF.	91.83 %		
MAXIMUM BUILDING HEIGHT	35'-0" (MIN.)			

PARKING CALCULATIONS (BASED ON AREAS)

DESCRIPTION	(SF)	REQ. PARKING SPACES		REMARKS
NEW OFFICES	3,349 SF	1/300 SF	12 SPACES	
TOTAL OF PARKING REQUIRED			12 SPACES	
TOTAL OF EXISTING PARKING SPACES ON SITE			17 SPACES	
TOTAL OF NEW PARKING SPACES			27 SPACES	
TOTAL OF PARKING PROVIDED			44 SPACES	
REMARKS				

LOCATION SKETCH - KEY PLAN

GOMEZ ASSOCIATES ARCHITECTS P.A.
Architecture
Engineering
Interior Architecture
4621 N.W. 103rd AVE.
SUNRISE
FLORIDA 33351
PH.: (954) 748-5177
FAX: (954) 748-5179
Email: agomez05@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GOVERN
VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

SITE PLAN

PROPOSED OFFICES BUILDING FOR GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33863

Seal
Alberto F. Gomez
AR-0004164

RECEIVED
E10-076
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Lic. No
AA 0001811
ID 0008771

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP
6		

Date: 12-26-09
Drawn: JP
Approved: AG
Project N°: 2009-04

SP1.02

OF 5

SITE PLAN 'D-D' (NORTH AREA)
SCALE: 1"=50'

LEGAL DESCRIPTION

PARCEL I

[illegible]

RECEIVED
Z10-074
DEC 13 2010
ZONING HEARINGS
MIAMI-DADE PLANNING AND ZONING DEPT.
BY ____

PROJECT DATA:

DESCRIPTION	AREA	% OF COVERAGE LOT (NET)	BUILDING CUBID CONTENT	REMARKS
ZONING DISTRICT: GU (INTERIM DISTRICT)				
GROSS AREA	N/A			
ACRES:	58.08 AC.			
NET AREA	1,[illegible] SF.	100 %		
BUILDING AREAS DESCRIPTION				
BUILDING No. 1 (EXISTING MAUSOLEUM)	1,077 SF.		[illegible] CF	
BUILDING No. 2 (EXISTING FIRST FLOOR MAUSOLEUM)	10,792 SF		377,720 CF	
BUILDING No. 3 (EXISTING FIRST FLOOR MAUSOLEUM)	11,[illegible] SF.		[illegible] CF	
BUILDING No. 4 (EXISTING MAINTENANCE BUILDING)	1,[illegible] SF.		[illegible] CF	
BUILDING No. 5 (NEW OFFICES)	3,340 SF.		33,400 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (EXISTING)	[illegible] SF.	1.83 %	785,487 CF	
SUBTOTAL BUILDINGS COVERAGE AREA (PROPOSED)	3,340 SF.	0.21 %	33,400 CF	
TOTAL BUILDINGS COVERAGE AREA (EXISTING & NEW)	[illegible] SF.	1.84 %	818,817 CF	
LOT COVERAGE REQUIRED (%)		15 %		
IMPERVIOUS AREA (EXISTING)	93,140 SF.	[illegible] %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
IMPERVIOUS AREA (NEW)	128,422 SF.	8.18 %		INCLUDING ROADS, SIDEWALKS & BUILDINGS
PERVIOUS AREA (EXISTING)	1,478,[illegible] SF.	94.[illegible] %		
PERVIOUS AREA (NEW)	1,440,[illegible] SF.	91.82 %		
MAXIMUM BUILDING HEIGHT	35'-0" (MAX.)			

PARKING CALCULATIONS (BASED ON AREAS)

DESCRIPTION	(SF)	REQ. PARKING SPACES		REMARKS
NEW OFFICES	3,340 SF	1/300 SF	12 SPACES	
TOTAL OF PARKING REQUIRED			12 SPACES	
TOTAL OF EXISTING PARKING SPACES ON SITE			17 SPACES	
TOTAL OF NEW PARKING SPACES			27 SPACES	
TOTAL OF PARKING PROVIDED			44 SPACES	
REMARKS				

LOCATION SKETCH - KEY PLAN
SCALE N.T.S.

RECEIVED
DEC 13 2010
ZONING HEARINGS
MIAMI-DADE PLANNING AND ZONING DEPT.

GOMEZ ASSOCIATES ARCHITECTS P.A.
Architecture
Engineering
Interior Architecture
4821 N.W. 103rd AVE.
SUNRISE
FLORIDA 33351
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FAX: (954) 748-5179
Email: agomez50@aol.com

DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

SITE PLAN

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
AA C001[illegible]
EB 0006771

No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP

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Approved: AO
Project N°: 2009-04

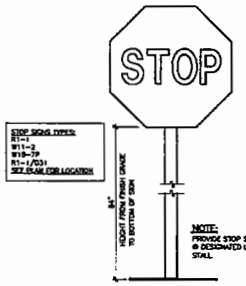
SP1.03

OF 5

NOTE:
THE TOP PORTION OF FTP-28 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOLS AND BORDER

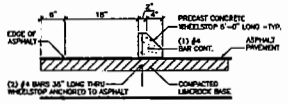
NOTES:
1.- DISABLED SIGN WILL BE OF F.D.O.T. (BLUE) COLOR
2.- PAVEMENT BORDER LINES (ONE ON EACH SIDE) OF THE DISABLE SPACE WILL BE OF A BLUE COLOR OF A QUALITY EQUIVALENT TO SUPER STRIPE TRAFFIC PAINT SOLD BY FOX VALLY SYSTEMS, INC. OF CARY, ILLINOIS. (PHONE 1.800.323.4770) SHALL BE STRIPED ON THE WEARING SURFACE OF EACH SPACE DESIGNED FOR THE DISABLE PARKING SPACE. ORDINANCE No. 1550
3.- ALL LETTERS IN MIDDLE PORTION OF SIGN ARE 1.5" SERIES AT 1.5" SPACING
4.- ALL LETTERS IN BOTTOM PORTION OF SIGN ARE 1" SERIES AT 1" SPACING
5.- MINIMUM FINE SHALL BE $250.00 PER ORDINANCE 2140

PARKING SPACES DETAILS
NOT TO SCALE

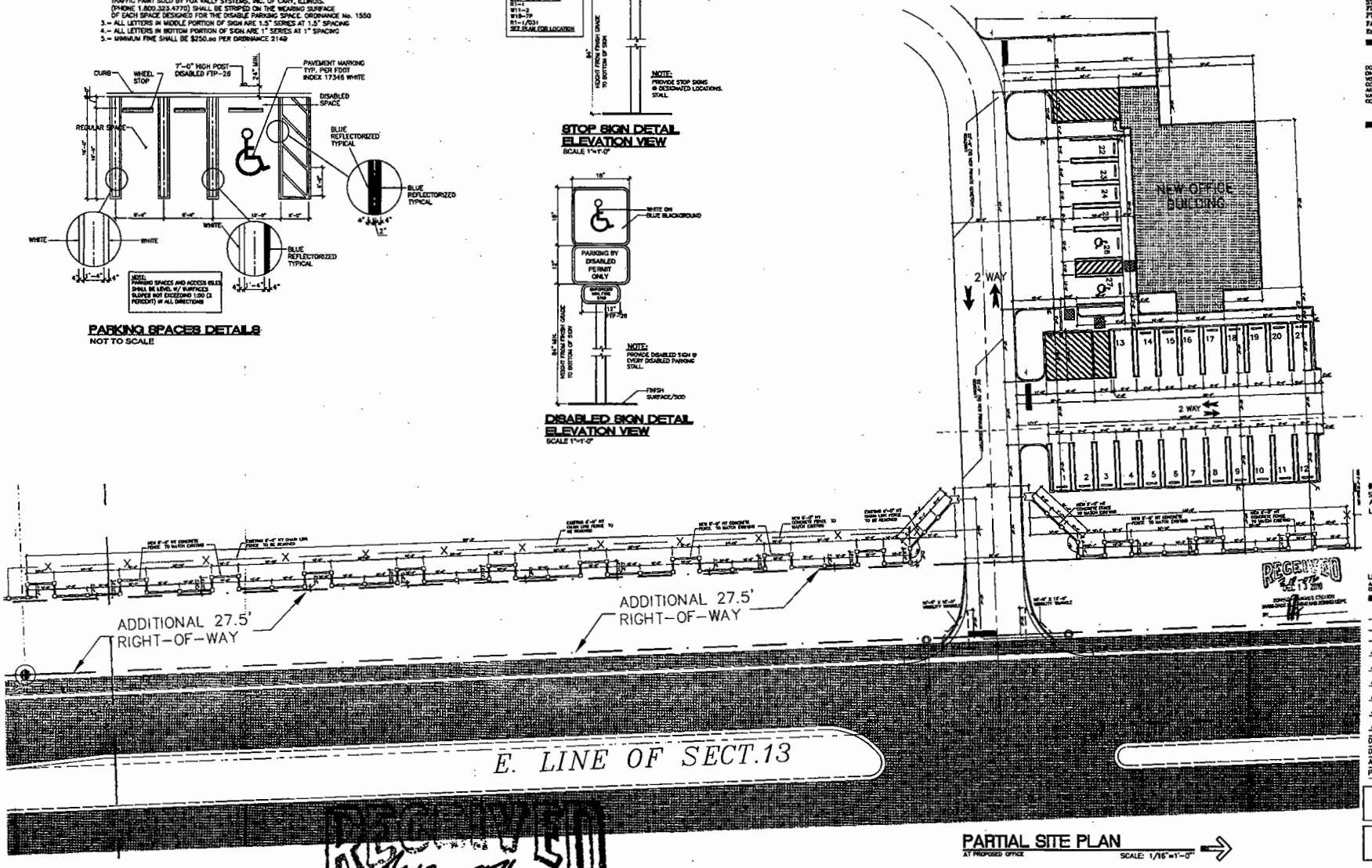


STOP SIGN DETAIL ELEVATION VIEW
SCALE 1"=1'-0"

DISABLED SIGN DETAIL ELEVATION VIEW
SCALE 1"=1'-0"



CONCRETE WHEELSTOP
SCALE 1"=1'-0"



PARTIAL SITE PLAN
AT PROPOSED OFFICE
SCALE: 1/16"=1'-0"

RECEIVED
DEC 13 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

RECEIVED
DEC 13 2010

GOMEZ ASSOCIATES ARCHITECTS P.A.
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FAX: (954) 746-8179
Email: agomez80@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GOVERN
VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

PROPOSED OFFICES BUILDING FOR:
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

OFFICES PARKING PLAN

Seal
Alberto F. Gomez
Lic. N : AR-0004164

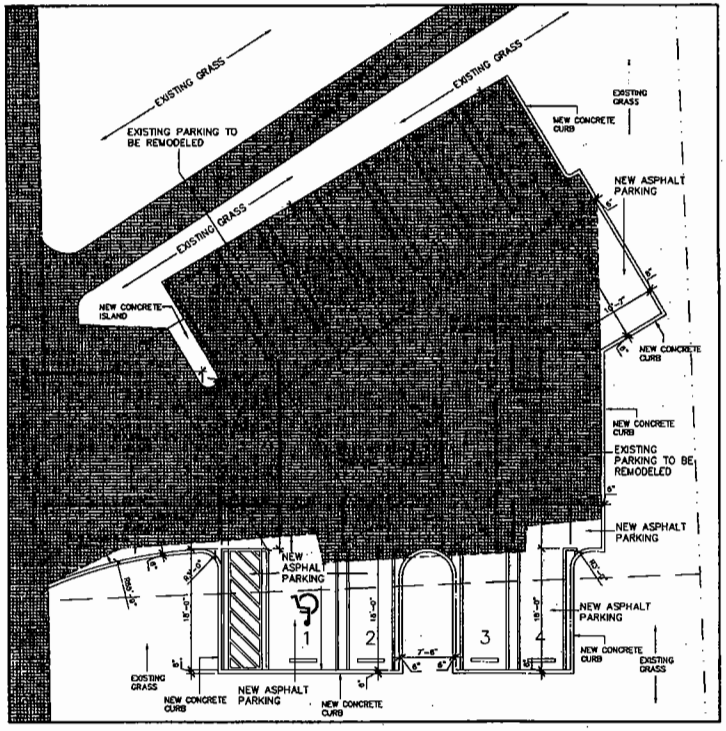
Lic. No
AA 0001895
ID 0006773

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP
6		

Date: 12-28-09
Drawn: JP
Approved: AG
Project N°: 2009-04

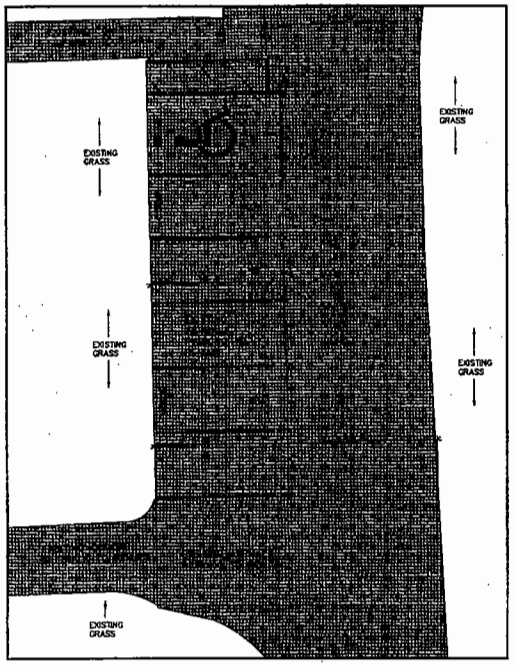
SP1.04

OF 5



PARTIAL PARKING LAYOUT 'A'

EXISTING PARKING TO BE REMODELED SCALE: 1/8"=1'-0"



PARTIAL PARKING LAYOUT 'B'

EXISTING PARKING AT BUILDING No.1 SCALE: 1/8"=1'-0"

GOMEZ ASSOCIATES
ARCHITECTS P.A.
Architecture
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Interior Architecture
6821 N.W. 103rd AVE.
SUNRISE
FLORIDA 33351
PH.: (954) 748-5177
FAX: (954) 748-5179
Email: agomez55@aol.com

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

PARTIAL PARKING LAYOUT 'A - B'

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004184

Lic. No
AA 0001699
EB 0006771

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5		
6		

Date: 12-28-09
Drawn: JP
Approved: AG
Project N°: 2009-04

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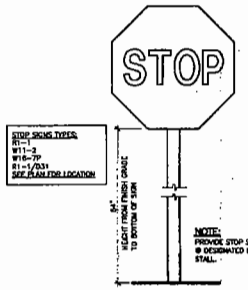
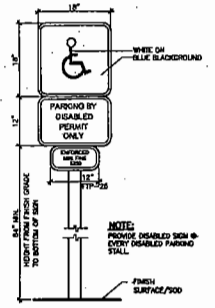
OF 5



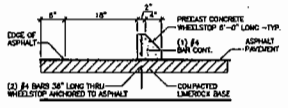
STOP SIGN DETAIL ELEVATION VIEW

SCALE 1"=1'-0"



DISABLED SIGN DETAIL ELEVATION VIEW

SCALE 1"=1'-0"



CONCRETE WHEELSTOP

SCALE 1"=1'-0"

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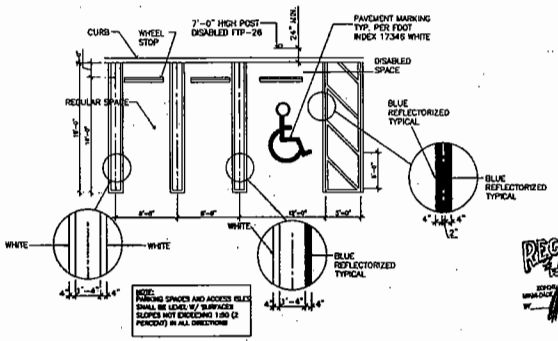
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NOTE:
THE TOP PORTION OF FTP-26 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOLS AND BORDER

NOTE:
1.- DISABLED SIGN WILL BE OF F.D.O.T. (BLUE) COLOR
2.- PAVEMENT BORDER LINES (ONE ON EACH SIDE) OF THE DISABLE SPACE WILL BE OF A BLUE COLOR OF A QUALITY EQUIVALENT TO SUPER STRIPE TRAFFIC PAINT SOLD BY FOX VALLY SYSTEMS, INC. OF CARY, ILLINOIS. (PHONE 1.800.323.4770) SHALL BE STRIPED ON THE WEARING SURFACE OF EACH SPACE DESIGNED FOR THE DISABLE PARKING SPACE. ORDINANCE No. 1550
3.- ALL LETTERS IN MIDDLE PORTION OF SIGN ARE 1.5" SERIES AT 1.5" SPACING
4.- ALL LETTERS IN BOTTOM PORTION OF SIGN ARE 1" SERIES AT 1" SPACING
5.- MINIMUM FINE SHALL BE $250.00 PER ORDINANCE 2149



PARKING SPACES DETAILS

NOT TO SCALE

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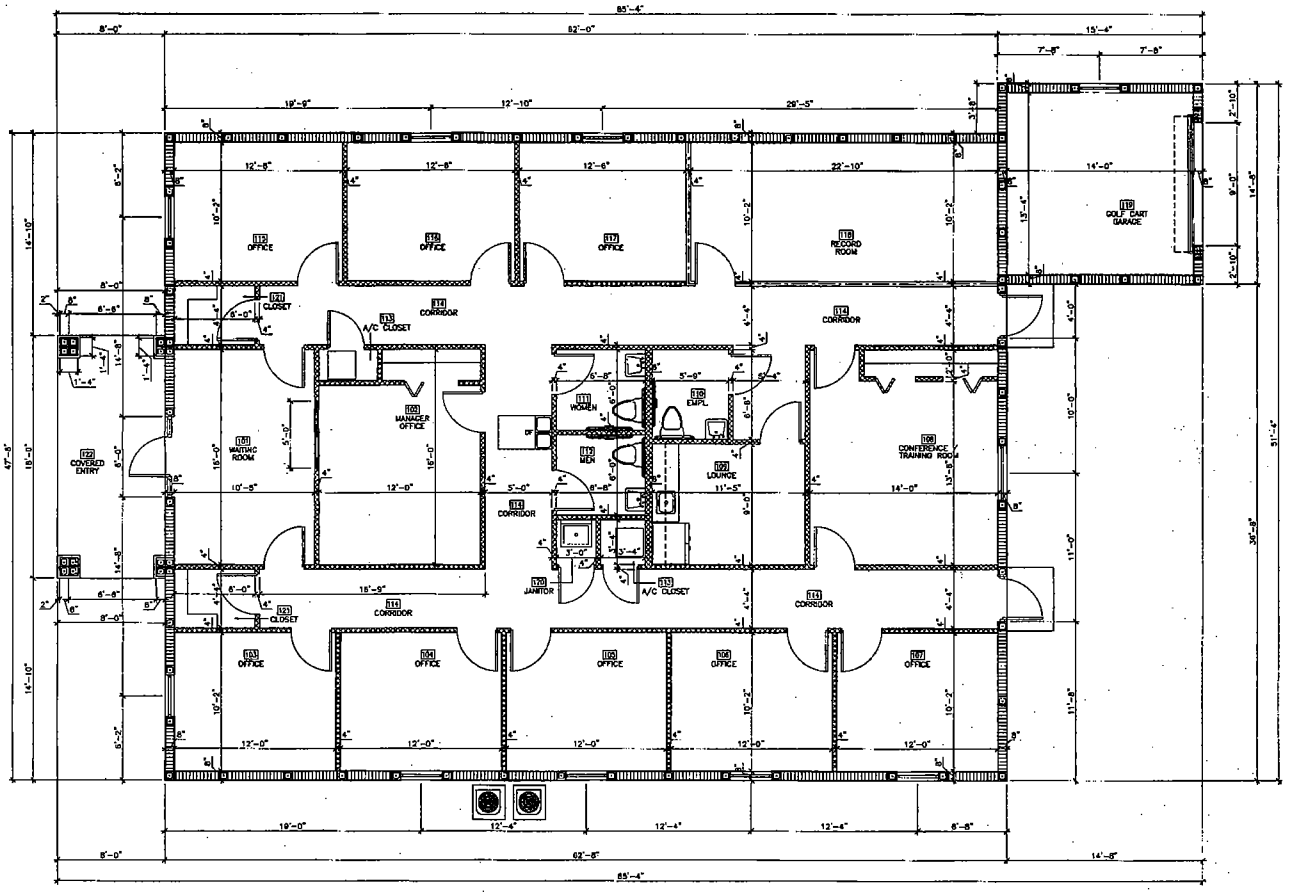
37



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

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BUILDING AREAS	
FLOOR AREA (A/C)	2,980 SF
GOLF CART GARAGE	225 SF
COVERED ENTRY	144 SF
TOTAL	3,349 SF
REMARKS	

GOMEZ ASSOCIATES ARCHITECTS P.A.
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Interior Architecture
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FAX: (954) 748-5179
Email: agomez66@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GOVERN
VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

OFFICES FLOOR PLAN
PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
AA 0001895
CB 0006771

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP

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Approved: AG
Project N°: 2009-46

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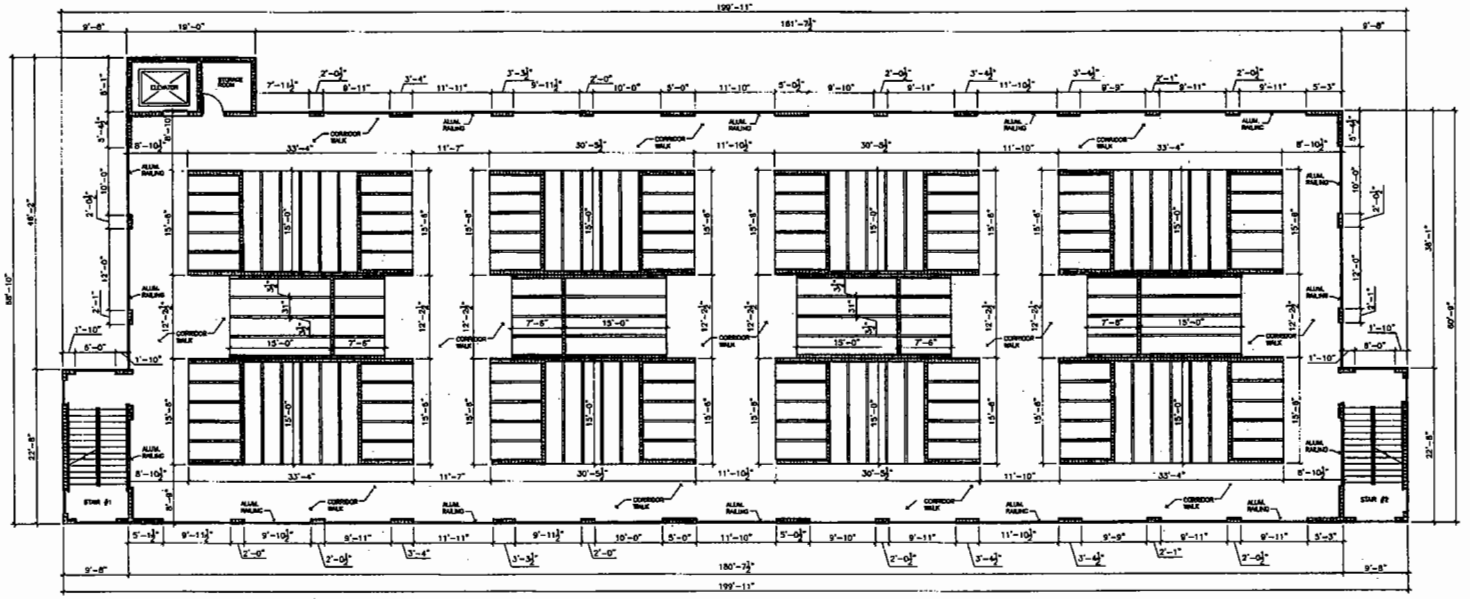
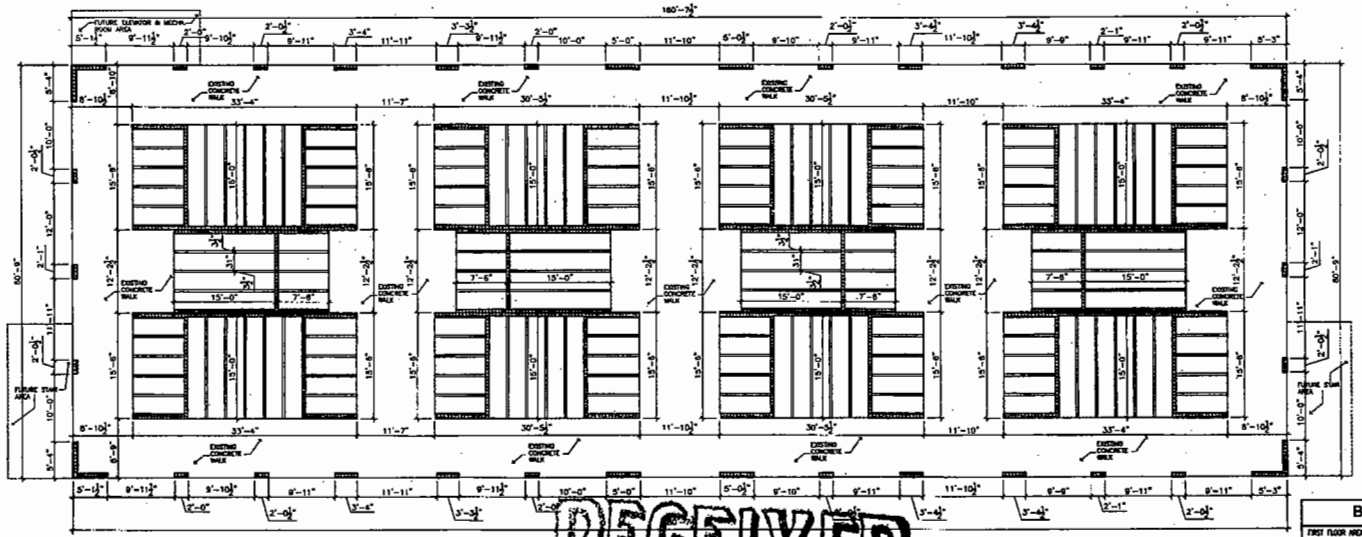


SECOND FLOOR PLAN - BUILDING 3
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



FIRST FLOOR PLAN - BUILDING 3
EXISTING FIRST FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.

BUILDING 3 AREAS	
FIRST FLOOR AREA (BUILDING FOOT PRINT)	11,564 SF
SECOND FLOOR AREA	10,971 SF
TOTAL	22,535 SF
REMARKS	

GOMEZ ASSOCIATES
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DO NOT SCALE DRAWINGS
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FIRST & SECOND FLOOR PLANS - BUILDING 3

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
AA 0001695

Revisions		
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3	08-07-10	JP
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Approved: AG
Project N°: 2009-46

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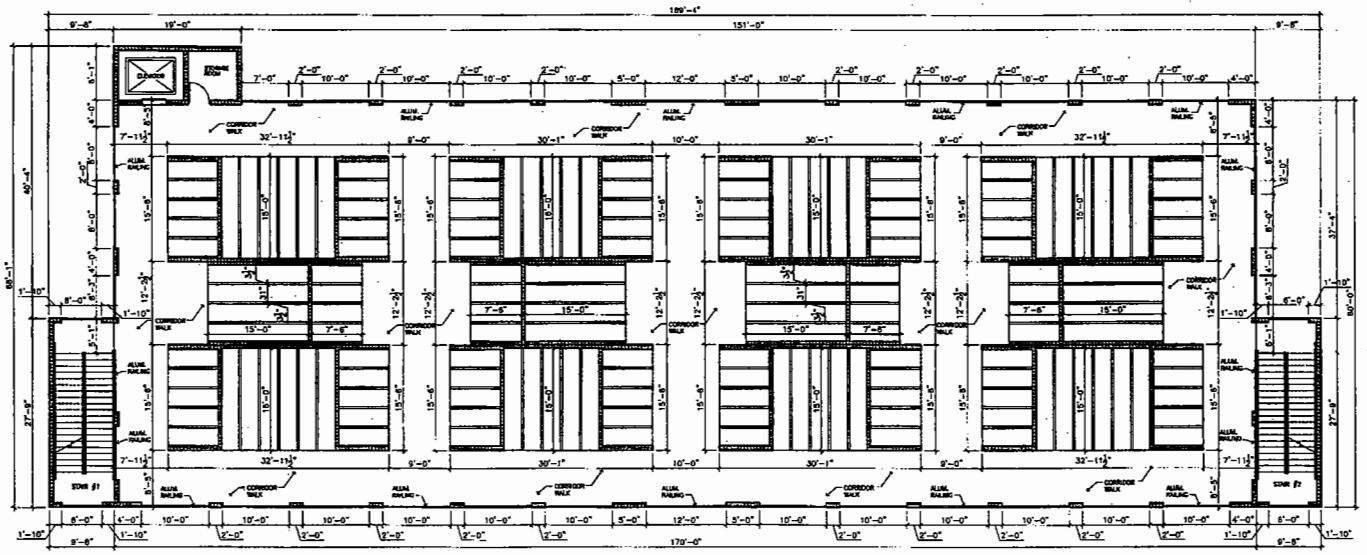
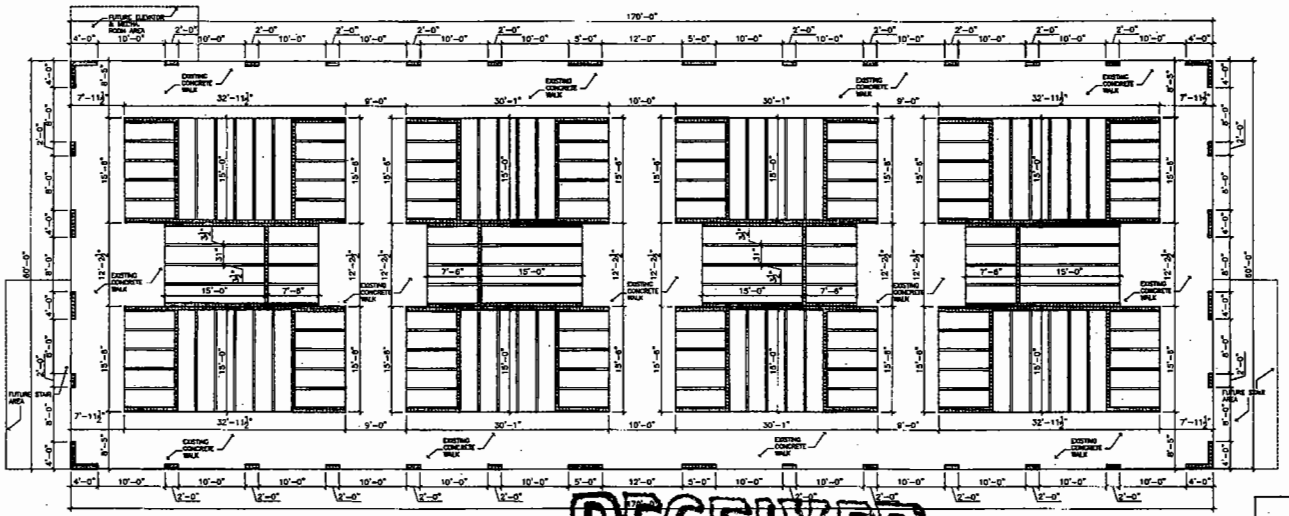
OF 6



SECOND FLOOR PLAN - BUILDING 2
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



FIRST FLOOR PLAN - BUILDING 2
EXISTING FIRST FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"

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Z10-076
DEC 13 2010
ZONING HEARINGS SECTION
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BUILDING 2 AREAS	
FIRST FLOOR AREA (BUILDING FOOT PRINT)	16,782 SF
SECOND FLOOR AREA	16,200 SF
TOTAL	34,982 SF
REMARKS	

GOMEZ ASSOCIATES
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FIRST & SECOND FLOOR PLANS - BUILDING 2
PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

12/13/10

Lic. No
AA 0001895

Revisions		
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Approved: AG
Project N°: 2009-46

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DATE: DEC 13 2010
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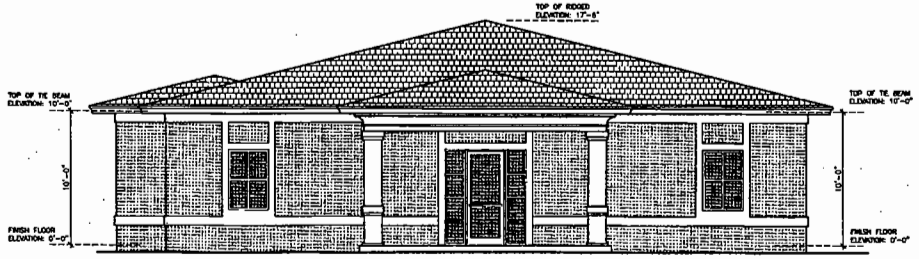
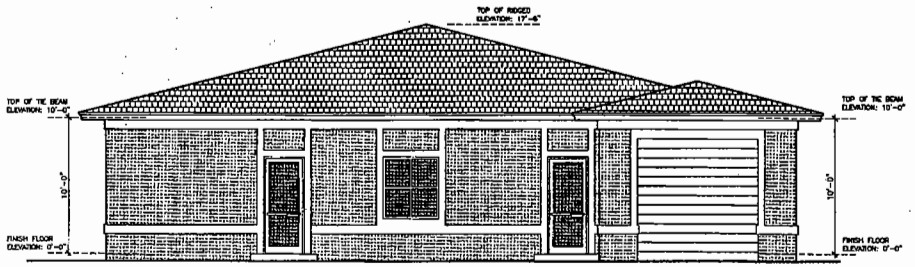
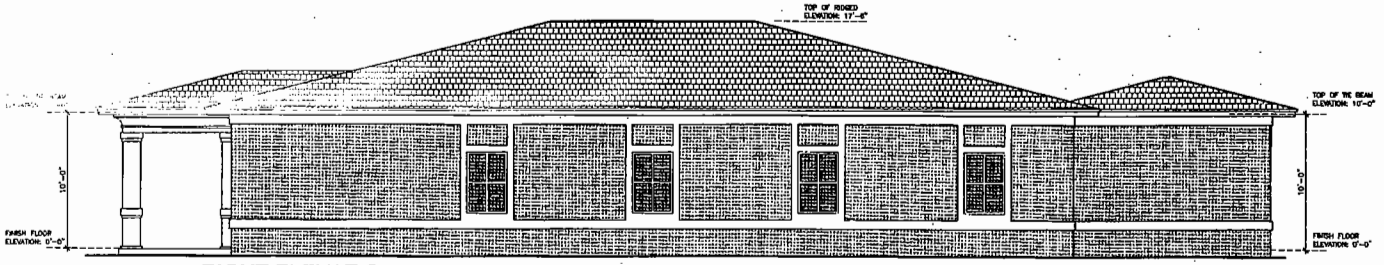


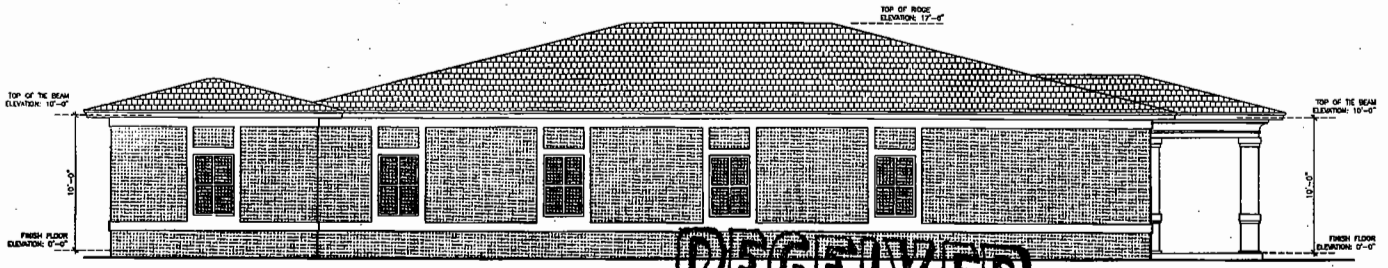
FRONT ELEVATION
OFFICES SCALE 1/4"=1'-0"



REAR ELEVATION
OFFICES SCALE 1/4"=1'-0"



RIGHT ELEVATION
OFFICES SCALE 1/4"=1'-0"



LEFT ELEVATION
OFFICES SCALE 1/4"=1'-0"

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OFFICE ELEVATIONS

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004184

Lic. No
AA 0001895
BB 0006771

Revisions

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1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
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Approved: AG
Project N°: 2009-48

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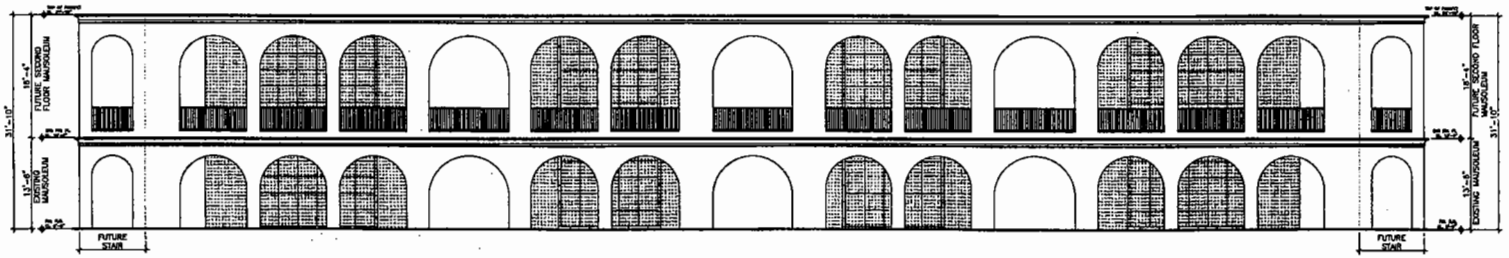
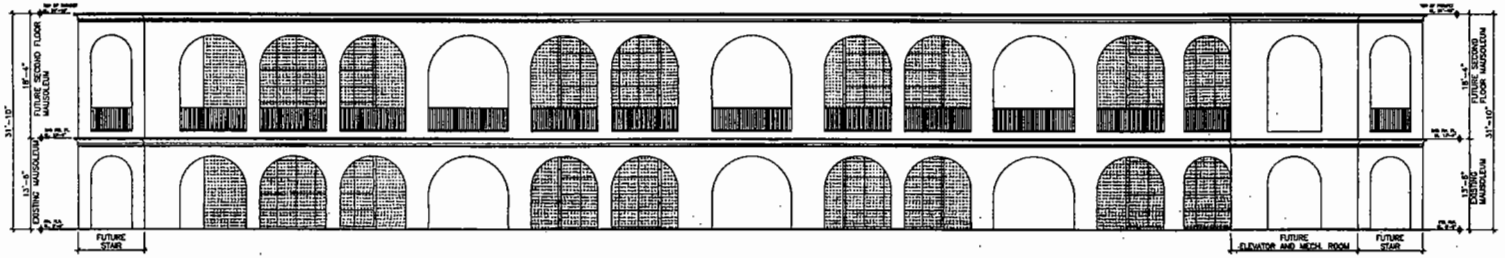
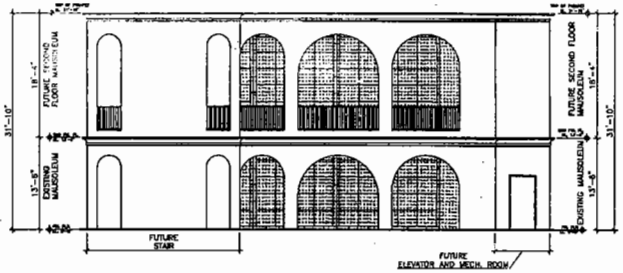
BY: DMI



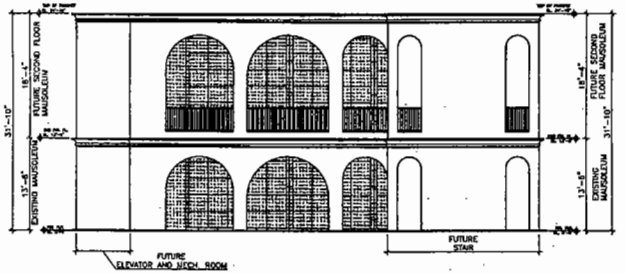
NORTH ELEVATION - BUILDING 3
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



SOUTH ELEVATION - BUILDING 3
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



WEST ELEVATION - BUILDING 3
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



EAST ELEVATION - BUILDING 3
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"

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ELEVATION PLANS - BUILDING 3

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33653

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
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Revisions		
No.	Date	By
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Approved: AG
Project N°: 2009-46

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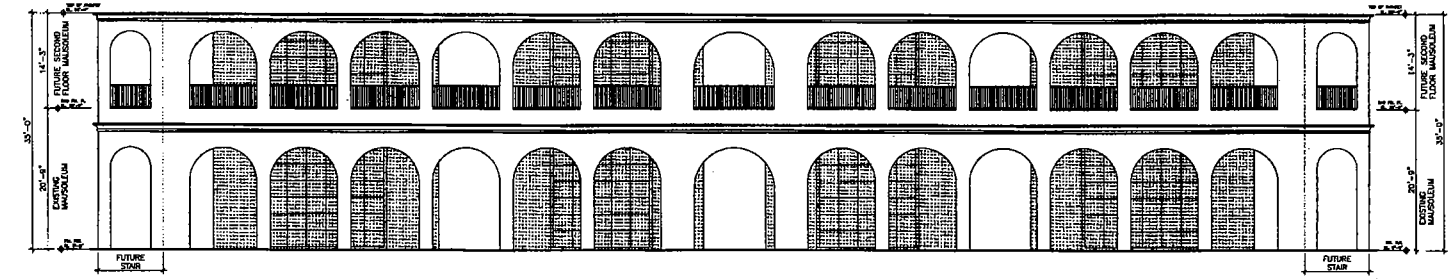
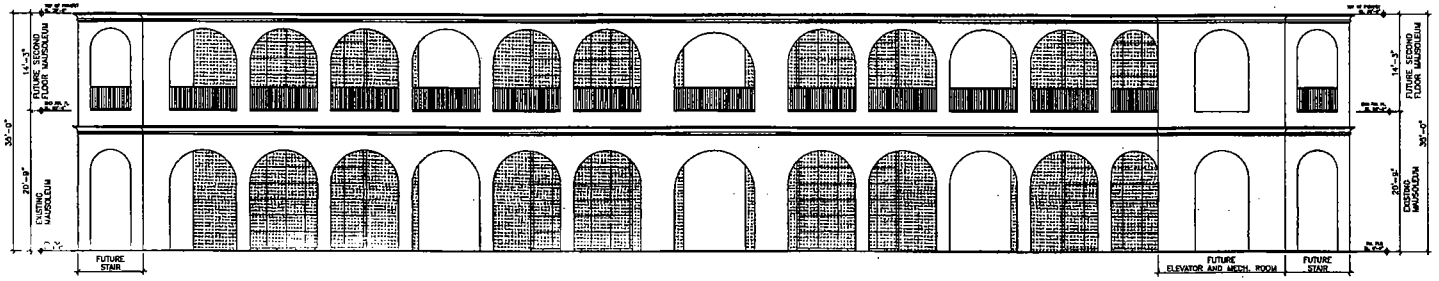
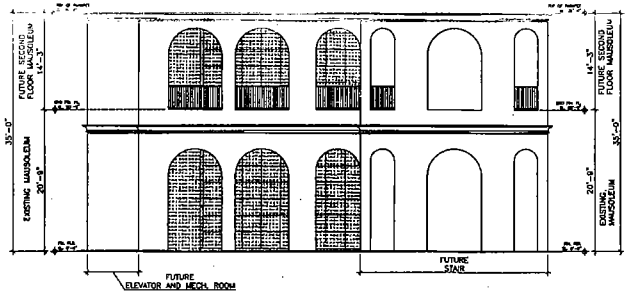


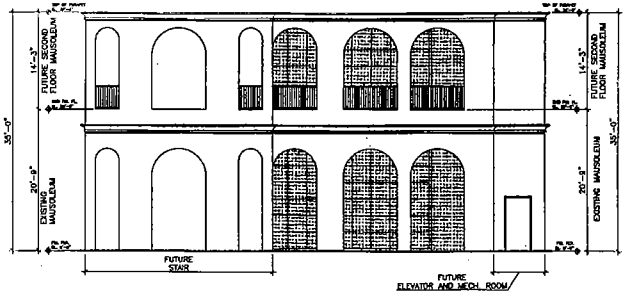
NORTH ELEVATION - BUILDING 2
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



SOUTH ELEVATION - BUILDING 2
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



EAST ELEVATION - BUILDING 2
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"



WEST ELEVATION - BUILDING 2
FUTURE SECOND FLOOR (MAUSOLEUM) SCALE: 1/8"=1'-0"

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Email: agomez60@aol.com

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ELEVATION PLANS - BUILDING 2
PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33653

Seal
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Lic. No
AA C001895

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1	08-07-10	JP
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Project N°: 2009-46

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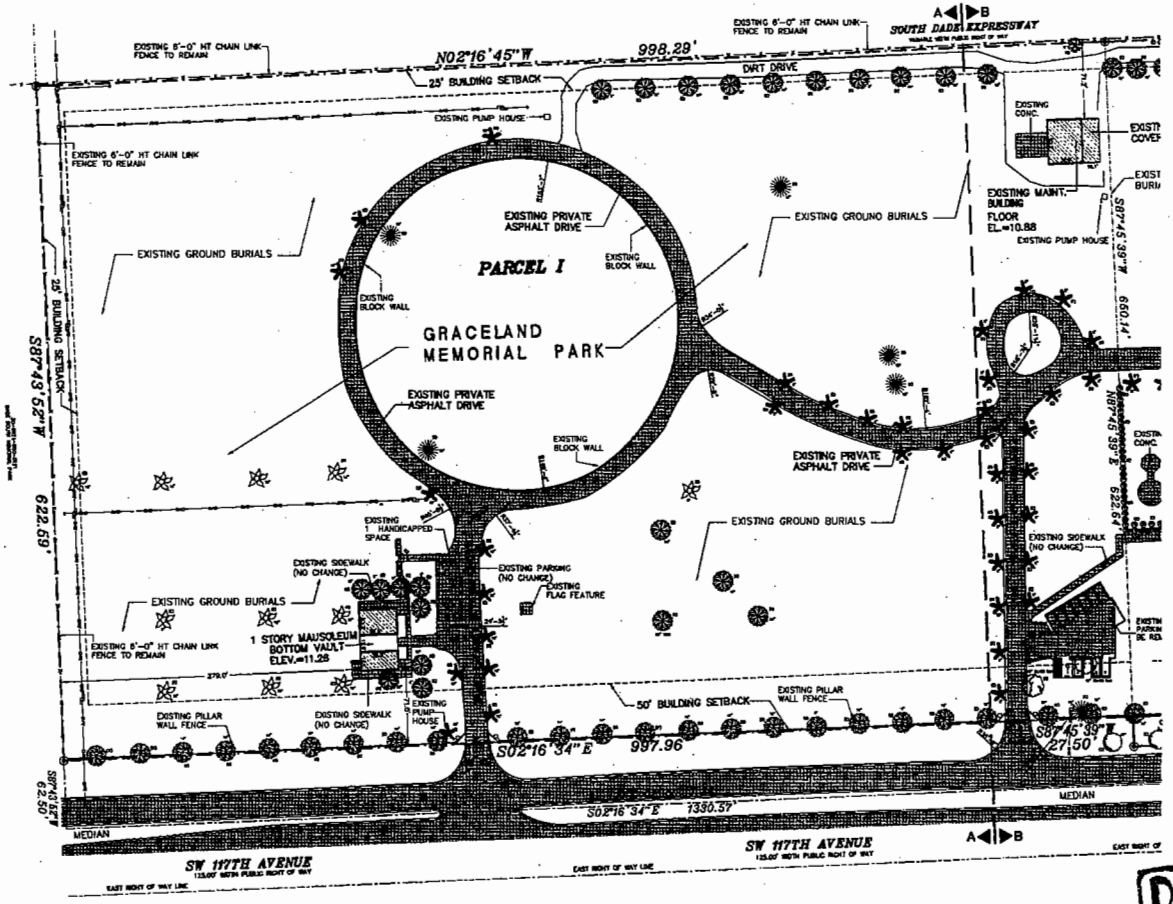
OF 6



LANDSCAPE PLAN 'A-A' (SOUTH AREA)

SCALE: 1"=50'

LANDSCAPE MATERIALS LIST (NEW)

SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE	SPECIFICATIONS
	TREES AND PALMS			
	SABAL PALMS	CABBAGE PALM	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	4" CALIP. – 10' HT
	SHRUBS AND EXOTICS			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GAL., 24" O.A.
STREET TREES	EXISTING TREES: 43 / NEW TREES: 32 — TOTAL: 75 TREES	LIVE OAK	YES	4" CALIP. – 12' HIGH AT TIME OF PLANTING / STREET TREES AT 35'-0" O.C. MAX

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX

LANDSCAPE MATERIALS LIST (EXISTING)

SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINCHA BERRY TREE	
	HEDGE	

LANDSCAPE DATA

DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS
STREET TREES: 2,480 LF / 35 O.C. = 71 TREES	71	75	PROVIDED: EXISTING 43 TREES, NEW 32 TREES
STREET TREES SPECIFICATIONS: 4" CALIP. – 12' HIGH AT TIME OF PLANTING; STREET TREES AT 35'-0" O.C. MAX			

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LANDSCAPE PLAN

PROPOSED OFFICES BUILDING FOR GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004164

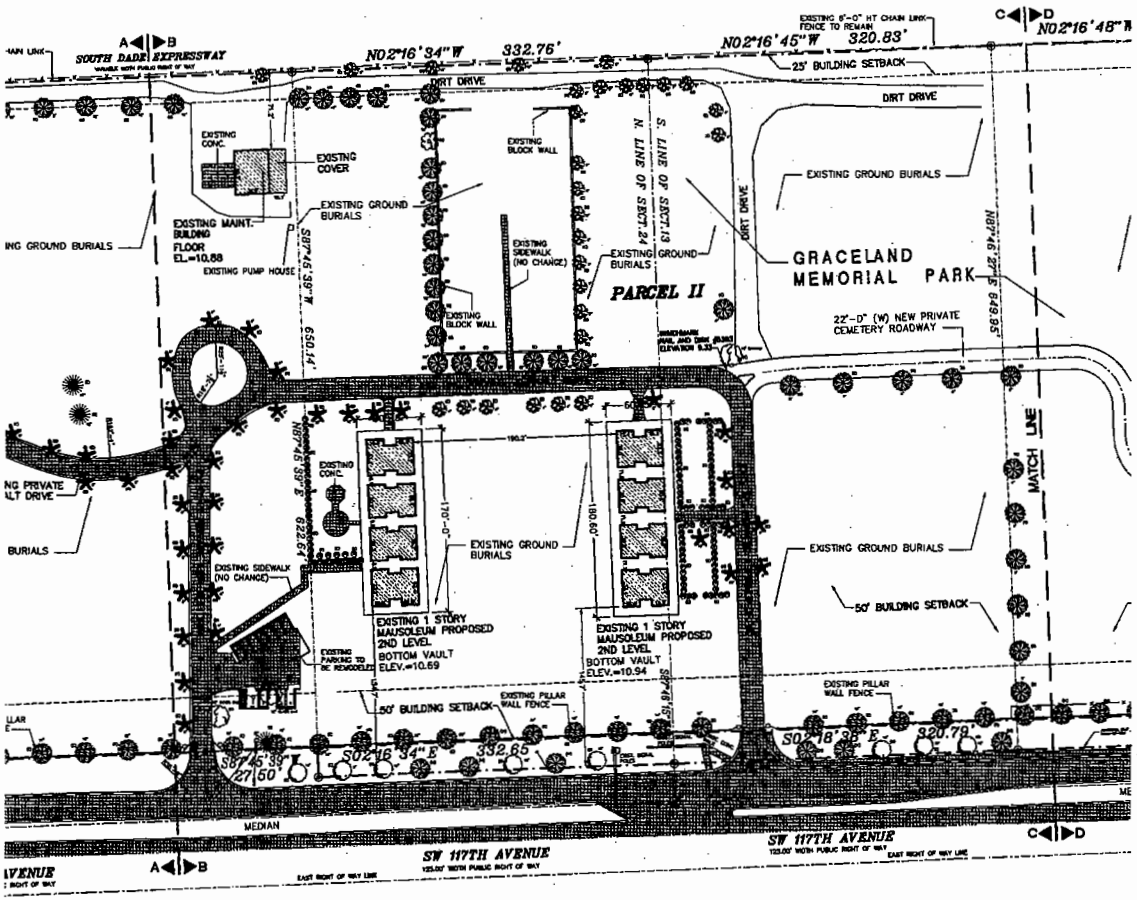
Lic. No
AA 0001899
EB 0006771

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP
6		

Date: 12-28-09
Drawn: JP
Approved: AG
Project N°: 2009-04

LP1.01

OF 4



LANDSCAPE PLAN 'B-C' (MID- AREA)
SCALE: 1"=50'

LANDSCAPE MATERIALS LIST (NEW)

SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE	SPECIFICATIONS
	TREES AND PALMS			
	SABAL PALMS	CABBAGE PALM	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	4" CALIP. - 15' HT
	SHRUBS AND EXOTICS			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GAL., 24" O.A.
STREET TREES	EXISTING TREES: 43 / NEW TREES: 32 — TOTAL: 75 TREES	LIVE OAK	YES	4" CALIP. - 12' HIGH AT TIME OF PLANTING STREET TREES AT 35'-0" O.C. MAX

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX.

LANDSCAPE MATERIALS LIST (EXISTING)

SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINNA BERRY TREE	
	HEDGE	

LANDSCAPE DATA

DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS
STREET TREES			
2,480 LF / 35 O.C. = 71 TREES	71	75	PROVIDED: EXISTING 43 TREES; NEW 32 TREES
STREET TREES SPECIFICATIONS			
4" CALIP. - 12' HIGH AT TIME OF PLANTING			
STREET TREES AT 35'-0" O.C. MAX			

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Interior Architecture
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LANDSCAPE PLAN

PROPOSED OFFICES BUILDING FOR
GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33853

Seal
Alberto F. Gomez
Lic. N : AR-0004184

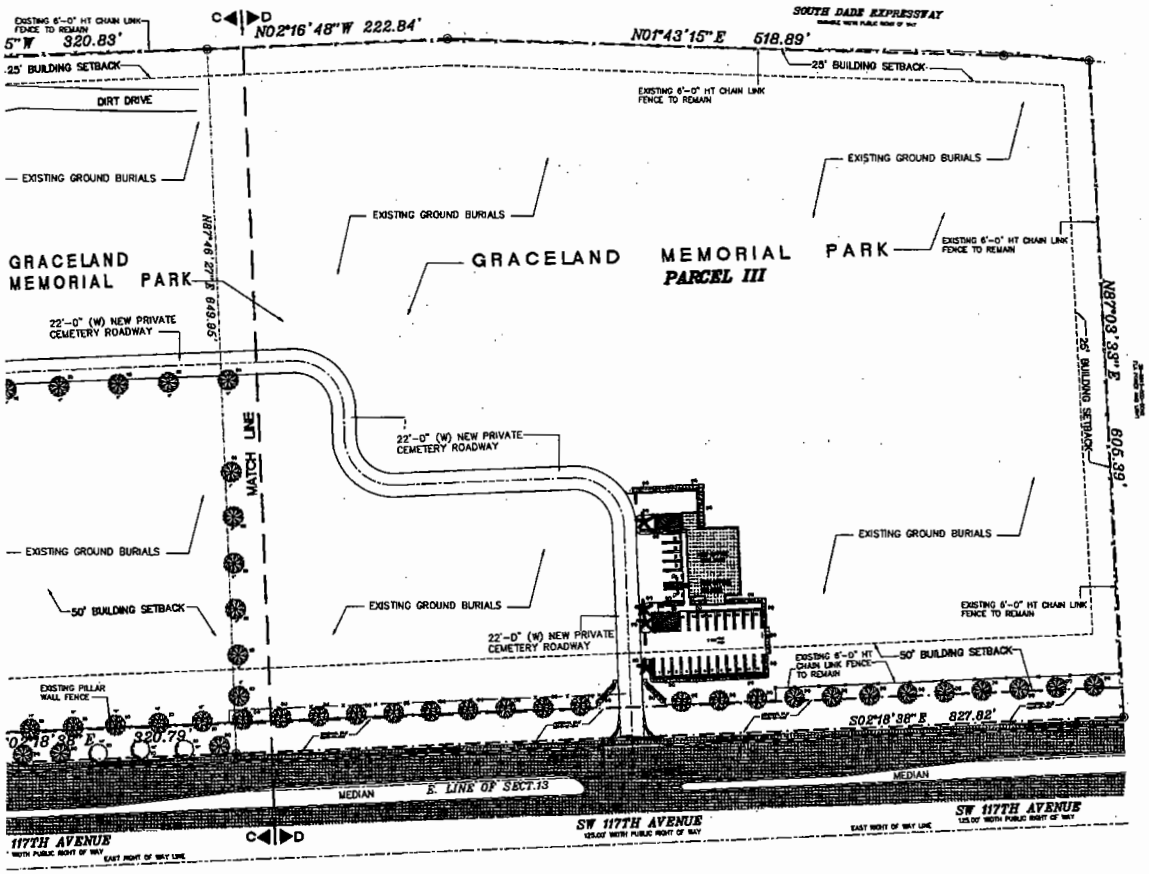
Lic. No
AA 0001899
EB 0006771

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP

Date: 12-28-09
Drawn: JP
Approved: AG
Project N°: 2009-04

LP1.02

OF 4



LANDSCAPE PLAN 'D-D' (NORTH AREA)

SCALE: 1"=50'

LANDSCAPE MATERIALS LIST (NEW)

SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE	SPECIFICATIONS
	TREES AND PALMS			
	SABAL PALMS	CABBAGE PALM	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	4" CALIP. - 15' HT
	SHRUBS AND EXOTICS			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GAL., 24" O.A.
STREET TREES	EXISTING TREES: 43 / NEW TREES: 32 — TOTAL: 75 TREES	LIVE OAK	YES	4" CALIP. - 12' HIGH AT TIME OF PLANTING STREET TREES AT 35'-0" O.C. MAX

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX

LANDSCAPE MATERIALS LIST (EXISTING)

SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINNA BERRY TREE	
	HEDGE	

LANDSCAPE DATA

DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS
STREET TREES			
2,480 LF / 35 O.C. = 71 TREES	71	75	PROVIDED: EXISTING 43 TREES; NEW 32 TREES
STREET TREES SPECIFICATIONS			
4" CALIP. - 12' HIGH AT TIME OF PLANTING			
STREET TREES AT 35'-0" O.C. MAX			

GOMEZ ASSOCIATES ARCHITECTS P.A.
Architecture
Engineering
Interior Architecture
6821 N.W. 109rd AVE.
DORAL
FLORIDA 33551
PH.: (954) 748-5177
FAX: (954) 748-5179
Email: agomez06@aol.com

DO NOT SCALE DRAWINGS
DIMENSIONS GOVERN
VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY ARCHITECT IN WRITING OF ANY VARIATIONS BEFORE STARTING CONSTRUCTION.

LANDSCAPE PLAN

PROPOSED OFFICES BUILDING FOR GRACELAND MEMORIAL PARK
13900 SW 117th AVENUE MIAMI FLORIDA 33553

Seal
Alberto F. Gomez
Lic. N : AR-0004164

Lic. No
AA 0001695
CG 0004791

Revisions		
No.	Date	By
1	05-05-10	JP
2	07-22-10	JP
3	08-07-10	JP
4	09-27-10	JP
5	11-11-10	JP

Date: 12-25-09
Drawn: JP
Approved: AG
Project N°: 2009-04

LP1.03

OF 4

RECEIVED
Z10-076
DEC 13 2010
PLANNING SECTION
PLANNING AND ZONING D.
RECEIVED
DEC 13 2010

LANDSCAPE NOTES

1. LANDSCAPING

A. GENERAL CONDITIONS AND REQUIREMENTS

1) NOTE TO YELLOW RAINBOW LAWN MAINTAIN A MINIMUM OF 2" OF CLEAN TOPSOIL FREE OF DEBRIS, ROCKS, PLANTS OR PLANT PARTS AND WEEDS.

2) THE INSTALLATION SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF CHAPTER 18A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AS AMENDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL PROTECTED TREES WITHIN THE LIMITS OF WORK AREA DURING THE CONSTRUCTION AS DIRECTED BY THE COUNTY'S REPRESENTATIVE.

3) ALL PROPOSED TREE AND LANDSCAPE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 18A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AS AMENDED.

4) ALL PLANTING AREAS SHALL BE PROTECTED FROM VEHICULAR ENCROACHMENT BY CURBS, WHEEL STOPS OR OTHER APPROVED METHODS.

5) ALL PLANTING AREAS SHALL BE PROVIDED WITH AN AUTOMATIC IRRIGATION SYSTEM WITH 100% COVERAGE AND 50% OVERLAP.

6) ALL PLANTING AREAS SHALL BE SEPARATED FROM VEHICULAR USE AREAS BY A CONCRETE CURB AT LEAST SIX INCHES (6") IN HEIGHT.

7) ALL TREES SHALL BE PLANTED A MINIMUM OF FIVE FEET (5') FROM UNDERGROUND UTILITY LINES AND TEN FEET (10') FROM POWER POLES.

8) ALL TREES SHALL BE PLANTED A MINIMUM OF TEN FEET (10') FROM FIRE HYDRANTS.

9) ALL TREES SHALL BE PLANTED A MINIMUM OF TWENTY FEET (20') FROM STREET INTERSECTIONS.

10) ALL TREES SHALL BE PLANTED A MINIMUM OF TWENTY FEET (20') FROM LIGHT STANDARDS.

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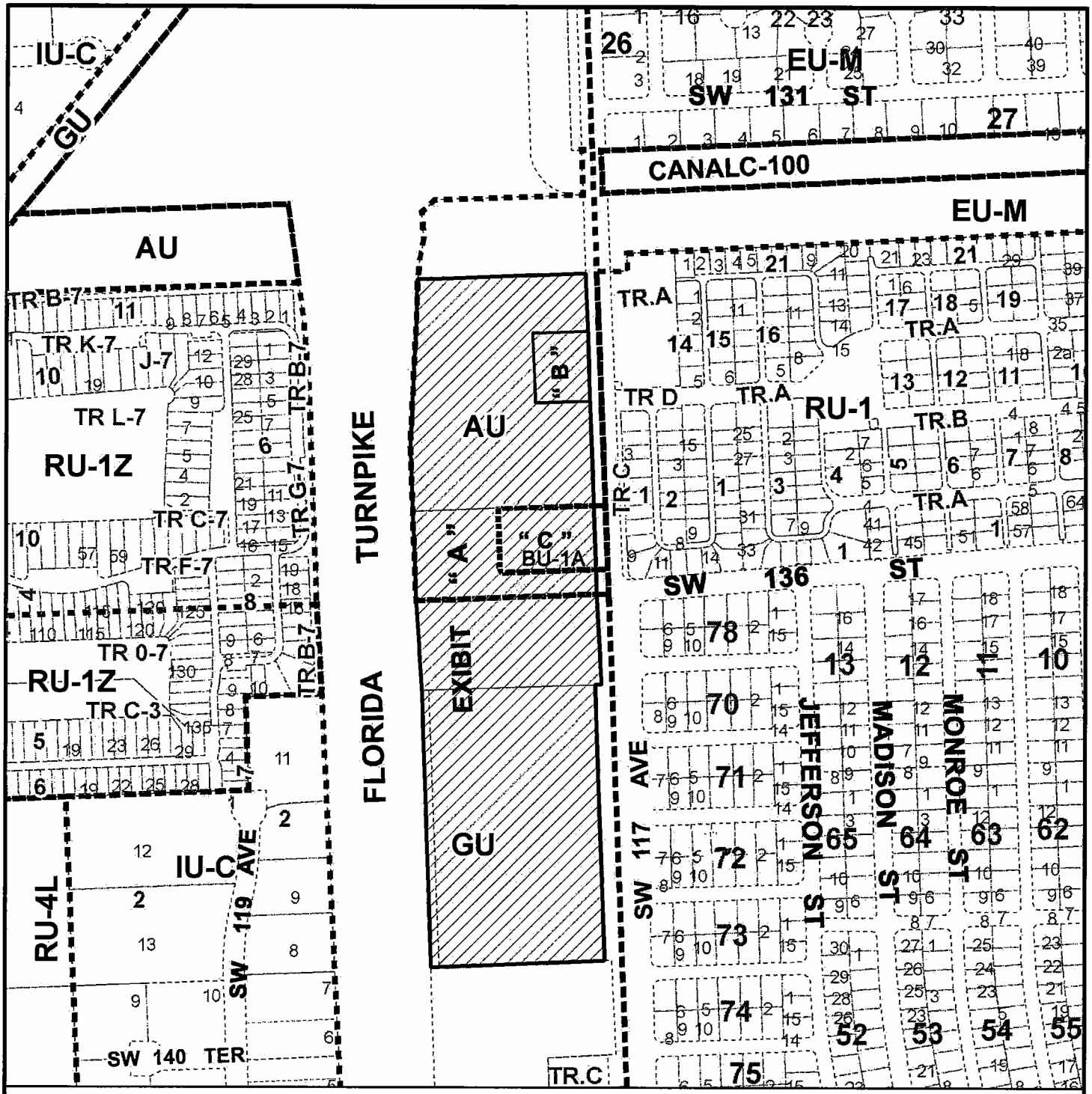


MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000076

Section: 24/13 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 9/8
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

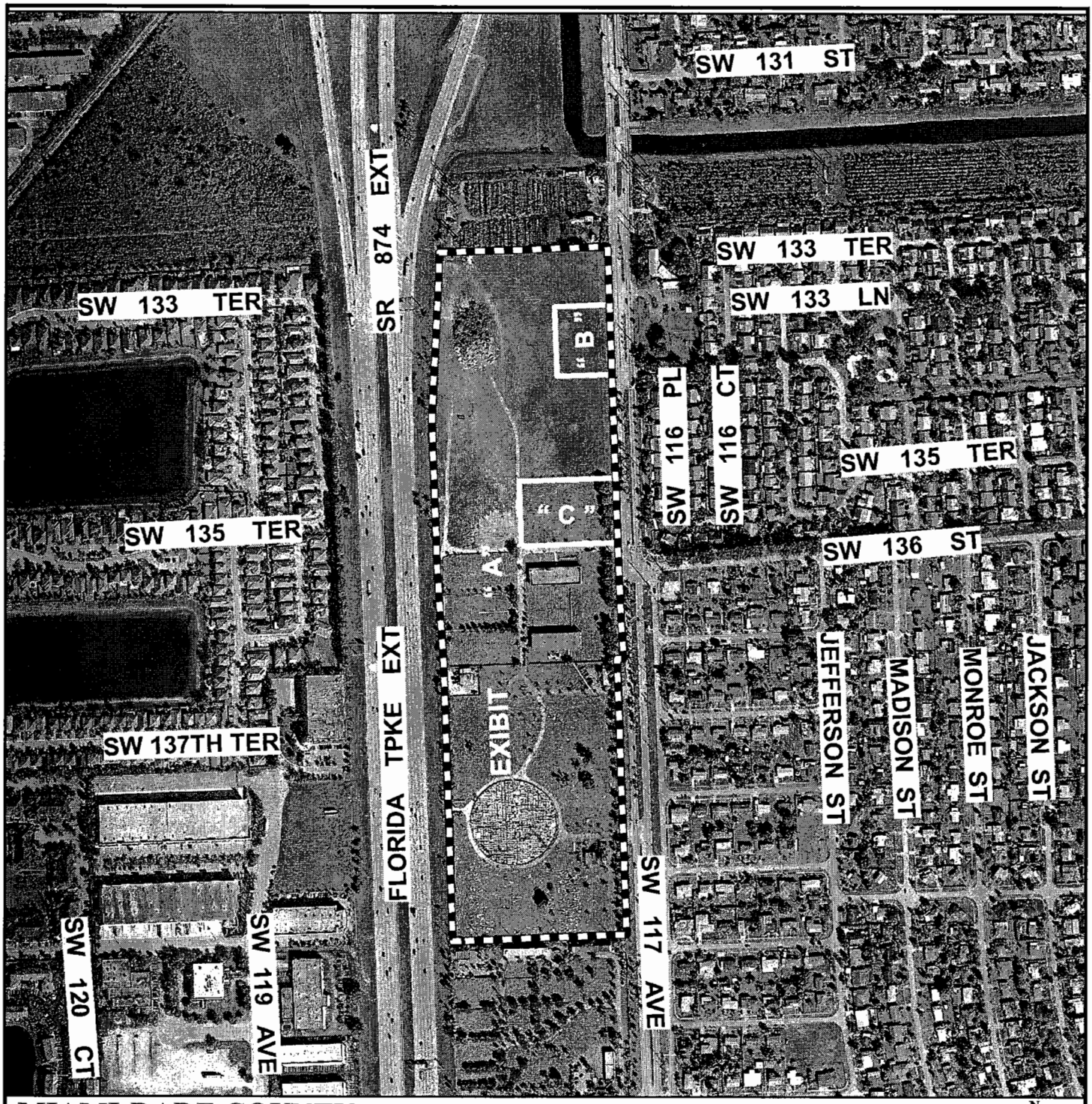
Zoning

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 22, 2010

REVISION	DATE	BY
		47



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000076

Legend

Subject Property

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Section: 24/13 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 9/8
Drafter ID: JEFFER GURDIAN
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 22, 2010

REVISION	DATE	BY

2. MATER ACADEMY INC.
(Applicant)

11-4-CC-2 (10-181)
BCC/District 12
Hearing Date: 04/28/11

Property Owner (if different from applicant) **Northwestern Grant, LLC.**

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
2002	Century Prestige II, LLC et al	- Zone change from AU to RU-1MA.	C05	Approved
2005	Century Prestige II, LLC	- Modification of declaration of restrictions.	C05	Approved w/conds.
2005	Century Prestige II, LLC	- Special Exception for a charter school.	BCC	Approved w/conds.
2007	Northwestern Grant, LLC	- Modification of condition of resolution & declaration of restrictions.	BCC	Approved w/conds.

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

Memorandum

MIAMI-DADE COUNTY

Date: April 28, 2011

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Mater Academy, Inc. (Z10-181)

SUMMARY OF REQUESTS:

The applicant seeks to modify conditions of a previously approved Resolution along with paragraphs of the accompanying Declaration of Restrictions to allow an increase in the number of students, decrease the grade levels and change the staggered shifts of arrival and dismissal times of a previously approved charter school. Additionally, the applicant seeks to permit parking within 25' of an official right-of-way (not permitted).

LOCATION: 9010 N.W. 178 Lane, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee on March 23, 2011 because the applicant is requesting to modify a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

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

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

DIC RECOMMENDATION:

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

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 conditions and 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 said development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z10-181
MATER ACADEMY INC.

Respectfully Submited,

DIC Executive Council
March 23, 2011

Susanne M. Torriente
Assistant County Manager — Absent

Giovannie Ulloa, Fire Chief
Miami-Dade Fire Rescue Department — AYE

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

Grisel M. Rodriguez, Assistant Director for Zoning
Department of Planning and Zoning — AYE

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

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

Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department — AYE

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Mater Academy, Inc. **PH:** Z10-181 (11-BCC)

SECTION: 9-52-40 **DIC DATE:** March 23, 2011

COMMISSION DISTRICT: 12

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A. INTRODUCTION:

o SUMMARY OF REQUESTS:

The applicant seeks to modify conditions of a previously approved Resolution along with paragraphs of the accompanying Declaration of Restrictions to allow an increase in the number of students, decrease the grade levels and change the staggered shifts of arrival and dismissal times of a previously approved charter school. Additionally, the applicant seeks to permit parking within 25' of an official right-of-way (not permitted).

o REQUESTS:

(1) Modification of Condition #2 of Resolution Z-5-05, passed and adoped by the Board of County Commissioners, 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 Century Gardens Charter School, by Civica dated/stamped received December 9, 2004."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mater Gardens Academy" as prepared by Civica, dated stamped received 02/17/11, consisting of 9 sheets ."

(2) Modification of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "11. That the charter school use shall be limited to grades K-10th for a maximum of 640 students."

TO: "11. That the charter school use shall be limited to grades K-8 for a maximum of 800 students.

(3) Modification of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade 8:00 AM-8:30 AM 2:00-2:30 PM (approx. 90 students)

1-5 Grades 8:00 AM-8:30 AM 3:00-3:30 PM (approx. 360 students)

6-10 Grades 7:00 AM-7:30 AM 2:30-3:00 PM (approx. 190 students)"

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades: 8:30 AM/2:00 PM (approx. 200 students)

2-3 Grades: 8:00 AM/2:30 PM (approx. 200 students)

4-5 Grades: 9:00 AM/3:30 PM (approx. 200 students)

6-8 Grades: 8:10 AM/3:00 PM (approx. 200 students)."

(4) Modification of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278 pages 2186 thru 2194, reading as follows:

FROM: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Century Gardens Charter School," as prepared by Civica, dated stamped received December 9, 2004, consisting of six (6) sheets (the "Plan").

TO: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for hearing entitled "Mater Gardens Academy" as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets ."

(5) Modification of paragraph #10 of a Declaration of Restrictions Record in Official Record Book 23278 pages 2186 thru 2194, last modified by Modification of Declaration of Restrictions Recorded at Official Records Book 23278 pages 2186-2194, as recorded in Official Record Book 25884 pages 3186-3192, reading as follows:

FROM: "10. That the charter school shall be limited to grades K-10th for a maximum of 640 students."

TO: "10. That the charter school shall be limited to grades K-8 for a maximum of 800 students."

(6) Modification of paragraph #2 of Modification of Declaration of Restrictions Recorded at Official Records Book 23278, pages 2186-2194, as recorded in Official Record Book 25884 pages 3186 thru 3192, reading as follows:

FROM: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade 8:00 AM-8:30 AM 2:00-2:30 PM (approx. 90 students)

1-5 Grades 8:00 AM-8:30 AM 3:00-3:30 PM (approx. 360 students)

6-10 Grades 7:00 AM-7:30 AM 2:30-3:00 PM (approx. 190 students)"

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades: 8:30 AM/2:00 PM (approx. 200 students)

2-3 Grades: 8:00 AM/2:30 PM (approx. 200 students)

4-5 Grades: 9:00 AM/3:30 PM (approx. 200 students)

6-8 Grades: 8:10 AM/3:00 PM (approx. 200 students)."

The purpose of requests #1 through #6 is to allow the applicant to submit a new site plan showing an increase in the number of students, decrease the grade levels and change the staggered shifts of arrival and dismissal times of a previously approved charter school.

(7) Applicant is requesting to permit parking within 25' of an official right-of-way (not permitted).

- **LOCATION:** 9010 N.W. 178 Lane, Miami-Dade County, Florida.
- **SIZE:** 2.52 Acres

B. ZONING HEARINGS HISTORY:

In 2002, pursuant to Resolution CZAB5-4-02, the Community Zoning Appeals Board 5 (CZAB 5) approved a zone change from AU, Agriculture District, to RU-1M(a) Modified Single Family Residential District. In 2005, pursuant to Resolution Z-5-05, the Board of County Commissioners (BCC) approved a special exception to permit a charter school. In 2007, the BCC approved modifications of conditions of a previous Resolution and a Declaration of Restrictions in order to increase the grades to include the middle school, 9th and 10th grades, pursuant to Resolution Z-27-07.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within approximately 1 mile east and inside of the Urban Development Boundary for* ***Estate Density Residential (DI-1)****. 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. ***Land Use Element Goal.*** *Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.*

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

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

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

6. ***Objective EDU-1.*** *Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective EDU-2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.*

7. ***Policy EDU-1A.*** *Cooperate with the Miami-Dade County Public School System in their efforts to continue to provide new student stations through the Capital Outlay program, in so far as funding is available.*

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

9. ***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.*

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

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;

    viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by the development. The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1M(a); charter school	Estate Density Residential (DI-1), 1 to 2.5 dua or 2.5 to 6 dua with urban design
Surrounding Properties:	
NORTH: RU-1M(a);single family residences	Estate Density Residential (DI-1), 1 to 2.5 dua or 2.5 to 6 dua with urban design
SOUTH: RU-1;single family residences	Low Density Residential, 2.5 to 6 dua
EAST: RU-1M(a);single-family residences	Estate Density Residential (DI-1), 1 to 2.5 dua or 2.5 to 6 dua with urban design
WEST: I-75	Transportation

E. PERTINENT ZONING 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.*

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

Section 33-314 Direct applications and appeals to the County Commission

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

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311 (A)(3) of this code.

(13) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.

Section 33-153 Public hearing required in all districts.

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

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions.

G. PLANNING AND ZONING ANALYSIS:

This application is before the Board of County Commissioners pursuant to Section 33-314 of the Code of Miami-Dade County which states the County Commission shall have jurisdiction to directly hear applications for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for

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

The long rectangular building, which houses the academic program, is fronted by streets on three sides and surrounded by single-family residences to the north, south and east and I-75 to the west. A bus lane flanks the school on the north side of the property and vehicular stacking and teacher/staff parking is located on the south side. A large recreation area is reserved on the west side of the parcel and a small, tot-lot sized parcel is located on the east side of the building. The school is surrounded by a network of sidewalks linked to the adjacent street network allowing pedestrian access into the site. Due to the site size limitation, the school was designed compactly, with careful consideration and efficiency in the accommodation of buildings, parking requirements and open space. School rooms are oriented toward the street, containing abundant fenestration and flanked with colonnades used for circulation.

The subject property is designated **Estate Density Residential** use (DI-1) on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which permits residential densities from a minimum of 1 to a maximum of 2.5 units per acre with one density increase permitted with urban design. The CDMP indicates that *other uses permitted in residential communities are neighborhood and community services including **schools** only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Additionally, existing uses and zoning classifications are not specifically depicted on the LUP map; however; all existing lawful uses and zoning are deemed to be consistent with the CDMP.* Staff notes that the existing charter school was previously approved with conditions pursuant to Resolution Z-5-05, last modified by Resolution Z-27-07. Both resolutions were passed and adopted by the Board of County Commissioners, at which time the applicant proffered covenants, which among other things, limited the number of students, grade levels and provided staggered shifts for student arrival and dismissal times. Approval of the modification of conditions of resolutions and changes in the accompanying Declaration of Restrictions would allow for the submittal of revised plans (requests #1 and #4); the decrease of grade levels from K-10 to K-8, while increasing the maximum number of children from 640 to 800 (requests #2 and #5); and change the staggered shifts of arrival and dismissal times from three to four (requests #3 and #6). Additionally, the applicant is requesting to permit parking within 25' of an official right-of-way (request #7). The proposal would allow the applicant to continue to provide educational alternatives that alleviate school overcrowding (Objective EDU-1), while maintaining the instructional integrity of the educational program (Policy EDU-1C). Notwithstanding, Policy LU-4A of the CDMP's interpretative text states that *when evaluating compatibility among proximate uses, the County shall consider, among other things, such factors as traffic, noise, access, and hours of operation.* Staff is of the opinion that approval of the applicant's aforementioned requests will not have a negative visual and aural effect on the surrounding properties. As such, staff is of the opinion that approval of the application will be **compatible** with the area and **consistent** with the CDMP.

When requests #1 through #6 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modifications will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Staff is of the opinion that by increasing the number of students, this existing charter school will be able to provide additional educational services to the community which may also help to relieve overcrowding at other school facilities. In addition, the applicant is also increasing the staggered drop off and dismissal times from three to four shifts, which will mitigate any possible traffic congestion

that may be associated with the enrollment increase of 160 students. The applicant has proffered a covenant addressing the aforementioned proposed changes.

Additionally, the applicant affirms in the submitted Letter of Intent that the property has sufficient classroom capacity to support the proposed increase in student enrollment. Staff acknowledges that according to the Certificate of Occupancy for the existing building, it allows an occupancy of 696 persons per floor or 1,392 persons for the entire building. Staff is of the opinion that a student increase from 640 to 800 will not be detrimental and is well within the numerical threshold of the maximum number of persons allowed to occupy the existing charter school building. Further, staff notes that DERM, the Public Works, Miami-Dade Fire-Rescue, Water and Sewer and Miami-Dade Transit Departments do not object to the application. Therefore, staff opines that approval of these requests will not unduly burden the services provided by the County in this area. In addition, the site plans submitted by the applicant depict abundant landscaping around the site. Specifically, said landscaping is concentrated on the western portion of the site surrounding the existing playground area, which staff opines will be sufficient to mitigate any negative visual impact generated by the proposal from the surrounding area and, in particular, the existing single-family residence located to the northwest portion of the subject property. Staff, therefore, opines that approval of the applicant's requests will not have a negative visual or aural impact on the area and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. As such, staff recommends approval with conditions of requests #1 through #6 under Section 33-311(A)(7), Generalized Modification Standards.

When request #7 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the request to permit parking within 25' of an official right-of-way is the result of an existing condition on the site. Additionally, staff's review of the submitted plans and photographs reveals an existing 6' high chain link fence along with a 3' high hedge extending along the south property line. However, in order to further mitigate any negative visual impact resulting from parking within 25' of an official right-of-way, staff recommends as a condition of the approval that the applicant be required to provide buffering in the form of a 6' hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6' along the south property line. Moreover, it should be noted that the Public Works Department does not object to this request. As such, staff opines that approval of request #7 would be **compatible** with the surrounding area, subject to the aforementioned condition. Therefore, staff recommends approval with conditions of request #7 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

Based on the aforementioned, staff maintains that approval of the modifications (request #1 through #6), along with request #7, are **consistent** with the CDMP and **compatible** with the surrounding area. Accordingly, staff recommends approval of requests #1 through #6 under Section 33-311(A)(7) and approval with conditions of request #7 under Section 33-311(A)(4)(b) NUV Standards.

H. RECOMMENDATION:

Approval with conditions, subject to the proffered covenant.

I. CONDITIONS:

1. That all the conditions of Resolutions Z-5-05 and Z-27-07 remain in full force and effect except as herein modified.

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

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

4. That buffering be provided along the south property line in the form of a 6' high hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'.

DATE TYPED: 03/02/11
DATE REVISED: 03/04/11, 03/07/10, 03/08/11, 03/09/11, 03/10/11, 03/17/11
DATE FINALIZED: 03/17/11
MCL:GR:NN:NC:JV

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

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2011

To: Jorge Vital
Educational Facilities Coordinator
Department of Planning and Zoning

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

Subject: Recommendations for MATER ACADEMY INC., Process No. Z2010000181

Miami Dade County Public Works Department Traffic Engineering Division (TED) has no objection to this application provided the comments and recommendations, as indicated below, are adequately addressed in the site plans and related documentation, and found acceptable to TED.

TED has reviewed the Letter of Intent, dated revised 12/22/2010; the Site Plan, dated revised 02/10/2011, received by Planning and Zoning on 02/17/2011; the Traffic Impact Analysis, dated revised 02/2011; and the Traffic Operations Plan, dated revised 02/14/2011, for the proposed facility located at 9010 NW 178 Lane, and has the following recommendations and comments:

- Site Plan

1. The traffic cones proposed during dismissal times at the "exit only" driveway shall be rearranged in order to merge the stacked vehicles into the by-pass exit lane. The traffic operation must provide the by-pass lane with direct access to the exit driveway and only allow one vehicle to exit the driveway at a given time. The current plan incorrectly shows the by-pass lane being merged into the stacking lane.
2. All zebra crosswalk striping must be upgraded to the new standard "ladder" striping, as indicated in the current MUTCD.
3. Curb and gutter is required along the south edge of pavement of NW 178 St. between NW 90 Ct. and NW 91 Pl. to prohibit the current use of the swale area by parents causing maintenance issues of the swale.
4. The existing bus loading bay along NW 178 Lane is substandard in width and setback from the public sidewalk. TED will accept a 5-foot shift to the south of the bus bay with a curb on the new north edge of the bay between driveways. TED will also accept, in this case, the substandard bus bay width of 15.5 feet (24 feet required).

- Traffic Study

The Traffic Impact Analysis dated revised 02/2011 is acceptable. It is to be noted that TED maintains a policy of only allowing a maximum of three (3) dismissal shifts for any school. This policy lessens the impacts of a school speed zone on traffic flow, promotes driver compliance, and is more congruent with driver expectations. An exception of four (4) arrival and dismissal periods has been made for this application due to the location of the school and the conditions of the surrounding roads.

- Traffic Operations Plan (TOP)

The Traffic Operation Plan dated revised 02/14/2011 is acceptable. Note, any changes to the site plan must be reflected in the TOP.

- Project Requirements

1. A "Declaration of Restrictions" in favor of the Miami-Dade County Public Works Department must be recorded in the Official Records of Miami-Dade County, Florida, prior to the date of the school expansion. The "Declaration of Restrictions" shall include a TOP narrative and plan that has been found acceptable by TED.
2. The existing posted time intervals for the school speed zone are required to be modified for the new schedule, as needed. This can be included in the Paving and Drainage plans.
3. All off-site improvements shall be constructed prior to the school expansion.

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

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division
Mohammed Mansuri, P.E., Public Works Land Development
Leandro Rodriguez, Public Works Land Development

Memorandum

MIAMI-DADE COUNTY

Date: March 1, 2011

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

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

Subject: DIC #Z2010000181-3rd Revision
Mater Academy, Inc.
9010 N.W. 178 Lane
Modification of a Previous Resolution/Agreement to Decrease the Grade Levels and Increase the Student Count for a Previous Approved Charter School
(RU-1(M)(a)) (2.52 Acres)
09-52-40

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

Water Demand
Based on the information provided, the overall water demand will not increase for the subject application.

Water Supply
There are 8-inch and 12-inch water distribution mains abutting the subject property along N.W. 178th Lane and N.W. 178th Street respectively. These water mains are owned and operated by the Miami-Dade Water and Sewer Department (MDWASD).

The source for this water supply is the MDWASD Hialeah Preston Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

Wastewater Disposal
The closest point of connection is an 8-inch gravity main abutting the subject property along N.W. 178 Lane. There is also an 8-inch gravity main running along N.W. 91 Court at about 35 feet north from the subject property. These gravity mains are owned and operated by MDWASD.

These gravity mains discharge the flow to pump station 30-1319, then to pump station 30-0417, then to pump station 30-1310, then to pump station 30-0300, and finally to the North District Wastewater Treatment Plant.

All the pump stations and Wastewater Treatment Plant are owned and operated by MDWASD. All the pump stations are currently working within the mandated criteria set forth in the First and Second

Partial Consent Decree. At this time, the North District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Stormwater Management
Be advised that any modification of the previously approved Environmental Resources Permit No. 13-02049-P may require a revision and approval form the South Florida Management District.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development will not result in a reduction in the LOS standards for flood protection set forth in the CDMP.

Wetlands
The subject property is located within the East Turnpike Wetlands Basin, in an area that normally contains wetlands. However, this property has already been included as part of a larger project, under DERM Class IV Wetland Permit FW00-029. All Class IV Wetland Permit requirements for this property have been completed under the previously issued permit.

Therefore, DERM has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site.

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

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

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

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nick Nitti, DIC Coordinator

Miami-Dade County Public Schools
giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

March 21, 2011

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

RE: **10-181 Mater Academy Inc. (Grades K-8)**
9010 N.W. 178 Lane

Dear Mr. LaFerrier:

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

As you will note under Attachment A, the following schools are currently designated as the schools to serve the area: Palm Springs North Elementary, and Lawton Chiles Middle. The analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the elementary school level of 28 and 310 at the middle school level.

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

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L356
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Michael A. Levine
Ms. Vivian G. Villaamil
Mr. Jorge Vital

ATTACHMENT "A"

PUBLIC SCHOOL PROJECTED ANALYSIS

March 21, 2011

APPLICATION: 10-181 – Mater Academy Inc.
9010 NW 178 Lane

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY SCHOOL LEVEL: Palm Springs North Elementary – 17615 NW 82 Avenue

MIDDLE SCHOOL LEVEL: Lawton Chiles Middle – 8190 NW 197 Street

Schools are located in Region Center I

The following student population and available facility capacity data is based on student enrollment as of October 2010:

Elementary Schools

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	DEFICIT OR SURPLUS CAPACITY
Palm Springs North Elementary	965	881	110%	112	97%	28
					AVAILABLE STUDENT STATIONS	**28**

Middle Schools

Lawton Chiles Middle	991	1,301	76%	0	76%	310
					AVAILABLE STUDENT STATIONS	**310**

Memorandum

MIAMI-DADE COUNTY

Date: January 7, 2011

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

From: Eric Silva, Chief
Community Planning
Department of Planning and Zoning

Subject: Mater Gardens Academy – Z10-181

Request:

The applicant, Mater Gardens Academy, is requesting the modification of resolution and declaration of restrictions to decrease the grade levels and increase the student population of an existing charter school.

Project Description:

The Mater Academy is an existing 2-story charter school on a 2.52-acre parcel located at 9010 NW 178 Lane. In 2005, a special exception request to permit a charter school on the subject property was approved subject to a maximum of 640 students and grades K-5th. Subsequent to the approval in 2005, the property was the subject of several public hearings modifying the opening school date, and grade level changes. This application seeks to increase the student population from 640 students to 800 students and modify the grade levels from K-8th to K-10th approved in 2007.

The long bar building used to house the academic program is fronted by streets on three sides and surrounded by single-family residences on the north, south and east and the HEFT on the west. A bus lane flanks the school on the north side of the property and vehicular stacking and teacher/staff parking is located on the south side. A large recreation space is reserved on the west side of the parcel and a small, tot-lot sized parcel is located on the east side of the building. The school is surrounded by a network of sidewalks linked to the adjacent street network allowing pedestrian access into the site. Due to the site size limitation, the school was designed compactly, with careful consideration and efficiency in the accommodation of building program, parking requirements and open space. School rooms are oriented towards the street, contain abundant fenestration and flanked with colonnades used for circulation. An attached square linked to the northeast corner of the school provides a gathering area for pedestrians and reinforces a focal point in the form of a tower element at this corner.

CDMP:

The following objectives and policies should be considered when determining compatibility of the existing school with surrounding uses in regards to the requested increase in the student population:

Policies

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**.

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.**

Objective EDU-1

Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective EDU-2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.

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

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

EDU-1G. Capital improvement programming by the Miami-Dade Public Schools should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, as modified by the School Board based on development data and agreement with the local governments, the State Office of Educational Facilities and the State SMART Schools Clearinghouse. The School Board may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends. In formulating such a request, the School Board will coordinate with the Cities and County regarding development trends and future population projections.

EDU-3D. The County acknowledges and concurs that, when selecting a site, the Miami-Dade County Public Schools will consider **if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment**.

The applicant should demonstrate how the existing charter school will address the operational challenges and impacts such as noise and traffic generated by the increase in the student population, consistent with the Land Use and Educational Policies noted above.

Analysis:

Staff from the Community Planning Section is concerned with the student population change from an approved 640 students to 800 students. The applicant should provide staff in written and/or graphic form, how the existing facility can accommodate the requested student population increase. If the additional student increase necessitates more staff and teachers, the applicant shall demonstrate if the existing facility contains sufficient parking for personnel and/or address that such increase will not precipitate car spillage onto the adjoining street network. The submitted application does not address how the new student count is comfortably accommodated in the existing facilities, for example, is there additional classroom space to avoid a student overcrowding condition. Notwithstanding the aforementioned, the existing facility is attractive and complements the single-family residential neighborhood. The placement of the building close to the sidewalk frames the street, its pedestrian circulation network is seamlessly connected to the adjacent street network and the landscaping buffers the facility from adjoining uses and enhances the aesthetics of the property and neighborhood.

Recommendation:

Address how the existing school can meet the operational challenges and land use impacts generated by the increase in the number of students in graphic and/or a written report, consistent with CDMP policies.

Preparer: Gilberto Blanco, Principal Planner

cc: Marc C. LaFerrier, Director
Grisel Rodriguez, Assist. Director
Nick Nitti, Supervisor
Mark Woerner, Chief

Memorandum

MIAMI-DADE COUNTY

Date: February 22, 2011

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

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

Subject: DIC 2010000181 – Mater Academy, Inc.
9010 NW 178 Lane, Miami-Dade County, Florida (Revision No. 2)

According to the revised letter of intent dated December 22, 2010, the applicant is seeking to modify a Resolution and Declaration of Restrictions in order to increase the number of students, limit the grade level, and modify arrival and dismissal shifts for students. The applicant is also seeking a non-use variance to allow parking spaces within 25' of the public right-of-way. The aforementioned requests are in connection with a previously approved Charter School.

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to the application.

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled 'Mater Gardens Academy' as prepared by Civica Architects, dated stamp received February 17, 2011, with the following condition:

- All gates shall be equipped and capable of operating with the use of a Knox Padlock.

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

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

HL/ch

DATE: 27-OCT-10

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MATER ACADEMY INC.	9010 N.W. 178 LANE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2010000181

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No violations. BNC; No violations

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

25

ZONING INSPECTION REPORT

Inspector: RODRIGUEZ, FRANKIE **Inspection Dat**

Evaluator: N/A 04/01/11

Process #:	**Applicant's Name**
Z2010000181	MATER ACADEMY INC.

Locations: 9010 N.W. 178 LANE, MIAMI-DADE COUNTY, FLORIDA.

Size: 2.52 ACRES **Folio #:** 3020090083310

Request:

1 Modification of Condition #2 of Resolution Z-5-05, passed and adoped by the Board of County Commissioners, 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 Century Gardens Charter School, by Civica dated/stamped received December 9, 2004."

TO:
"2. that in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mater Gardens Academy" as prepared by Civica, dated stamped received 02/17/1, consisting of 9 sheets ."
2 Modification of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM:
"11. That the charter school use shall be limited to grades K-10th for a maximum of 640 students."

TO:
"11. that the charter school use shall be limited to grades K-8 for a maximum of 800 students.
3 Modification of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM:
"2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade 8:00 AM-8:30 AM 2:00-2:30 PM (approx. 90 students)

1-5 Grades 8:00 AM-8:30 AM 3:00-3:30 PM (approx. 360 students)

6-10 Grades 7:00 AM-7:30 AM 2:30-3:00 PM (approx. 190 students)

TO:
"2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades: 8:30 AM/2:00 PM (approx. 200 students)

2-3 Grades: 8:00 AM/2:30 PM (approx. 200 students)

4-5 Grades: 9:00 AM/3:30 PM (approx. 200 students)

6-8 Grades: 8:10 AM/3:00 PM (approx. 200 students)."
4 Modification of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278 pages 2186 thru 2194, reading as follows:

FROM:
"2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Century Gardens Charter School," as prepared by Civica, dated stamped received December 9, 2004, consisting of six (6) sheets (the "Plan").

TO:
"2. The charter school shall be established and maintained substantially in accordance with that plan submitted for hearing entitled "Mater Gardens Academy" as prepared by Civica, dated stamped received 12/22/10, consisting of 9 sheets ."
5 Modification of paragraph #10 of a Declaration of Restrictions Record in Official Record Book 23278 pages 2186 thru 2194, last modified by Modification of Declaration of Restrictions Recorded at Official Records Book 23278 pages 2186-2194, as recorded in Official Record Book 25884 pages 3186-3192, reading as follows:

FROM:
"10. That the charter school shall be limited to grades K-10th for a maximum of 640 students."

TO:
"10. That the charter school shall be limited to grades K-8 for a maximum of 800 students.
6 Modification of paragraph #2 of Modification of Declaration of Restrictions Recorded at Official Records Book 23278, pages 2186-2194, as recorded in Official Record Book 25884 pages 3186 thru 3192, reading as follows:

FROM:
"2. that the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Kindergarten: 8:00 AM-8:30 AM/2:00-2:30 PM (approx. 90 students)

Grades: 1-5 8:00 AM-8:30 AM/3:00-3:30 PM (approx. 360 students)

Grades 6-10: 7:00 AM-7:30 AM/2:30-3:00 PM (approx. 190 students)

TO:
"2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

k-1: Grades 8:30 AM/2:00 PM (approx. 200 students)

2-3: Grades 8:00 AM/2:30 PM (approx. 200 students)

4-5: Grades 9:00 AM/3:30 PM (approx. 200 students)

6-8: Grades 8:10 AM/3:00 PM (approx. 200 students)."

The purpose of requests #1 thru #6 is permit an increase in the number of students, decrease the grade levels and change the staggered shifts of arrival and dismissal times of a previously approved charter school.
7 Applicant is requesting to permit parking within 25' of an official right-of-way (not permitted).

EXISTING ZONING

Subject Property RU-1Ma,

EXISTING USE CHARTER SCHOOL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

Two story school building.

USE(S) OF PROPERTY:

School use (K-10th grade).

FENCES/WALLS:

ZONING INSPECTION REPORT

Chain link fence surrounds play area to the west of subject property. Eight foot wall along east property line enclosing play area.

LANDSCAPING:

Landscape has been maintained as per code since established.

BUFFERING:

Green belt along south property line is densly planted with trees and shrubs.

VIOLATIONS OBSERVED:

None

OTHER:

None

Process #	Applicant's Name
Z2010000181	MATER ACADEMY INC.

SURROUNDING PROPERTY

NORTH:

Two story single family residences

SOUTH:

Two story single family residences

EAST:

Two story single family residences

WEST:

Interstate highway I-75

SURROUNDING AREA

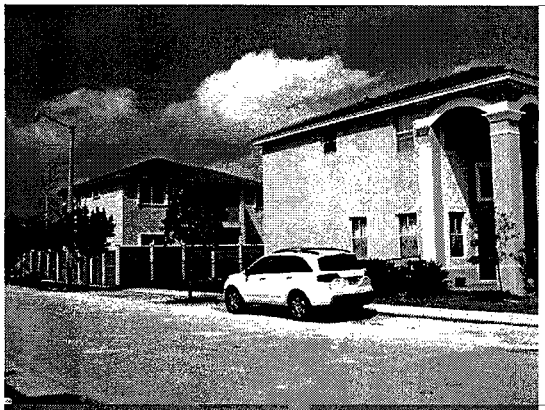
Single family residential close to highway.

NEIGHBORHOOD CHARACTERISTICS

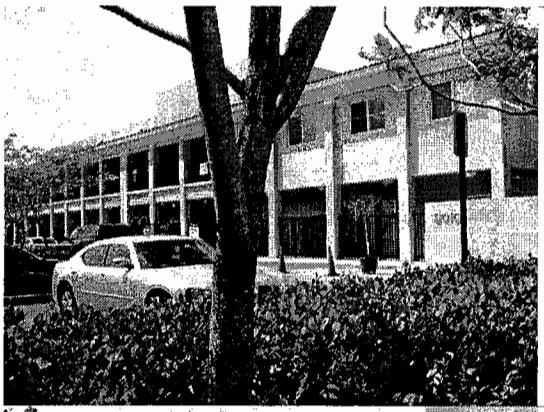
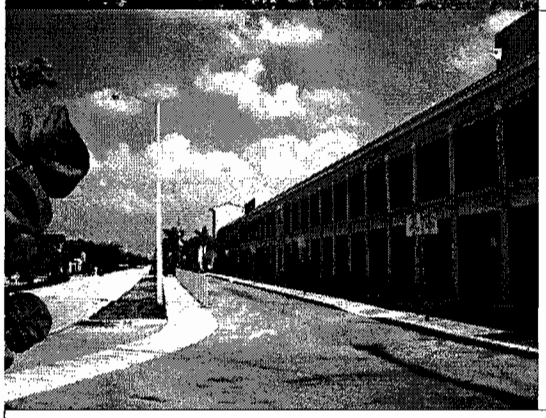
Single family residential, none gated community.

COMMENTS:

Inspector *RODRIGUEZ, FRANKIE*
Evaluator *N/A*
Process Number: *Z2010000181* **Applicant Name** *MATER ACADEMY INC.*

	Date: 01-APR-11 Comments: 9010 NW 178 Ln - NE view of SFRs to the east of subject prop
	Date: 01-APR-11 Comments: 9010 NW 178 Ln - NE view of subject prop
	Date: 01-APR-11 Comments: 9010 NW 178 Ln - NW view of SFRs to the north of subject prop

Inspector ***RODRIGUEZ, FRANKIE***
Evaluator ***N/A***
Process Number: ***Z2010000181*** **Applicant Name** ***MATER ACADEMY INC.***

	Date: 01-APR-11 Comments: 9010 NW 178 Ln - NW view of subject prop
	Date: 01-APR-11 Comments: 9010 NW 178 Ln - NW view of west prop line
	Date: 01-APR-11 Comments: 9010 NW 178 Ln - SE view N prop line

30

Inspector ***RODRIGUEZ, FRANKIE***
Evaluator ***N/A***
Process Number: ***Z2010000181*** **Applicant Name** ***MATER ACADEMY INC.***

Date: 01-APR-11

Comments: 9010 NW 178 Ln - SW view of subject prop

Date: 01-APR-11

Comments: East view of street scape south of subject prop

Memorandum

MIAMI-DADE COUNTY

Date: February 21, 2011

To: Jorge Vital
DIC Coordinator
Miami-Dade Planning and Zoning

From: Maria Batista
Principal Planner
Miami-Dade Transit - Planning Division

Subject: Review of DIC Project No.10-181 – Mater Academy, Inc.

Project Description

10-181 – Mater Academy, Inc.: Applicant is requesting a Modification of a previously approved Resolution and Declaration of Restrictions in order to request an increase in the number of students permitted from 640 to 800, and restrict the grade levels from K – 8. The size of the property is 2.52 acres and it is located at 9010 NW 178th Lane, Miami- Dade County, Florida. Plans may be modified prior to the DIC Executive Council Meeting.

Current Transit Service

There is no direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Routes 54 and 183 along NW 1986 Street and along 82nd Avenue. The service headways (in minutes) are as follows:

Route	Peak	Off-Peak	Night	Sat	Sun
54	24/50	24/50	30	30	40
183	10/24	20/40	20/24	20/40	24/48

Future Transportation/Transit Improvements

The 2011 Transportation Improvement Plan (TIP) shows no improvements to the surrounding area under their 5-Year Work Program.

The 2010 Transit Development Plan (TDP) in its 2020 Recommended Service Plan shows no improvements programmed for these routes for the next ten years.

MDT Comments/Recommendations

Based on the information presented for transit purposes, 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: January 10, 2011

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #10-181
Mater Academy
MDAD DN-11-01-488

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #10-181, Mater Academy Inc. The applicant is requesting to modify a previous resolution/agreement to decrease the grade levels and increase the student count for a previously approved charter school. The size of the property is 2.52 acres and is located at 9010 NW 178 Lane in Miami-Dade County, Florida.

Based on the available information, MDAD determined that the proposed use is compatible with operations from Opa-locka Executive Airport.

C: S. Harman
Jorge Vital, DIC Coordinator, Department of Planning & Zoning

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JAN 14 2011
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
20110129 2

Date: December 23, 2010

To: Jorge Vital
Department of Planning and Zoning

From: Susan Schreiber, Transportation Systems Analyst
Miami-Dade County Metropolitan Panning Organization

Subject: DIC Project 10-181, Mater Academy, Inc. Request to Modify Resolution and Declaration of Restrictions to Increase # of Students from 640 to 840, and restrict grade levels to K-8

Regarding DIC Project 10-181 application – requesting Modification of a previously approved Resolution and Declaration of Restrictions for Mater Academy, Inc. to increase the number of students from 640 to 840, and restrict grade levels to K-8, the Metropolitan Planning Organization (MPO) recommends the following:

- Show current bike rack locations on new site plan and indicate current bicycle parking capacity
- Determine current level of existing bike rack use.
- Add at least an additional bicycle rack (and more if warranted) to accommodate addition of 200 students.
- Consider use of pervious pavers in swale areas in place of proposed asphalt (for additional parking. Check any governing regulations of such materials, including any maintenance requirements.) Use of pavers would allow some natural drainage to occur while still maintaining a landscaped appearance.

Thank you for the opportunity to comment on this application.

c. Irma San Roman, Acting MPO Director

Memorandum

MIAMI-DADE COUNTY

Date: March 9, 2011

To: Jorge Vital, Developmental Impact Committee Coordinator
Department of Planning and Zoning

From: James K. Loftus, Director
Miami-Dade Police Department

Subject: Developmental Impact Committee Zoning Application
Case: No. Z20100000181 – Mater Academy Inc.

APPLICATION

Applicant Mater Academy, Inc. is requesting a modification of previous resolution/plan; Resolution Z-5-05 as amended by Resolution Z-27-07. The applicant is also requesting a modification of Declaration or Covenant; Declaration of Restrictions in ORB 23278, Pages 2186 – 2194, as amended by Modification of Declaration of Restrictions on ORB 25884, Pages 3186 – 3192. In summary, the subject facility is an existing charter school with an approved enrollment of 640 students in grades K through 10. The proposed expansion will increase the student population to 800 students and modify the facility's grade levels to K-8. This property is located at 9010 NW 178 Lane, Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The proposed development will be located in unincorporated Miami-Dade County and serviced by our Northwest District, located at 5975 Miami Lakes Drive East, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less. Should demand for police services increase, additional sworn personnel may be required to maintain current levels of service.

REVIEW

A review of the attached application, traffic study, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. The MDPD does not object to the proposed zoning modifications, but encourages developers to work with police during any future design and construction changes to determine the best possible solutions or security options. Due to citizen concerns and observed traffic congestion in the surrounding neighborhoods, it is also recommended that the Public Works Department continue to study the traffic flow at the school and surrounding areas during peak hours to make necessary changes as needed. Furthermore, it is suggested that the Mater Academy schedules special events (shows, awards ceremonies, etc.) in a manner where the entire student body will not be participating during the same times. This will alleviate potential traffic and parking space concerns.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh
Attachment

Memorandum

MIAMI-DADE COUNTY

Date: December 14, 2010

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

Thru Maria I. Nardi, Chief
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z10-181 Mater Academy

Application Name: Mater Academy, Inc.

Project Location: The site is located at 9010 NW 178th Lane, Miami-Dade County. The site is currently used as a charter school permitted to have up to 640 students in grades K-10.

Proposed Development: The applicant has submitted an Amended Letter of Intent dated 11/15/2010 requesting approval for a modification to increase the number of students from 640 to 840 and a change to limit the school enrollment to grades K-8. Currently grades K-10 are permitted.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

Therefore, we have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

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

Subject: DIC # Z10-181
Mater Academy, Inc.

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 Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs at 305-514-6661.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW Z10-181

Application: Mater Academy is requesting approval to modify a previously approved resolution regarding the expansion of a charter school, Mater Gardens Academy.

Size: The subject property is 2.52 acres.

Location: The subject property is located at 9010 N.W. 178th Lane in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal
The County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant 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 30, 2010, which is valid for one year, shows sufficient disposal system capacity to 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 **(Commercial Development)**
The project proposes an expansion of Mater Gardens Academy from 640 to 800 students in grades K-8. According to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, charter schools would fall under the classification of commercial developments located in unincorporated Miami-Dade County, and requires the following:

"every commercial and multi-family residential 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."

According to **Section 15-2 the DSWM does not actively pursue commercial accounts.** Per the code, "every commercial and multi-family residential 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."

The code continues to state "[e]ach residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors."

As a result, the landlord or property owner is required to contact a commercial waste hauler and recycler for recycling services which is permitted to provide collection services and subsequent containers within the DSWM service area. The collected material will subsequently be disposed of at DSWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** 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

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

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. **The DSWM has no objections to the proposed application.**

Memorandum

MIAMI-DADE COUNTY

Date: March 7, 2011

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

From: Maria A. Valdes, Section Chief
Comprehensive Planning & Water Supply Certification

Subject: Mater Academy, Inc. - DIC Application # Z2010000181 (Revision # 1)

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

Application Name: Mater Academy, Inc.

Proposed Development: The applicant is requesting a modification of a previously approved resolution and declaration of restrictions in order to request an increase in the number of students permitted from 640 to 800, and also to restrict the grade levels from K – 8. The total square footage (50,685 square feet) of the school will remain the same, thus there is no net increase in water demand. The total water demand of the school is 6,082 gallons per day (gpd), based on new rates implemented on October 1, 2010.

Project Location: The subject property is located at 9010 N.W. 178th Lane, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. The existing facility is currently being served by MDWASD. The source of water for this project is the Hialeah-Preston Water Treatment Plant.

Additionally, effective January 11, 2011, MDWASD has implemented a Water Supply Certification Program to assure adequate water supply is available to all water users of the MDWASD as required by policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit. All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Supply Certification letter. The Certification Letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered or during the Plat process prior to the final Development Order. MDWASD will be the utility providing water services subject to the following conditions:

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

Sewer: The subject project is located within MDWASD's service area. The existing facility is currently being served by MDWASD. The North District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.
- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

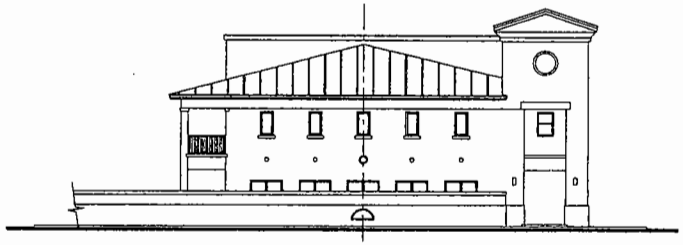
For more information about our Water Conservation Program please go to http://www.miamidade.gov/conservation/home.asp.

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198.

MATER GARDENS ACADEMY

PROJECT LOCATION:
9010 NW 178th Lane, Miami, Fl. 33108



APPLICANT:
MATER GARDENS ACADEMY.
9010 NW 178th Lane, Miami, Fl. 33108
tel: (305) 512-9775
fax: (305) 512-3708

INDEX

	COVER
A-1	EXISTING SCHOOL: LOCATION MAP & ZONING DATA
A-2	EXISTING SCHOOL: PROPOSED SITE PLAN
A-3	EXISTING SCHOOL: BUILDING ELEVATIONS
A-3A	EXISTING SCHOOL: BUILDING ELEVATIONS
A-4	EXISTING SCHOOL: BUILDING FLOOR PLANS
A-5	TYPICAL PARKING AND SITE DETAILS
LA-1	LANDSCAPING SITE PLAN
LA-2	LANDSCAPING NOTES AND SPECS

ORIGINAL DATE.....OCT. 2010

ISSUED FOR.....DIC REVIEW

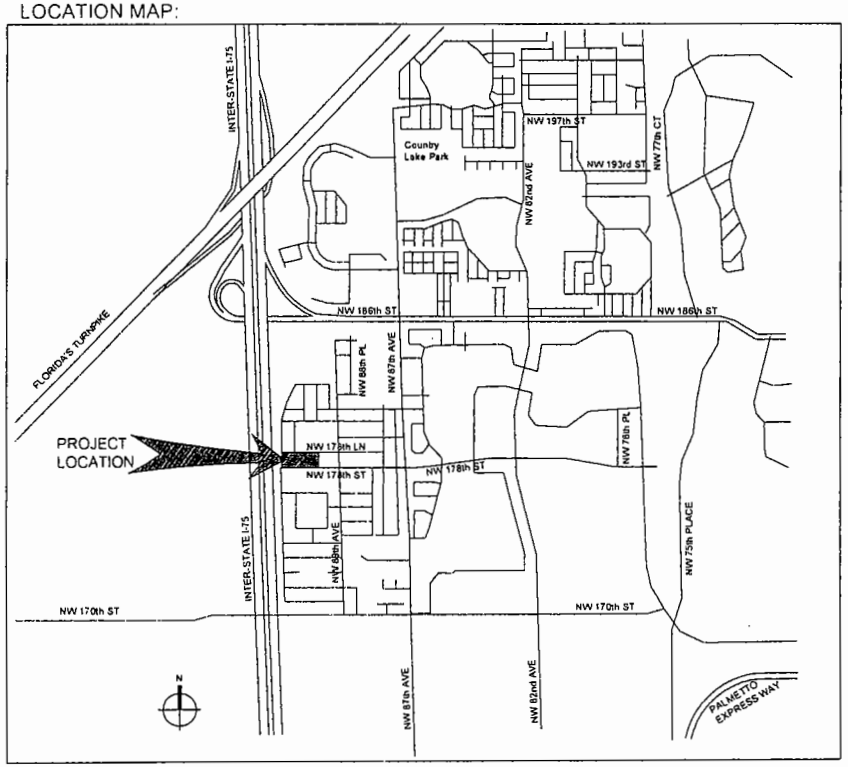
RECEIVED
Z10-181
FEB 17 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

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

△ 11 17 10 LOWER COUNCIL COORDINATION IAF
△ 12 20 10 LOWER COUNCIL COORDINATION IAF
△ 02 10 11 PW&S COORD ADDITIONAL COMMENTS IAF

43

LOCATION MAP:



ZONING DATA FOR EXISTING SCHOOL BLDG:

- •PROPOSED USE: EDUCATIONAL ..... K-8th GRADE (800 STDNTS) (CHARTER SCHOOL)
- •EXISTING USE: EDUCATIONAL ..... K-10th GRADE (640 STDNTS)
- •ZONING DISTRICT RU-1M(A)
- LOT AREA: 2.52 Acres = 109,519 SQ.FT.
- •LOT COVERAGE ..... (Includes Tent)
  - Building Foot Print Allowed: 38,331.65 SQ.FT. - (35%• Lot Cover)
  - Provided: 28,750.00 SQ.FT. - (26.25 %• Lot Cover)
- •FLOOR AREA RATIO ..... (EXISTING TO REMAIN)
  - Allowable: 0.5 FAR (of Net Area) = 80,704.0 SQ.FT.
  - Provided:
    - 1st FLR: 27,250 SQ.FT. (Including all Exterior Arcades)
    - 2nd FLR: 23,435 SQ.FT. (Including all Exterior Balconies)
  - Total Provided: 50,685 SQ.FT. - (0.462 FAR) with all exterior Arcades, Balconies, and Towers
- •OPEN SPACE ..... (EXISTING TO REMAIN)
  - Required: (60.00%•) 65,711.40 SQ.FT.
  - Provided : (73.74%•) 80,769.00 SQ.FT.
- • HEIGHT
  - Allowable..... 35'-0"
  - Existing to Remain..... 35'-0" (2-stories-TOP OF MAIN PARAPET) 39'-4" (Top of Ridge at Decorative Tower, Approved under Original DIC, as per section 33-55a)
- • SETBACKS (1)
  - Front (NW 178th Lane)
    - Required..... 25.00'
    - Existing to Remain..... 25.27'
  - Side (NW 90th Court)
    - Required..... 25.00'
    - Existing to Remain..... 25.60'
  - Side (NW 178th Street)
    - Required..... 25.00'
    - Existing to Remain..... 99.78'
  - Rear (West Side)
    - Required..... 50.00'
    - Existing to Remain..... 106.90'

(1) SETBACK REQUIREMENTS BASED ON SECT 33-17(1), AS ESTABLISHED MIAMI-DADE COUNTY ZONING REGULATIONS

CHILD CARE CHECKLIST FOR CHARTER SCHOOLS:

School Name: MATER GARDENS ACADEMY
School Address: 9010 N.W. 178th LANE & Tax Folio # 30-2099-008-3310

Total size of site: (Parcel 'A') Irregular = 109,519 / 43,000 SQ. FT. = 2.52 ACRES

Number of children or students requested: 100 Additional Children (Existing 640 / Prop 800) Ages: 4-14 Yrs Old

Grade Levels Requested: K-8th Grades (Existing Approval K-10th Grades)

Number of classrooms: 36 (Includes Library) Total square footage of classroom area: 20,173 SF

Amount of exterior recreation/play area in square footage: 30,800 SF

Number of parking spaces provided for staff, visitors, and transportation vehicles: 84 On-Site spaces provided. 84 parking spaces required by Section 33-124 (L)

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

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

Signed, sealed, executed and acknowledge on this 21st day of Dec. 2010 at Miami-Dade County Florida.

WITNESSES: SIGNATURE:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 21 day of Dec. 2010 before me personally appeared Juan Polardo to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

LEGAL DESCRIPTION:

1 PLAT 181, PAGE 21, T-21MM TRACT A OF THE CENTURY GARDENS SUBDIVISION

SIGNAGE NOTE:

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

RECEIVED
Z10-181
FEB 17 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

CIVICA
8323 NW 12th Street
Suite No.206
Doral, FL. 33126
tel 305 593 9669
fax 305 593 0866

MATER GARDENS ACADEMY
9010 N.W. 178th Lane
Miami, FL. 33018

APPLICANT:
MATER GARDENS ACADEMY
9010 N.W. 178th Lane
Miami, FL. 33018

CIVICA PROJECT No:
100140

ISSUED FOR:
DIC APPROVAL

No	DATE	REVISION	BY
1	11 15 10	DIC COMMENTS Ms. HENDERSON	IAF
2	12 20 10	ZONING COMMENTS	IAF

DRAWN BY APPROVED BY
DATE 2010 SCALE

SEAL/SIGNATURE
02 10 11
ROLANDO LLANES, AIA
AR - 0013120

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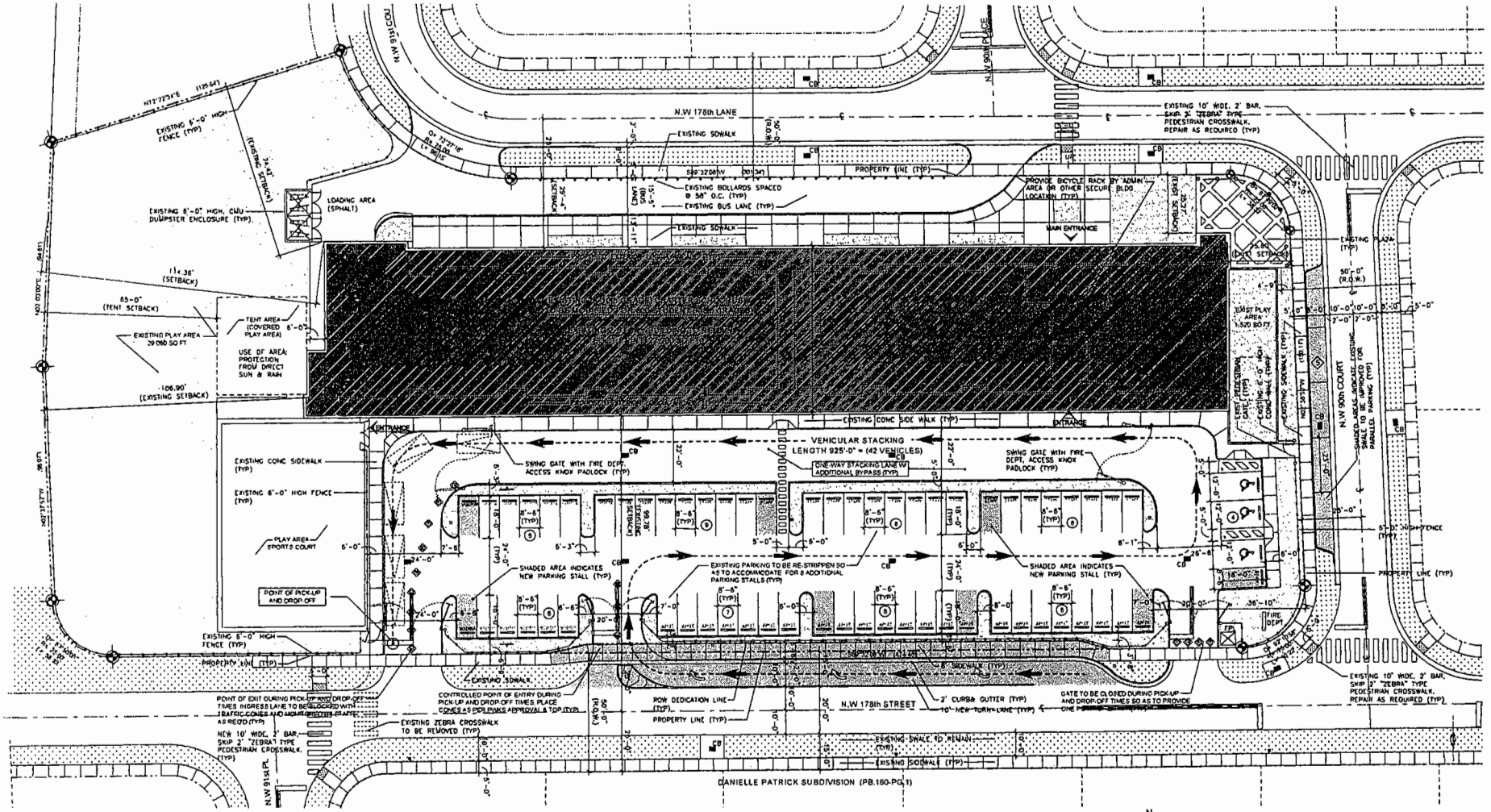
SHEET TITLE
EXISTING SCHOOL: LOCATION MAP AND ZONING DATA

SHEET NUMBER
A-1



1 / A-2 EXISTING SCHOOL: PROPOSED SITE PLAN ADJUSTMENTS

SCALE 1" = 20'-0"

N

PARKING DATA: (K-8th GRADES SCHOOL)

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

Uses Proposed	Total Classrooms	Classroom Area	No. of Students	No. of Teachers	No. of Assist	No. of Admin	Transportion Vehicles	Total Personnel	Code Requirement	Parking Required	Parking Provided
K-5th GRADES	36 (Library)	20,172 SQ.FT.	810 Students	22	4	3	2-Vans Buses	31	1 Pkg per e.a. Staff plus e.a. transportation vehicle	(29 Staff + 2 Van-bus) = 31 Spaces	64 Spaces *
6th-8th GRADES				14	1	2	2-Vans Buses	19	1 Pkg per e.a. Staff plus 1/4 of staff & transportation vehicles	(17 Staff + 2 Van-bus) x (0.25 space) = 4.75 19 + 5= 24 spaces	
Grand Total				36	5	5	4-Vans Buses	50	Total Parking Required for K-8th Grade School:	31 + 24 = 54 Spaces Required	

PUBLIC WORKS:

*Total On-site Handicapped Spaces Provided.....	3 HC Spaces
*Total On-Site Surplus Provided.....(61 Total- 48 Staff) =	13 Spaces
Total Site Parking Fragmentation.....On-Site Designated Parking for Staff =	48 Spaces
On-Site Designated Parking for Visitor =	13 Spaces
Total Off-Site Parking Provided.....Off-Site Parallel =	3 Spaces

DIC NOTE
WORK AND IMPROVEMENTS DEPICTED HEREIN SHALL BE LIMITED TO THE SHADED AREAS AND IMPROVEMENTS OF CROSSWALKS MARKING. ALL REMAINING SITE CONDITIONS SHALL BE EXISTING TO REMAIN AND SHALL NOT BE PART OF THIS APPLICATION. ADDITIONAL WORK SCOPE FROM THIS DRAWING SHALL NOT APPLY. SHOULD WRITTEN DOCUMENTS AS PART OF THIS APPLICATION CONFLICT WITH THIS DRAWING OR DIFFER IN SCOPE OF WORK THIS DRAWING SHALL SUPERSEDE ALL MATERIAL

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210-181
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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

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8323 NW 12th Street
Suite No.206
Doral, FL. 33126
tel 305 593 9958
fax 305 593 9955

MATER GARDENS ACADEMY
9010 N.W. 178th Lane
Miami, FL. 33018

APPLICANT:
MATER GARDENS ACADEMY
9010 N.W. 178th Lane
Miami, FL. 33018

CIVICA PROJECT No:
100140

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1	12 20 10	COUNTY COMM. COORDINATION	IA
2	02 04 11	PWWS COORD	IA
3	02 10 11	PWWS COORD ADDITIONAL COMMENTS	IA

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DATE 2010 | SCALE

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ROLANDO LLANES #A
AR - 0013105

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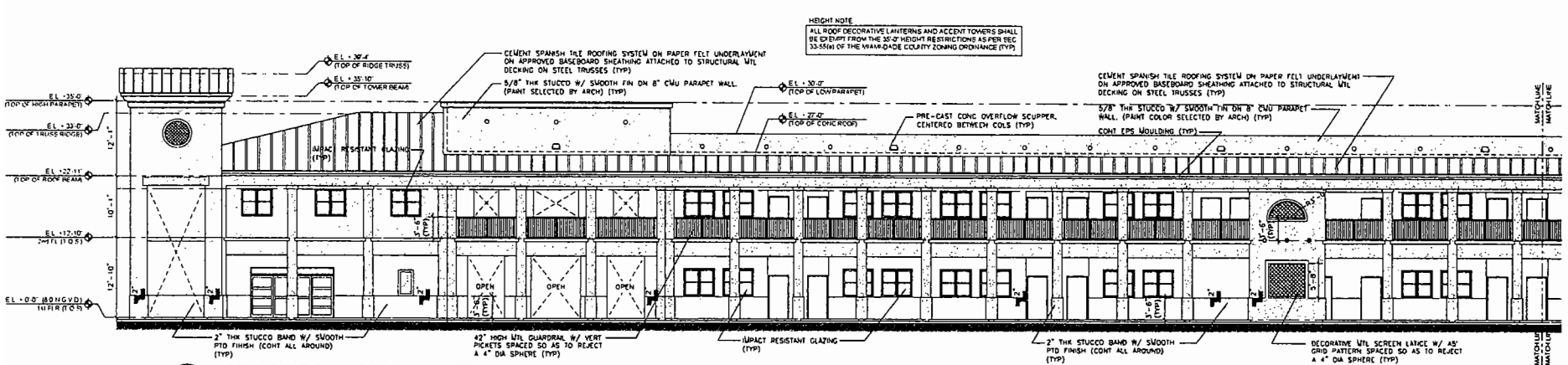
SHEET TITLE
EXISTING SCHOOL PROPOSED SITE PLAN

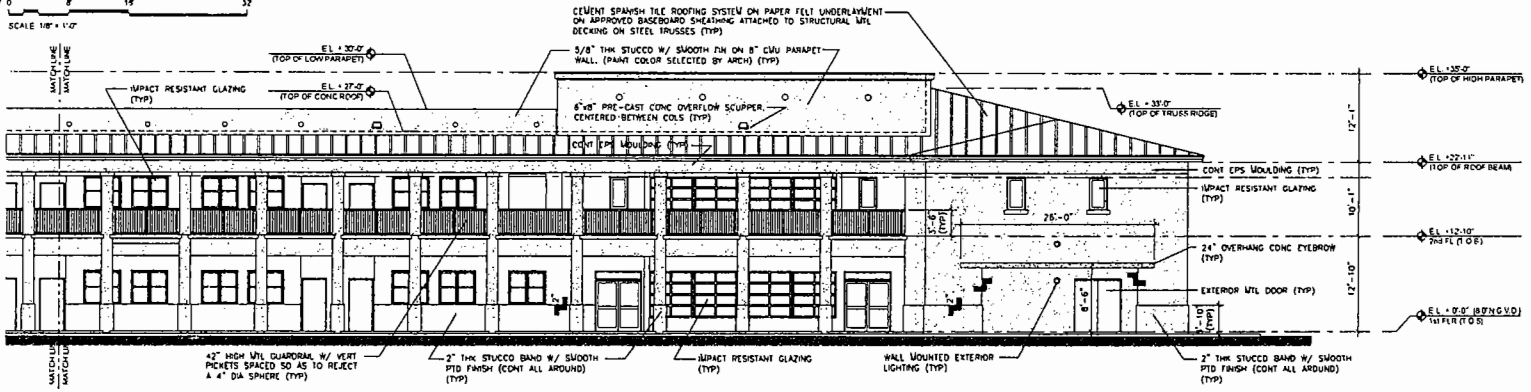
SHEET NUMBER
A-2

54



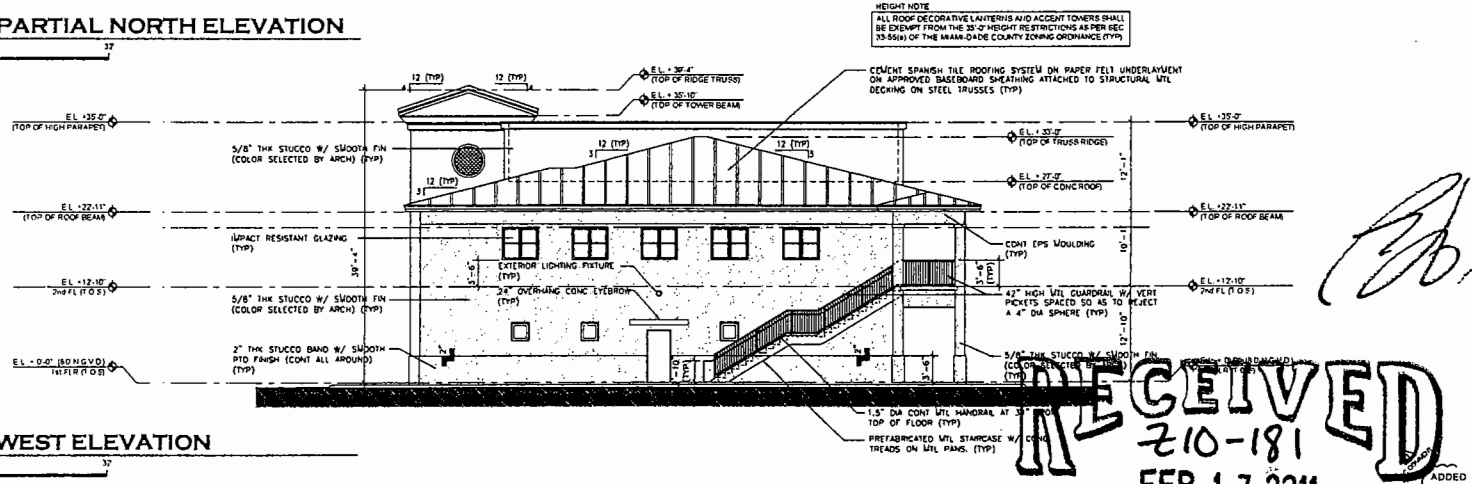
1 A-3 **EXISTING PARTIAL NORTH ELEVATION**

SCALE 1/8" = 1'-0"



2 A-3 **EXISTING PARTIAL NORTH ELEVATION**

SCALE 1/8" = 1'-0"



3 A-3 **EXISTING WEST ELEVATION**

SCALE 1/8" = 1'-0"

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CIVICA PROJECT No:
10014.0

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No	DATE	REVISION	BY
1	11.18.10	DIC COMMENT M. HENDERSON	IAF

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ROLANDO LLANES, AIA
AR - 0013140

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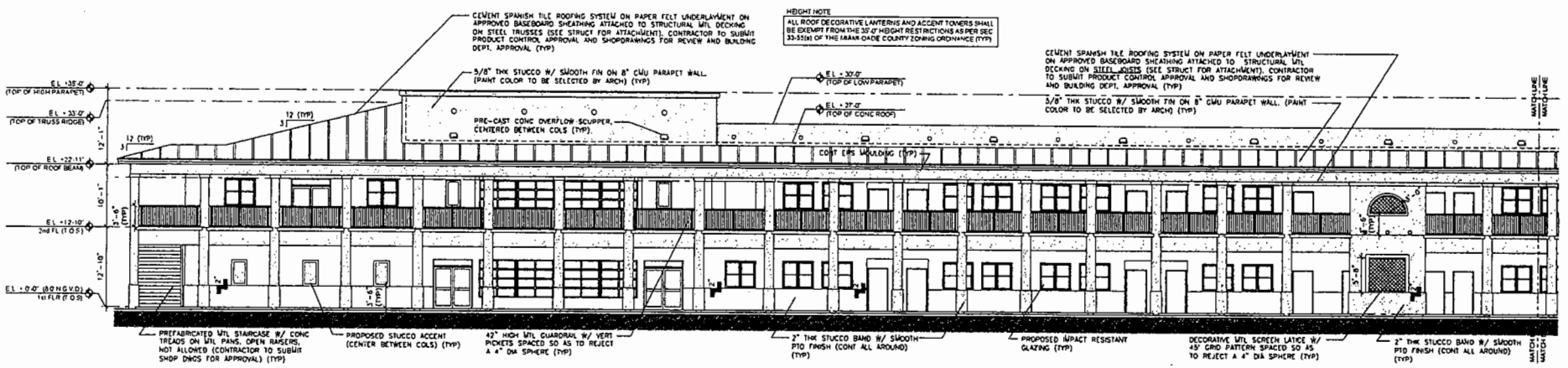
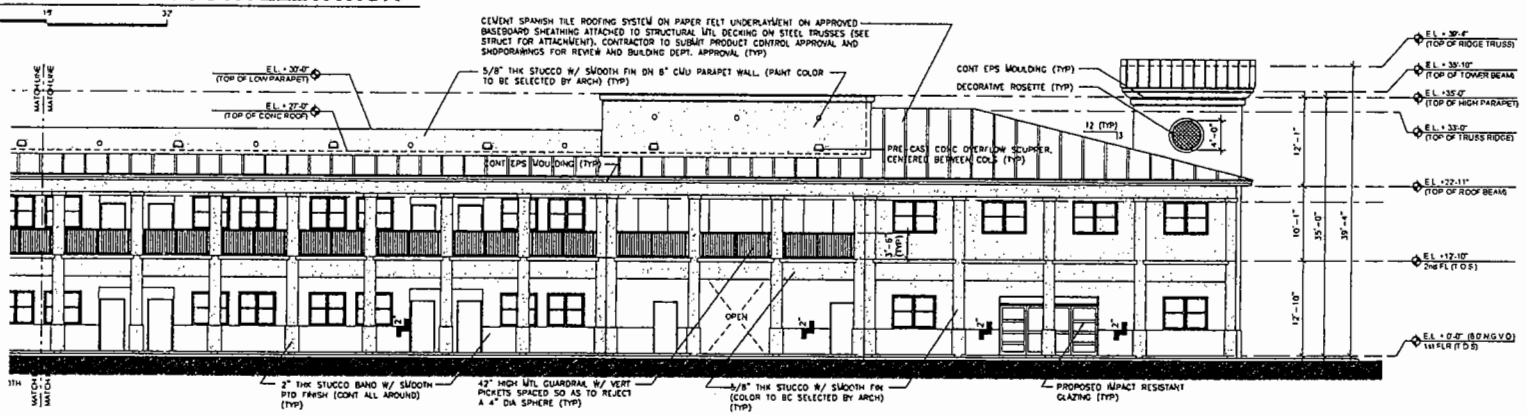
SHEET TITLE
EXISTING NORTH & SOUTH BUILDING ELEVATIONS

SHEET NUMBER
A-3



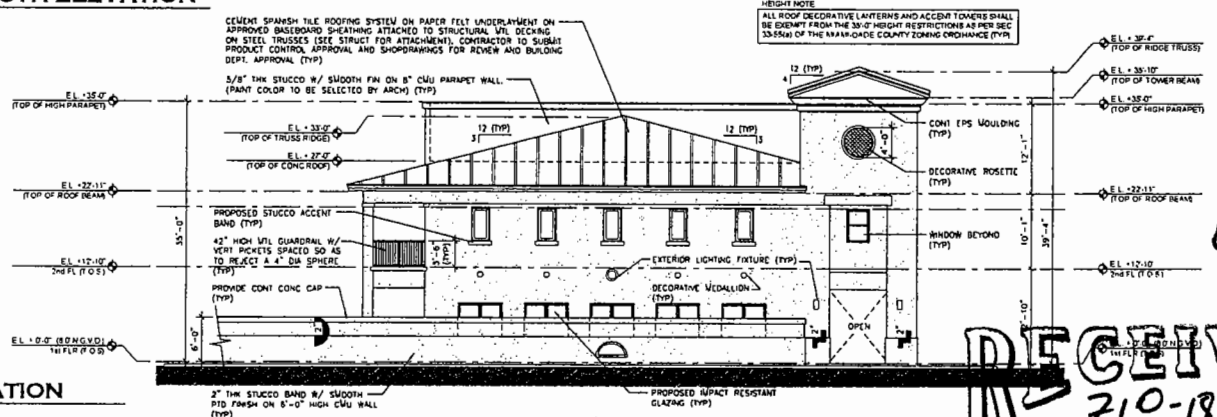
1 A-3A **EXISTING PARTIAL SOUTH ELEVATION**

SCALE 1/8" = 1'-0"



2 A-3A **EXISTING PARTIAL SOUTH ELEVATION**

SCALE 1/8" = 1'-0"



3 A-3A **EXISTING EAST ELEVATION**

SCALE 1/8" = 1'-0"

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CIVICA PROJECT No:
100140

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1	11 18 10	DIC RESUBMITTAL W/ CLARIFICATIONS	LA

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SHEET TITLE
EXISTING SOUTH & EAST BUILDING ELEVATIONS

SHEET NUMBER
A-3A

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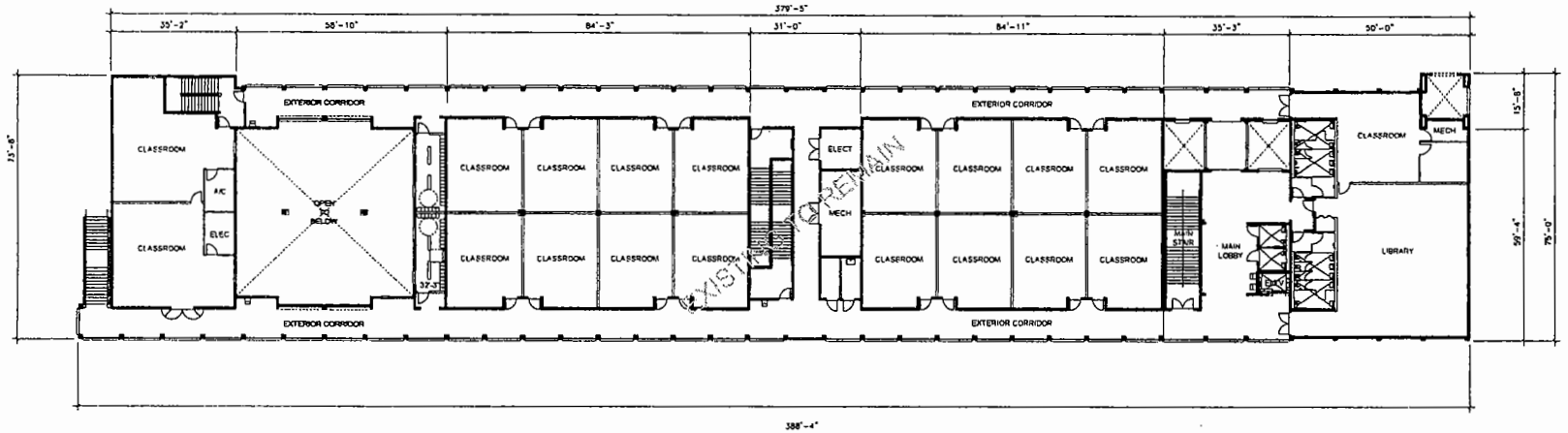
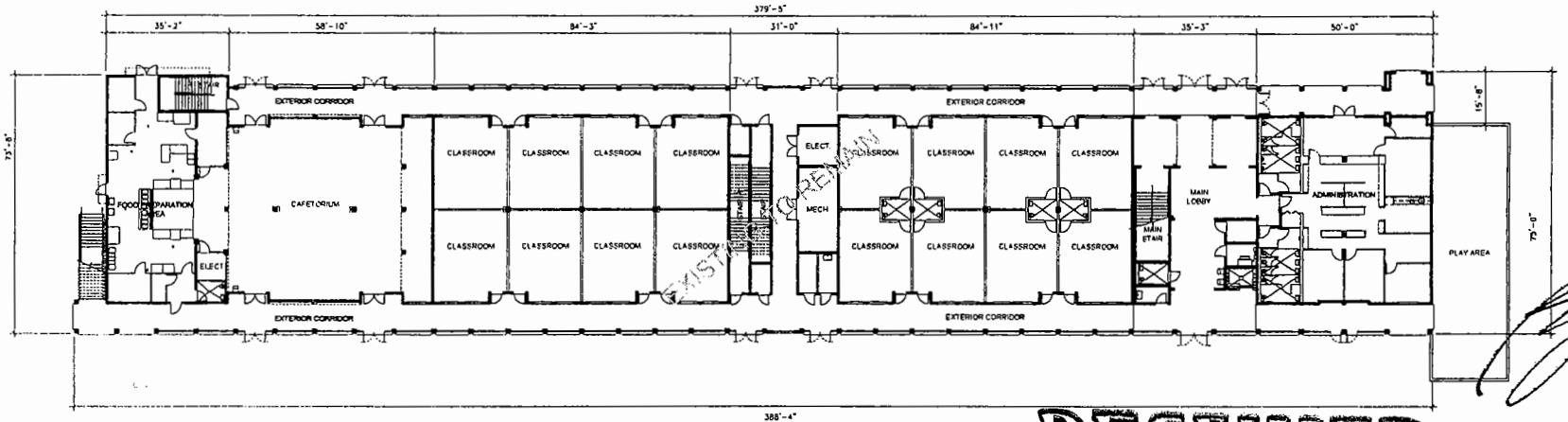


2 / A-4 EXISTING 2nd FLOOR PLAN

SCALE 1/2" = 1'-0"



1 / A-4 EXISTING 1st FLOOR PLAN

SCALE 1/16" = 1'-0"

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100140

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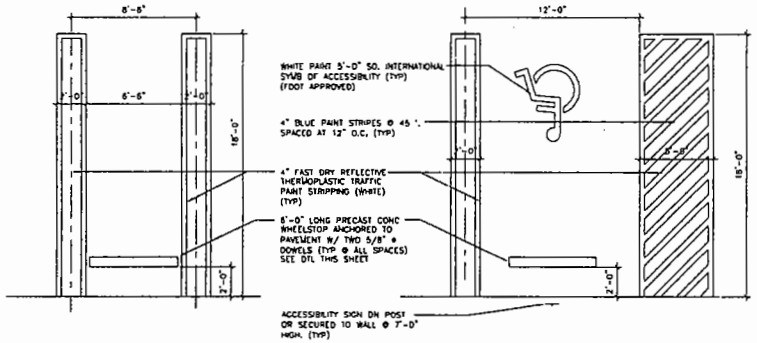
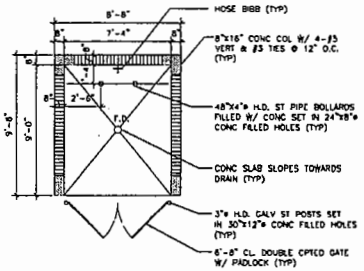
SHEET TITLE
EXISTING SCHOO FIRST & SECONI FLOOR PLANS

SHEET NUMBER
A-4



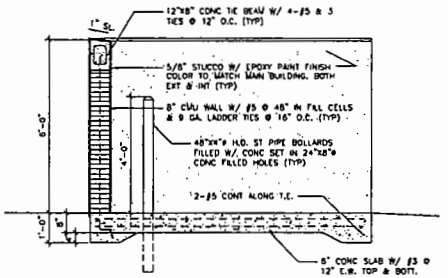
1 A-5 TYPICAL STANDARD AND ACCESSIBLE PARKING STALL

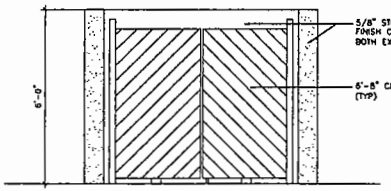
SCALE 1/4"=1'-0"



4 A-5 TYPICAL DUMPSTER ENCLOSURE: PLAN AND SECTION DETAILS

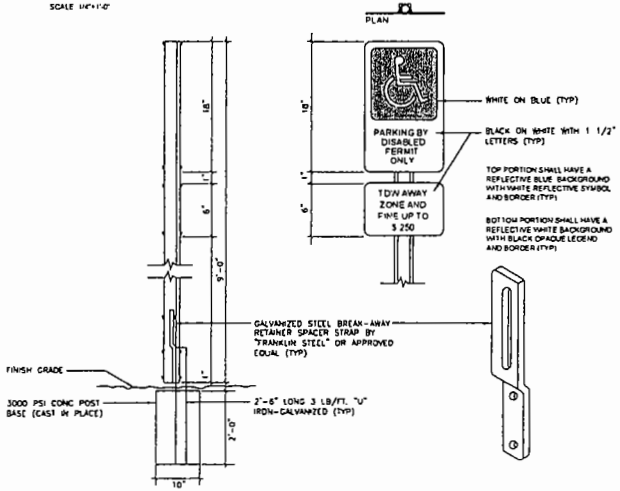
SCALE: 1/4"=1'-0" SCALE: 1/2"=1'-0"





5 A-5 TYPICAL DUMPSTER ENCLOSURE: ELEVATION DETAIL

SCALE 1/2"=1'-0"



3 A-5 TYPICAL ACCESSIBLE PARKING SIGNAGE

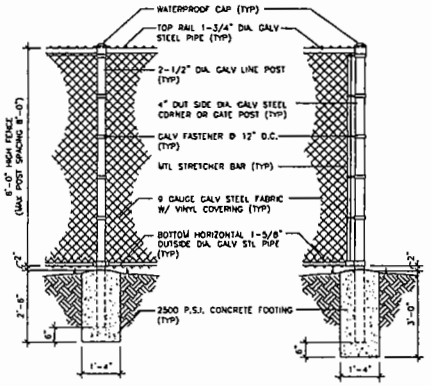
SCALE 1 1/2"=1'-0"

Knox Padlock Model 3770 - Manual Gated Entryways 3/8 in. diameter stainless steel shackle with 2-1/8 in. clearance. Padlock designed to secure exterior perimeter and fire access gates. Heavy-duty brass body protected by EPDM boot with shackle seal. Medeco lock cylinder has UL 437 rating.

(System Code # PS-31-291-08-05)

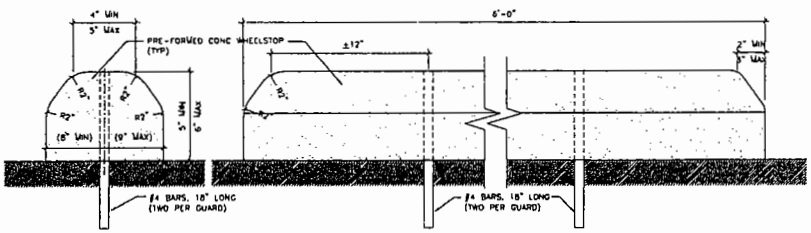
6 A-5 FIRE DEPARTMENT KNOX PADLOCK

SCALE 1/2"=1'-0"



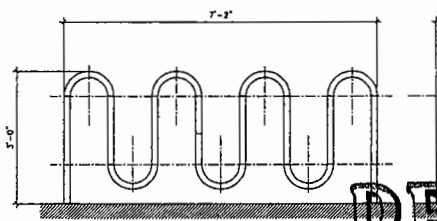
7 A-5 TYPICAL FENCE DETAIL

SCALE 1/2"=1'-0"



2 A-5 TYPICAL STANDARD AND ACCESSIBLE PARKING STALL

SCALE 1/4"=1'-0"



8 A-5 BICYCLE-RACK DETAIL

SCALE 3/4"=1'-0"

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CIVICA PROJECT No:
100140

ISSUED FOR:
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ROLANDO LLANES AIA
AR-0013180

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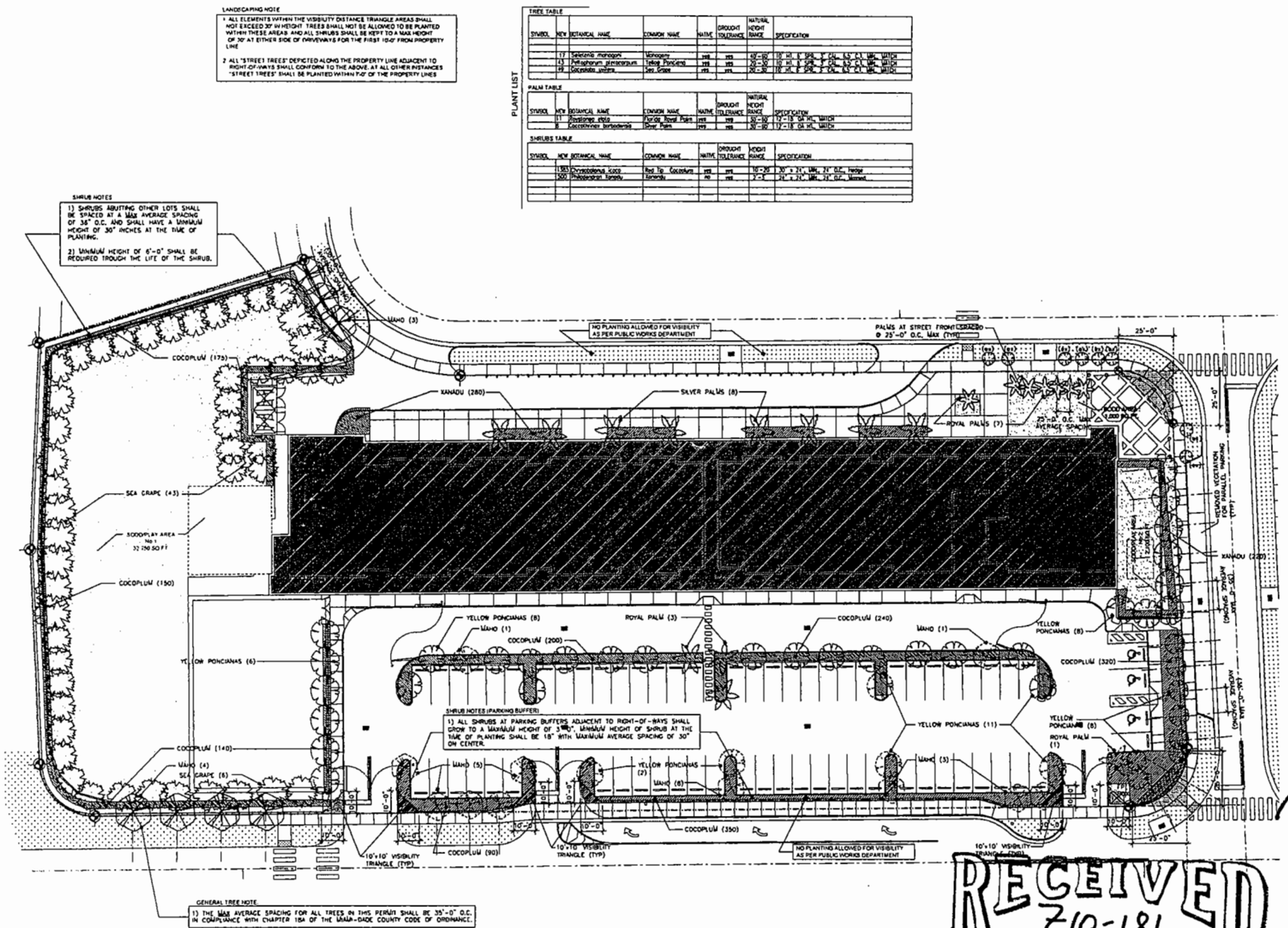
SHEET TITLE
TYPICAL PARKING AND SITE DETAILS

SHEET NUMBER
A-5



1 LA-1 PROPOSED LANDSCAPE SITE PLAN

SCALE 1" = 20'-0"

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Miami, FL. 33018

CIVICA PROJECT No:
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No	DATE	REVISION	BY
1	11 18 10	DIC COMMENT Ltr. REVISIONS	IAF
2	12 20 10	LOWER COURSE COORDINATION	IAF
3	02 10 11	PARKS COORD. ADDITIONAL COMMENTS	IAF

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SHEET TITLE
PROPOSED LANDSCAPE PLAN

SHEET NUMBER
LA-1

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

1.1 SCOPE

A. Provide all labor, materials, equipment, watering, supervision, and work necessary to complete work in accordance with the intent of the landscape plans, schedules and these specifications. The extent of work is shown on the drawings which is part of this document.

1.2 SUBSTITUTIONS

A. Only materials specified will be accepted, unless approved in writing by the Landscape Architect in advance.

1.3 PLANT SIZES

A. All plant sizes shall equal or exceed the minimum sizes as specified in the plant list. [illegible]

1.4 PLANT QUALITY

A. All plant material shall be equal to or better than Florida No. 1 as classified by "Grades and Standards for Florida Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. [illegible]

1.5 PLANT QUANTITY

B. The plant quantities shown on the plant list are to be used only as an aid to bidders. [illegible]

1.6 UNIT PRICES

A. [illegible]

1.7 INSPECTION CERTIFICATES

A. Fertilizer. [illegible]

1.8 GRADING

[illegible]

1.10 MAINTENANCE

[illegible]

1.11 OPERATIONS FOR ACCEPTANCE

[illegible]

1.12 GUARANTEE

[illegible]

1.13 REPLACEMENT

[illegible]

PART 2 - MATERIALS

2.1 PLANTING SOIL

[illegible]

2.2 FERTILIZER

[illegible]

2.3 WATER

[illegible]

2.4 MULCH

[illegible]

3.0 PART 3 - INSTALLATION PROCEDURES

3.1 LAYOUT

[illegible]

3.2 HERBICIDE TREATMENT

[illegible]

3.3 PLANT PIT EXCAVATION AND BACKFILLING

[illegible]

3.4 WATERING-IN

[illegible]

3.5 FERTILIZING

[illegible]

3.6 MULCHING

[illegible]

3.7 CUTTING & BRACING

[illegible]

3.8 SODDING

[illegible]

MULTI-TRUNK TREE PLANTING/STAKING DETAIL

N.T.S.

TREE PLANTING/STAKING DETAIL

N.T.S.

PALM PLANTING/STAKING DETAIL

N.T.S.

SHRUB/ GROUNDCOVER PLANTING DETAIL

N.T.S.

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LANDSCAPE LEGEND

OPEN SPACE	REQUIRED	PROVIDED
Square Feet of open space as required by Chapter 33, as indicated on site plan	85,711 S.F.	75,472 S.F.
Square Feet of parking open space required by Chapter 18A, as indicated on site plan	640 S.F.	5,297 S.F.
Total s.f. of landscaped open space required by Chapter 33	86,351 S.F.	80,769 S.F.
LAWN AREA CALCULATION		
A. Total s.f. of landscaped open space required by Chapter 33	86,351 S.F.	80,769 S.F.
B. Maximum lawn area (sod) permitted 30% x 86,351 S.F. = 33,175.5 S.F.	33,175.5 S.F.**	32,100 S.F.**

** AREAS DESIGNATED AS SPORTS FIELDS AND PLAYGROUNDS CAN BE DELETED FROM LAWN REQUIREMENT AS PER THE ZONING CODE

TREES	REQUIRED	PROVIDED
A) No. of trees required per net lot acre	71	75 (all palms on site counted as 2 for 1)
B) % Palms allowed	11 Allowed	13 Provided = 6 Palms
% Palms permitted to count as street trees	N/A	N/A
C) % Natives required	22	35 (100%)
D) Street trees (maximum average spacing of 35' o.c./ Palms at 25' o.c.) 1,080 linear feet along street / 35 = 32.9	33	33 (27 Trees + 6 Palms)
E) Street trees located directly beneath power lines (max. average spacing of 25' o.c.) 0 linear feet along street / 25 = 0	N/A	N/A
TOTAL TREES REQUIRED (A + D + E)	104	109

SHRUBS	REQUIRED	PROVIDED
No. of trees required (1,040 trees) x 10 = 1,040 shrubs required	1,040	1,685 (Provided)
No. of shrubs required (1,040 shrubs) x 30% = 312 native shrubs required	312	1,365

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

IRRIGATION

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

PLANTING NOTES:

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

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

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

Fertilizer shall comply with state fertilizer laws. It shall have a chemical designation as indicated for each type of plant:

Turf: 4-1-2 N-P-K with micronutrients. Apply at a rate of 1 lb. of nitrogen per 1000 s.f.
Palms: 2-1-1 N-P-K with micronutrients.

Shrubs and Trees:
7-6-5 N-P-K with micronutrients. Mulch shall be clean, bright and free of weeds, moss sticks and other debris.

All landscape installation to be 100% irrigated to meet local and state regulations with a minimum of 50% overlap. (See Plans and Specs)

All work shall be done in accordance with authorities having jurisdiction. Contractor shall submit shop drawings for approval.

No changes/ substitutions shall be made without prior consent of the designer.

Contractor shall field verify locations of all utilities prior to installation.

All landscape areas shall be sodded unless otherwise noted. Landscape contractor shall coordinate his work with that of the irrigation contractor.

Mulch: All plants and plant beds shall have a 3" layer of clean weed free, organic mulch (eucalyptus where possible). Mulch shall contain less than 10% wood chips.

Utilities: The location and existence of utilities (overhead and underground) shall be thoroughly investigated and verified by the Landscape Contractor before the work begins in exercise care in digging and work so as not to damage existing utilities in said areas, such as underground pipes, cables, wires, etc. The Landscape Contractor shall be responsible for the immediate repair of any damage to utilities caused by the work.

Watering: Initially water the plant material to develop uniform coverage and deep water penetration of at least 6". Avoid erosion, puddling, and washing soil away from plant roots.

Plant quantities in plant legend are for reference only. If discrepancies exist between quantities in legend and quantity shown on plan, plan shall govern.

Plant Quantities: Plant quantities are provided as a courtesy and should be verified by the contractor prior to bidding.

Sod: Sod shall be clean and visibly free of weeds, noxious pests, and diseases.

Planting: All planting holes shall be excavated to a minimum of 1 1/2 times the diameter of the root ball of plant to be planted and back filled with planting soil. Plant beds shall be excavated to a minimum of 12" and back filled with planting soil.

Sizes: All sizes shown for plant material on the plan are to be considered as minimums. All plants must meet or exceed these minimum requirements for height, spread, trunk caliper.

All shrubs, trees and palms shall be minimum of 6' away from all other utilities.

DIC COMMENT
ADDED SHEET

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Miami, FL. 33018

CIVICA PROJECT No:
100140

ISSUED FOR:
DIC APPROVAL

No	DATE	REVISION	BY
1	11 16 10	DIC COMMENT Ms. HENDERSON	IAF

DRAWN BY | APPROVED BY

DATE 2010 | SCALE

SEAL/SIGNATURE

ROLANDO LLANES, AIA
AR - 0013190
02 10 11

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SHEET TITLE
LANDSCAPE SPECIFICATION & PLANT LIST

SHEET NUMBER
LA-2

DISCLOSURE OF INTEREST*

If a **CORPORATION** 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: **MATER ACADEMY, INC.**

NAME AND ADDRESS		Percentage of Stock
SEE ATTACHED EXHIBIT "A"		**A Non-profit**
		Corporation

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

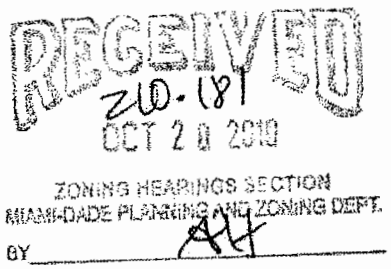
TRUST/ESTATE NAME: _____

NAME AND ADDRESS		Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS		Percentage of Ownership



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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)		Percentage of Interest

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Date of contract: _____ BY _____

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

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: _____
Antonio Roca, President

Sworn to and subscribed before me this 20 day of OCTOBER, 2010. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
William Lee
Commission # DD784338
Expires: APR. 30, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or 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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EXHIBIT "A"

MATER ACADEMY

2009 - 2010
Board of Directors

Antonio Roca
Director/Chair/President (D/C/P)
Work Address:
2601 South Bayshore Drive; Suite 600
Miami, Florida 33133
Work: (305) 860-7156
aroca@rgattorneys.com
Elected: 6/22/04

Shannie Sadesky
Director (D)
Home Address:
506 SW 19th Street
Ft. Lauderdale, Florida 33315
Cellular: (954) 444-7538
ssadesky@yahoo.com
Elected: 9/26/03

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

Roberto Blanch
Director/Vice-Chair/Secretary/Treasurer (D/S/T)
201 Alhambra Circle, Suite 1102
Coral Gables, Florida 33134
Work: (305) 442-3334
rblanch@siegfriedlaw.com
Elected: 6/11/07

Elizabeth Nuevo
Director (D)
15600 NW 82nd Terrace
Miami Lakes, Florida 33016
Cellular: (786) 200-7031
elsc268@yahoo.com
Elected: 11/14/07

Juan Garcia
Director (D)
18803 NW 89th Avenue
Hialeah, Florida 33018
Cellular: (786) 218-8081
juan_garcia@bellsouth.net
Elected: 6/11/07

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: **NORTHWESTERN GRANT, LLC**

NAME AND ADDRESS		Percentage of Stock
Ignacio Zulueta		**50%**
Fernando Zulueta		**50%**

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS		Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS		Percentage of Ownership

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)		Percentage of Interest

Date of contract: _____

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

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: Rosanne Wright

ROSANNE WRIGHT, MANAGER, NORTHWESTERN GRANT, LLC

Sworn to and subscribed before me this 14 day of October, 2010. Affiant is personally known to me or has produced N/A as identification.

Annette M Iraola
(Notary Public)

Notary Public State of Florida
Annette M Iraola
My Commission DD648700
Expires 03/08/2011

My commission expires 3/8/11

*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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CHILD CARE CHECKLIST FOR CHARTER SCHOOLS:

School Name: MATER GARDENS ACADEMY
School Address: 9010 N.W. 178th LANES Tax Folio # 30-2009-008-3310

Total size of site: (Parcel 'A') Irregular = 109,519 / 43,560 SQ. FT. = 2.52 ACRES

Number of children or students requested: 160 Additional Children (Existing 640 / Prop 800) Ages: 4-14 Yrs Old

Grade Levels Requested: K-8th Grades (Existing Approval K-10th Grades)

Number of classrooms: 36 (Includes Library) Total square footage of classroom area: 20,172 SF

Amount of exterior recreation/play area in square footage: 30,600 SF

Number of parking spaces provided for staff, visitors, and transportation vehicles: 64 On-Site spaces provided. 54 parking spaces required by Section 33-124 (L)

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

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

Signed, sealed, executed and acknowledge on this 21st day of Dec. 2010 at Miami-Dade County. Florida.

WITNESSES: _____ SIGNATURE: _____ IVAN FAJARDO

Notary Public State of Florida
Gema M Camara
My Commission EE001964
Expires 08/27/2014

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 21 day of Dec., 2010, before me personally appeared Ivan Fajardo to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

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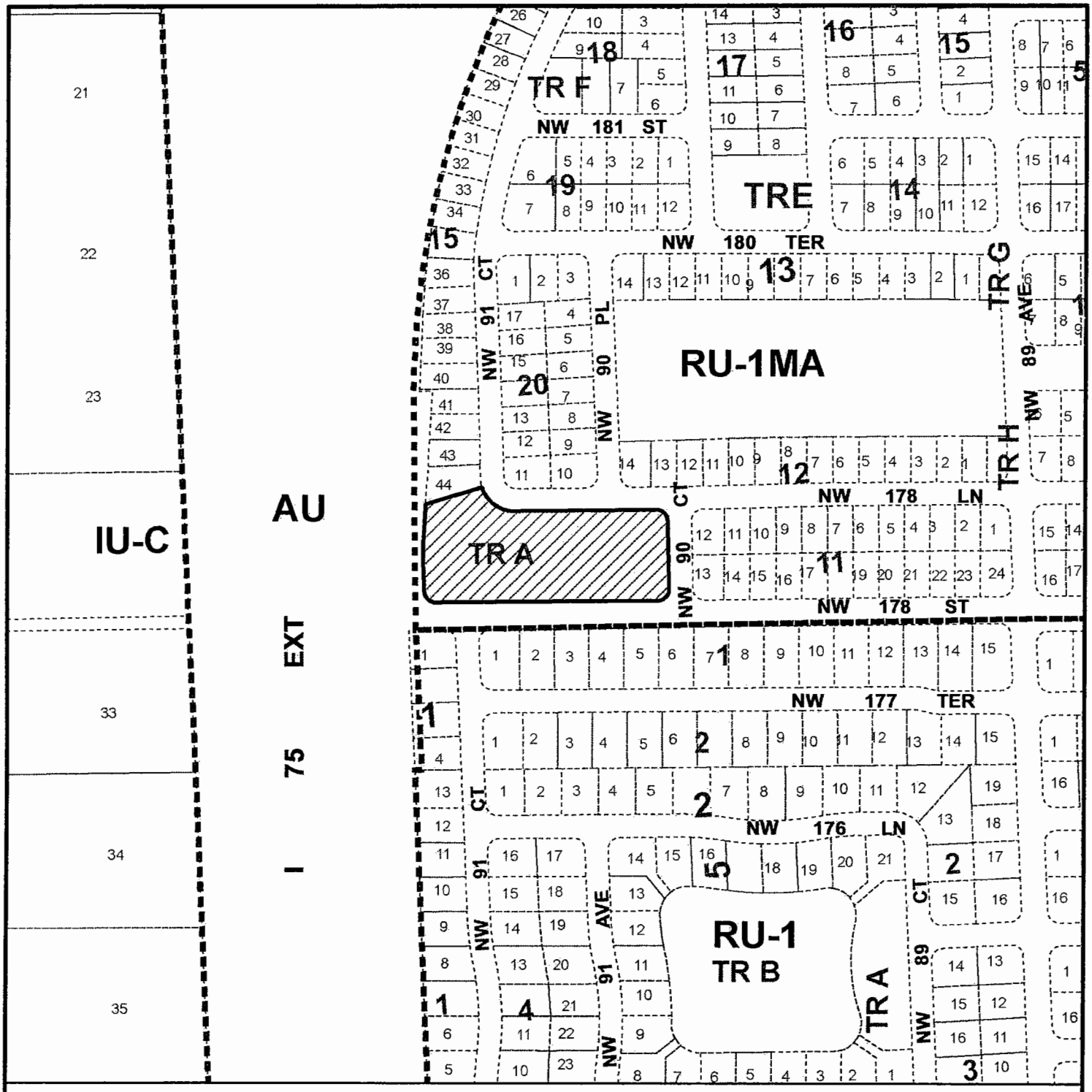
BY _____



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000181

Section: 09 Township: 52 Range: 40
Applicant: MATER ACADEMY INC.
Zoning Board: BCC
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

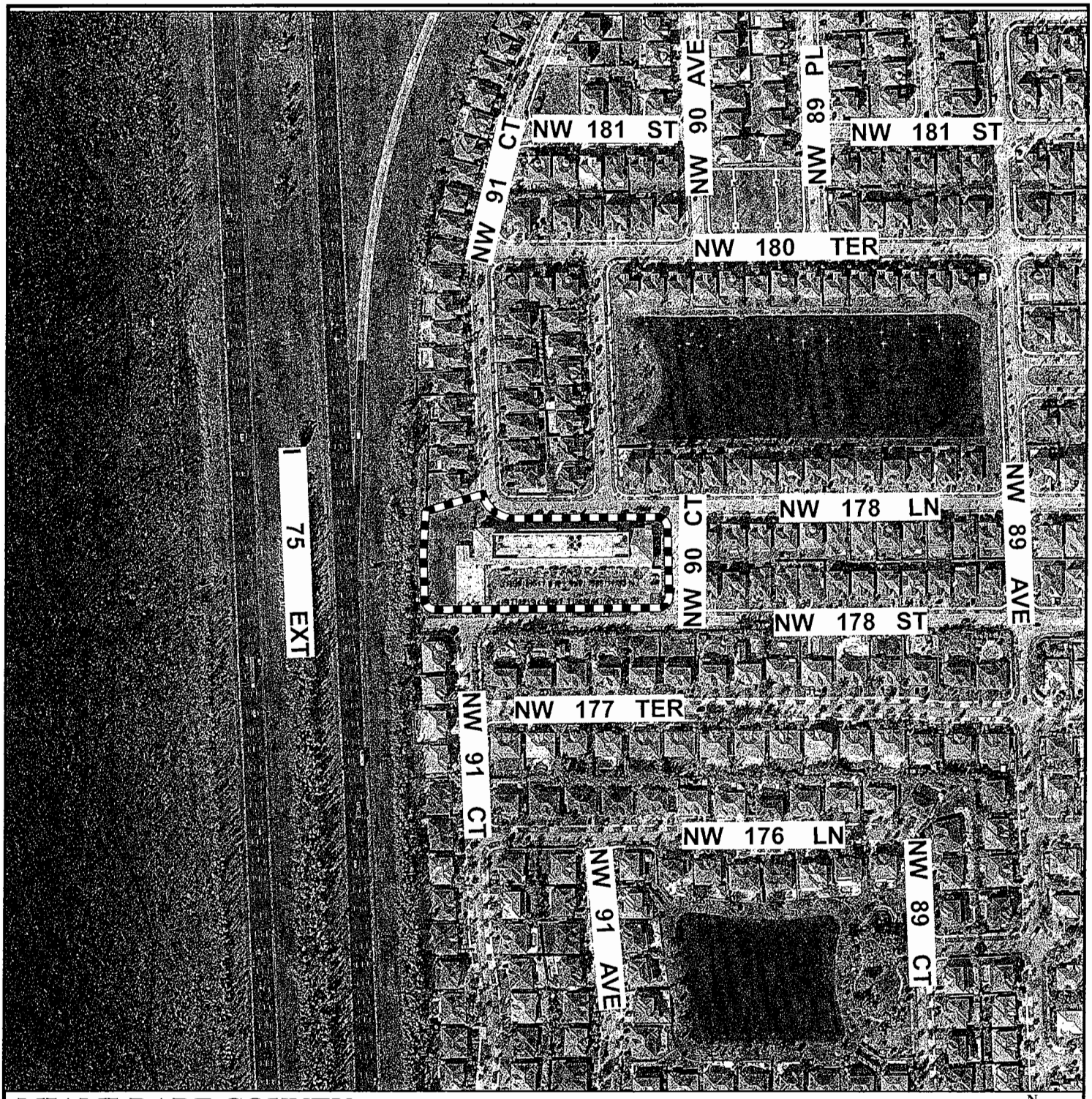
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, October 29, 2010

REVISION	DATE	BY
		57



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000181

Legend

Subject Property

Zoning

N W E S

Section: 09 Township: 52 Range: 40
Applicant: MATER ACADEMY INC.
Zoning Board: BCC
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, October 29, 2010

REVISION	DATE	BY

BCC — April 28, 2011
Item # 2.

PLANNING AND ZONING
AGENDA OFFICE

Mater Academy, Inc.
P.H. 2010-181

2011 APR 13 P 3:19

This instrument was prepared by:
Name: Leila M. Jackson Batties, Esq.
Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131

(Space reserved for Clerk)

SECOND MODIFICATION AND RESTATEMENT OF DECLARATION OF RESTRICTIONS RECORDED AT OFFICIAL RECORDS BOOK 23278. PAGES 2186 - 2194

WHEREAS, the undersigned owner, **NORTHWESTERN GRANT, LLC,** a limited liability corporation (the "Owner"), holds the fee simple title to that certain 2.52 acre parcel of land in Miami-Dade County, Florida (the "County"), located at 9010 NW 178 Lane, and which is legally described in Exhibit "A," attached hereto (the "Property");

WHEREAS, the Property was originally approved for a charter school serving 640 students in grades K - 5 (the "Charter School") in 2005, pursuant to Resolution No. Z-5-05 (the "2005 Approval");

WHEREAS, in connection with the 2005 Approval, the Charter School proffered that certain declaration of restrictions recorded at Official Records Book 23278, Pages 2186 - 2194 (the "2005 Declaration");

WHEREAS, in 2007, the County adopted Resolution No. Z-27-07, authorizing the expansion of the grade levels at the Charter School from grades K - 5 to grades K - 10;

WHEREAS, in connection with the 2007 Approval, the Charter School proffered that certain Modification of Declaration of Restrictions, which is recorded at Official Records Book 25884, Pages 3186 - 3192 (the "2007Declaration"), which modified Paragraph No. 10 of the 2005 Declaration to read as follows:

"(10) The charter school shall be limited to grades K - 10th for a maximum of 640 students."

WHEREAS, the 2007 Declaration also provided the following staggered shifts for arrival and dismissal for students at the Charter School:

Kindergarten:	8:00 AM - 8:30 AM / 2:00 PM - 2:30 PM (approx. 90 students)
Grades 1-5:	8:00 AM - 8:30 AM / 3:00 PM - 3:30 PM (approx. 360students)
Grades 6-10:	7:00 AM - 7:30 AM / 2:30 PM - 3:00 PM (approx. 190 students)

WHEREAS, the Owner has filed Public Hearing No. 2010-181 (the "Application") seeking to increase the number of students at the Charter School from 640 students to 800 students, and to limit the grade levels at the Charter School to grades K - 8;

WHEREAS, the Application seeks to modify Paragraph No. 2 of the 2005 Declaration as follows:

FROM: "(2) The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Century Gardens Charter School," as prepared by Civica, dated stamped received December 9, 2004, consisting of six (6) sheets (the "Plan")."

TO: "2. The Charter School shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled **"Mater Gardens Academy,"** as prepared by Civica, dated stamped received **February 17, 2011,** consisting of **nine *(9)*** sheets (the "Plan").";

WHEREAS, the Application seeks to modify Paragraph No. 10 of the 2005 Declaration, as modified by the 2007 Declaration, as follows:

FROM: "(10) The charter school shall be limited to grades K - 10th for a maximum of 640 students."

TO: "10. The Charter School shall be limited to grades K - 8th for a maximum of **800** students."

WHEREAS, the Charter School desires to have the following start/dismissal times at the Charter School in order to accommodate the additional students and change in grade levels:

Grades2-3	8:00 a.m. /2:30p.m.	(approx. 200 students)
Grades6-8	8:10 a.m./3:00 p.m.	(approx. 200 students)
Grades K-1	8:30 a.m. /2:00 p.m.	(approx. 200 students)
Grades4-5	9:00 a.m./3:30p.m.	(approx. 200 students)

WHEREAS, the Owner and the County desire that the covenants herein amend, restate, and supersede those in the 2005 Declaration and 2007 Declaration, and control the development and operation of the Charter School;

NOW, THEREFORE, in order to assure the County that the representations made during consideration of the Application will be abided by, the Owner freely and voluntarily and without duress hereby amends and restates the Declaration to read as follows:

1. The Owner shall submit a site plan to 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 Use; said plan to include among other things, but not be limited thereto, location of structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. The Charter School shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received February 17, 2011, consisting of nine (9) sheets (the "Plan").

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

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

5. The Owner shall comply with all applicable conditions, requirements, recommendations, requests and other provisions of the various Departments.

6. No outside loudspeakers shall be permitted on the Property.

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

8. Night activities and/or functions at the Charter School shall be limited to 10 events per year and shall end no later than 10:00 p.m.

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

10. The Charter School shall be limited to grades K through 8 for a maximum of 800 students.

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

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

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

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

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

12. The Charter School shall have four staggered start/dismissal times, as follows:

Grades2-3	8:00a.m. /2:30p.m.	(approx. 200 students)
Grades 6-8	8:10 a.m. / 3:00 p.m.	(approx. 200 students)
Grades K -1	8:30 a.m. / 2:00 p.m.	(approx. 200 students)
Grades 4 - 5	9:00 a.m. / 3:30 p.m.	(approx. 200 students)

13. Miscellaneous:

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

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

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

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of

such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

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

absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[SIGNATURE PAGE(S) FOLLOW]

Mater Academy, Inc.
P.H. 2010-181

Signed, sealed and acknowledged on this 11 day of April, 2011.

WITNESSES

Signature
Annette M. Iraola
Printed Name

Signature
Twinky Rodriguez
Printed Name

NORTHWESTERN GRANT, LLC
a Florida liability corporation

Signature
Rosanne Wright
Printed Name

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

The foregoing instrument was acknowledged before me this 11 day of April, 2011, by Rosanne Wright, as Manager of Northwestern Grant, LLC, a Florida limited corporation, on behalf of said corporation, for the purposes stated herein. He/She is personally known to me or has produced n/a as identification.

Notary Public State of Florida
Annette M Iraola
My Commission EE051507
Expires 03/08/2015

Notary Public - State of Florida

My Commission Expires: 3/8/15

Mater Academy, Inc.
P.H. 2010-181

JOINDER BY MORTGAGEE
TO THE DECLARATION OF RESTRICTIONS

The undersigned, **Regions Bank,** an Alabama Banking Corporation, and mortgagee ("Mortgagee") under that certain Amended and Restated Mortgage and Security Agreement, dated January 31, 2008, recorded in Official Records Book 26193, Page 3655 of the Public Records of Miami-Dade County, Florida; as modified by that certain Modification of Mortgage and Other Security Documents recorded in Official Records Book 26745, Page 3489 of the Public Records of Miami-Dade County, Florida; and as further modified by that certain Second Modification of Mortgage and Other Security Documents recorded in Official Records Book 27302, Page 2494 of the Public Records of Miami-Dade County; covering all/or a portion of the property described in the foregoing Modification and Restatement of Declaration of Restrictions (the "Declaration") does hereby acknowledge that the terms of the Declaration are and shall be binding upon the undersigned and its successors in title.

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

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

IN WITNESS WHEREOF, these presents have been executed this 11 day of April, 2011.

WITNESSES:

Signature
GLADYS FARALDO
Printed Name

Signature
OSCAR HERRERA
Printed Name

REGIONS BANK, an Alabama Banking Corporation

By: _____
Signature

Angie Llaca - S.V.P.
Printed Name / Title

Address: 2800 Ponce de Leon Blvd. FL9
Coral Gables, FL 33134

#10153429_v5

EXIHIBIT A

Subject Property: Tract "A" of CENTURY GARDENS, Plat book 161, Page 21.