MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
THURSDAY, JULY 18, 2013

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.

APPEAL		HEARING #	DISTRICT
A.	**JULMAR 147 INVESTMENT, LLC**	12-085	11

Request(s): The applicant is seeking a district boundary change from AU to RU-1M(a) to permit a private school and daycare and six (6) residential lots. A special exception to permit a private school, an unusual use to permit a daycare and non-use variances of setback and right-of-way requirements.

Location: Lying South of SW 15 Street, between SW 145 Avenue and SW 147 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

CURRENT

1.	**CITY OF MIAMI GARDENS, ET AL**	12-139	1

Request(s): The applicant is requesting a deletion of a tract of land from the Dolphin Center South DRI Development Order that was approved pursuant to a Resolution passed and adopted by the Board of County Commissioners (BCC).

Location: Lying East of northwest 27 Avenue, between NW 183 Street and NW 199 Street, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, JULY 18, 2013

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 WITNESS

A. JULMAR 147 INVESTMENT, LLC 12-12-CZ10-1 (12-85) 10-54-39
BCC/Dist. 11

The applicant is appealing the decision of CZAB10 which denied without prejudice the following:

(1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUEST #1 ON PARCELS "1" & "2"

(2) SPECIAL EXCEPTION to permit a private school.

(3) UNUSUAL USE to permit a daycare.

(4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.

(5) NON-USE VARIANCE to permit parking and within drives 25' of an official right-of-way (not permitted).

(6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

REQUESTS #2 THROUGH #6 ON PARCEL "1"

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

LOCATION: Lying South of SW 15 Street, between SW 145 Avenue & SW 147 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.34 Gross Acres

Department of Regulatory and Economic Resources Recommendation: Approval of appeal, approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #6.

Protests: 86 Waivers: 769

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

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

DEFERRED: _____

1. CITY OF MIAMI GARDENS, ET AL 13-7-CC-1 (12-139) **03-52-41**
BCC/Dist.1

DELETION of a portion of legal description in Resolution Z-26-08 passed and adopted by the Board of County Commissioners, only as it applies to the following legal description, reading as follows:

Parcel 1: All That Certain Piece, Parcel, Or Tract Of Land Situate, Lying And Being In A Portion Of Tracts 37, 38, 39, And 40 Of Miami Gardens, According To Plat Book 2, Page 96, Lying In Section 3, Township 52 South, Range 41 East Of The Tallahassee Base Meridian Of Said Miami-Dade County, Florida, Being More Particularly Described As Follows To Wit: Commencing For Reference At The Northwest Corner Of Said Section 3; Thence Bearing South 02°46'26" East, Along The West Line Of Said Section 3, A Distance Of 2182.13 Feet To A Point; Thence Leaving Said West Line, Bearing North 87°13'34" East, A Distance Of 66.00 Feet To A Point Lying On The Easterly Right Of Way Line Of N.W. 27th Avenue, Said Point Being The Point And Place Of Beginning Of The Herein Described Parcel; Thence Leaving Said Easterly Right Of Way Line, Bearing North 87°14'13" East, A Distance Of 484.42 Feet To A Point; Thence Bearing South 84°47'25" East, A Distance Of 125.99 Feet To A Point; Thence Bearing North 87°14'37" East, A Distance Of 504.80 Feet To A Point, On The Westerly Line Tract "D" Dolphin Center-Stadium Site, Plat Book 129, Page 91; Thence Bearing South 02°45'54" East, Along Said Westerly Line A Distance Of 439.08 Feet To A Point On The Southerly Line Of The Northwest ¼ Of Said Section 3; Thence Bearing South 02°46'44" East, Along Said Westerly Line A Distance Of 15.00 Feet To A Point On The Southerly Right Of Way Line Of N.W. 191st Street; Thence Leaving Said West Line Bearing South 87°09'56" West, Along Said Southerly Right Of Way Line A Distance Of 1050.93 Feet To A Point On The Easterly Right Of Way Of (N.W. 27th Avenue) As Recorded In Official Records Book 13023, Page 3408; Thence Leaving Said South Right Of Way Line, Bearing North 02°42'51" West, Along Said Easterly Right Of Way Line, A Distance Of 65.00 Feet To A Point, Said Point Being The (Beginning) Of A Non Tangent Curve Concave Northeasterly Having A Radius Of 50.00 Feet , A Central Angle Of 90°03'35", A Chord Length Of 70.75 Feet Bearing North 47°48'13" West; Thence Northwesterly Along Said Right Of Way Line And The Arc Of Said Curve A Distance Of 78.59 Feet To A Point; Thence Bearing North 02°46'26" West, Along Said Easterly Right Of Way Line A Distance Of 275.00 Feet To A Point; Thence Bearing North 22°37'45" West, Along Said Easterly Right Of Way Line A Distance Of 38.28 Feet To A Point; Thence Bearing North 02°46'26" West Along Said Easterly Right Of Way Line, A Distance Of 46.93 Feet To The Point Of Beginning. Parcel 2: A Portion Of Tracts 61, 62, 64, 67, 68 And All Of 63 Of "Miami Gardens", Plat Book 2, Page 96, More Particularly Described As Follows: Commence At The Southwest Corner Of The Northwest Quarter Section 3, Township 52 South, Range 41 East; Thence North 87°09'28" East Along The South Line Of The Northwest One-Quarter Of Said Section 3, A Distance Of 129.00 Feet; Thence South 02°43'10" East, 15.00 Feet To The Point Of Beginning; Thence North 87°09'28" West Along The South Right-Of-Way Line Of A 30.00 Foot Right-Of-Way, As Shown On Said Plat, A Distance Of 1,050.91 Feet To A Point On The West Line Of Tract "D", Dolphins Center-Stadium Site, Plat Book 129, At Page 91, of the Public Records Of Miami-Dade County, Florida; thence South 02°46'44" East along said West line, a distance of 670.86 feet; thence South 87°13'34" West, 512.16 feet; thence North 02°46'44" West, 25.00 feet to the South line of Tract 62; thence South 87°13'34" West along the South line of Tracts 62, 63, and 64, a distance of 564.81 feet to a point of curvature of a curve concave to the Northeast having a radius of 25.00 feet; thence Northwesterly along the arc of said curve through a central angle of 90°00'00" for an arc length of 39.27 feet to a point along the East line of N.W. 27th Avenue, as Recorded in Official Records Book 13023, page *3408; thence North 02°46'26" West along said East line of N.W. 27th Avenue, 200.00 feet;

thence North 02°31'07" West continuing along said East line of N.W. 27th Avenue, 150.00 feet; thence North 01°21'25" West along said East line of N.W. 27th Avenue, 4.62 feet; thence North 02°46'26" West along said East line of N.W. 27th Avenue, 180.00 feet to a point on the arc of a tangent curve concave to the Southeast having a radius of 50.00 feet; thence Northeasterly along the arc of said curve through a central angle of 89°56'25", an arc distance of 78.49 feet; thence North 02°43'10" West 35.00 feet to the Point of Beginning. and a portion of Tracts 67, 68, 93, 99, 100 and all of 94 of "Miami Gardens", Plat Book 2, Page 96, more particularly described as follows: Commence at the Southwest corner of the Northwest quarter of Section 3, Township 52 South, Range 41 East, thence South 02°46'26" East along the West line of Section 3, a distance of 659.46 feet ; thence North 87°13'34" East along the south line of Tracts 62, 63, and 64 of said Plat, 667.80 feet ; thence South 02°46'44" East, 25.00 feet to the point of beginning; thence North 87°13'34" East, 512.16 feet to a point on the West line of Tract "D" of the Plat of Dolphin Center-Stadium site, Plat Book 129, at Page 91; thence South 02°46'44" East along said West line of said Plat of Dolphin Center-Stadium site, 1516.60 feet to the Southwest corner of said Tract "D"; thence South 87°15'51" West, 520.00 feet to a point on the West line of said Tract 99; thence North 02°46'44" West along said West line of Tract 99 and thence the West line of said Tract 94, 880.66 feet to a point at the Southwest corner of said Tract 67; thence North 87°13'16" East along the South line of said Tract 67, 7.84 feet; thence North 02°46'44" West, along the East line of M.D.P.D. North District Station, Plat Book 158, Page 19, a distance of 660.59 feet to the Point of Beginning.

The purpose of the above request is to allow the applicant to remove portions of the subject property from the legal description of the Dolphin Center South DRI in order to develop the property under a plan approved by the City of Miami Gardens.

LOCATION: Lying East of Northwest 27 Avenue, between Northwest 183 Street & NW 199 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 47 Acres

Department of Regulatory and Economic Resources Recommendation: Approval of conditions.

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 Regulatory and Economic Resources (RER), 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 Regulatory and Economic Resources (RER), 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.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z12-085 (12-12-CZ10-1) **July 18, 2013**
Item No. A

Recommendation Summary	
Commission District	11
Applicant	Julmar 147 Investment, LLC
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-1M(a) to permit a private school and daycare and six (6) residential lots. A special exception to permit a private school, an unusual use to permit a daycare and non-use variances of setback and right-of-way requirements.
Location	Lying South of SW 15th Street, between SW 145th Ave and SW 147th Ave, Miami-Dade County, Florida.
Property Size	2.34 acres
Existing Zoning	AU
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, **District Boundary Change**, Section 33-311(A)(3), **Special Exceptions**, **Unusual Uses** and New uses, Section 33-311(A)(4)(b) **Non-Use Variances** From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	**Approval of appeal, approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #6.**

On April 23, 2013, the Community Zoning Appeals Board (CZAB) #10, denied without prejudice the application.

On April 30, 2013, the appellants, Julmar 147 Investment, LLC, appealed the CZAB–10 decision to the Board of County Commissioners (BCC).

For the reasons outlined below in the CDMP and Zoning analysis of the requests and staff's recommendation, staff opines that the appellants' request for a reversal of the CZAB 10 decision should be approved.

REQUESTS:

REQUEST #1 ON PARCELS "1" & "2"

(1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUESTS #2, #3, #4 & #5 ON PARCEL "1"

(2) SPECIAL EXCEPTION to permit a private school.

(3) UNUSUAL USE to permit a day nursery.

(4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.

(5) NON-USE VARIANCE to permit parking and drives within 25' of an official right-of-way (not permitted).

(6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The applicant seeks to rezone a 2.34 acre parcel of land from AU, Agricultural to RU-1M(a), Modified Single Family Residential District and develop the site with a private school and daycare center and six residential lots.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	AU; vacant	Low Density Residential (2.5 to 6 dua)
North	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 dua)
South	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1MA; vacant	Low Density Residential (2.5 to 6 dua)
West	RU-1MA; vacant	Environmentally Protected Park

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 2.34 acre site, located at the southeast corner of SW 15th Street between SW 147th Ave and SW 145th Ave. The subject property is surrounded by single-family residences, vacant land and an environmentally protected park.

SUMMARY OF IMPACT:

The approval of this application will allow the applicant to provide the community with additional educational services and housing in the area. The requested variances could have a minimal impact on traffic and a minimal visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Low Density Residential*** on the Comprehensive Development Master Plan's (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. This

density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre, which would result in the maximum development of 14 residential units on this 2.34 acre site. However, the requested RU-1M(a) zoning district would allow a density higher than six (6) units per acre, which would be *inconsistent* with the LUP map's density allowed without a covenant limiting the maximum number of units to no more than six (6) units per acre.

Therefore, the applicant has proffered a covenant restricting the development of the 2.34 acre parcel to a maximum of 6.0 dwelling units per gross acre, which is the maximum allowed under the density threshold of the LUP map. The applicant is proposing to develop 1.18 acres of the 2.34 acre parcel (Parcel 2) with six (6) single-family residences, which is less than the maximum of seven (7) units allowed on the 1.18 acre parcel. Therefore, the development of the site with the proffered covenant will be **consistent** with the density threshold of the LUP map of the CDMP.

The CDMP Education Element Objective EDU-3 discusses suitable sites for the development and expansion of public educational facilities. **Policy EDU-3A** provides that "it is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools". In accordance with said policy, the subject property, which proposes a private elementary school and daycare, is located approximately 0.55 miles south of the UDB, which runs east to west along SW 8 Street in this area of the County, and 1.0 mile east of the UDB, which runs north to south along SW 157 Avenue in this area of the County and therefore **consistent** with said policy.

The adopted Interpretive Text of the CDMP Land Use Element under Residential Communities states that neighborhood and community services including **schools**, parks, houses of worship, **daycare centers**, group housing facilities, and utility facilities are permitted only when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. Compatibility shall be determined in accordance to Policy LU-4A. **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

Staff notes that memoranda submitted by the Departments of Public Works and Waste Management, the Environment Division of the Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the requested district boundary change and proposed educational use. Therefore, staff opines that for the reasons previously discussed the proposed requests with the proffered covenant restricting the development of the site to a maximum of 6.0 dwelling units per acre, are **consistent** with the *Low Density Residential* designation and the Land Use Element interpretative text for Residential Communities and compatible with the surrounding area based on the that Land Use Element Policy LU-4A compatibility criteria.

ZONING ANALYSIS:

The site plans submitted indicate that a private school and daycare for 200 children is proposed on the west portion of the site (parcel #1) and six (6) single-family lots are proposed on the east portion of the site (parcel #2).

When request #1, to permit a district boundary change from AU to RU-1MA is analyzed under Section 33-311, District Boundary Change, staff is of the opinion that the approval of this request, with the proffered covenant restricting the development of the site to a maximum of 6.0 dwelling units per acre, will not have an unfavorable impact on the economy or on the environmental and natural resources of Miami-Dade County. Staff opines that the developments proposed by this application will not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities nor unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways based on the memoranda from the Miami-Dade County Departments concerned with reviewing this application. Therefore, staff opines that approval of request #1 is **compatible** with the neighborhood development trend and would serve a public benefit warranting the approval of the application. Furthermore, staff is of the opinion that the proposed zone change to RU-1M(a) is **compatible** with the residential development trend as evidenced by the similar rezonings in the surrounding area. Specifically, the abutting properties to the north, east and south of the subject property were respectively rezoned from AU to RU-1M(a), from 2002 to 2006, pursuant to Resolutions #CZAB10-33-02, CZAB10-53-07, CZAB10-54-07 and CZAB10-77-05. **Staff therefore, recommends approval of request #1, subject to the board's acceptance of the proffered covenant under Section 33-311, District Boundary Change.**

When requests #2, Special Exception to permit a private school and daycare, and #3, Unusual Use to permit a daycare are analyzed under Section 33-311(A)(3), Special Exception, Unusual and New Uses, staff opines that the approval of said requests, with the proffered covenant including but not limited to restricting the development of the site in accordance with the site plan provided, would be **compatible** with the surrounding area. In staff's opinion, approval of the requested special exception and unusual use, which would allow the applicant to develop the site with a private school and daycare would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to create a fire or other equally or greater dangerous hazards, as evidenced by the memoranda submitted by the Departments of Public Works and Waste Management, the Environmental Resources Management Division of the Department of Regulatory and Economic Resources and the Miami-Dade Fire Rescue Department. Further, said memoranda also indicates that the approval of said requests would not have negative noise, traffic impacts or unduly burden County services in the surrounding area. Additionally, said departments indicate in their memoranda that they do not object to the application.

Notwithstanding the foregoing, staff notes that the subject property abuts an Environmentally Endangered Land (EEL) property to the west, which was a part of the Tree Island Governmental Facilities approval pursuant to Resolution No. R-447-12 on June 5, 2012. EEL lands are typically maintained by the use of periodic ecological prescribed burning. The Florida Legislature passed the Prescribed Fire Act in 1990 to promote the importance of prescribed fire and to provide liability protection. As stated in the Environmental Resources Management Division of the Department of Regulatory and Economic Resources memorandum, such burning is generally performed once every three years and the subject property lies within the potential smoke dispersion corridor. However, staff opines that the site plan provided indicates that the school site has been designed with sensitivity to the abutting EEL property by locating the

playground/recreation area on the east portion of parcel #1 of the subject property, placing the school building in between the playground area and the EEL property. Staff recommends as a condition for approval, that the proposed private school and daycare keep the children indoors on the days that prescribed burns occur.

In addition, staff notes that although the proposed playground abuts residential properties to the east and south, it is adequately buffered by a proposed continuous hedge and row of trees. However, as a condition for approval staff recommends that the proposed hedge grow to and be maintained at a height of 6' along the rear (east) and interior side (south) property lines abutting the residential properties. In addition, the plans submitted indicate that the proposed private school and daycare will be properly accessible by public roads, streets or highways, specifically SW 15th Street and SW 147th Avenue. Furthermore, the parking lot, which exceeds the parking requirement by 15 parking spaces, is located on the south portion of the subject property with the ingress and egress access provided from SW 147th Avenue. The site plan also indicates the drop-off/pickup area along SW 15th Street. As such, when considering the necessity for and reasonableness of such applied for exception and use in relation to the present and future development of the area concerned, staff opines that the same are **compatible** with the surrounding area. **Therefore, staff recommends approval with conditions of requests #2 and #3, subject to the board's acceptance of the proffered covenant, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.**

When requests #4, to permit the school setback 6' (25' required) from the side street (north) property line, request #5, to permit parking and drives within 25' of an official right-of-way (not permitted), and request #6, to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required) are analyzed under the Non-Use Variance (NUV) Standards, 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area.

Staff opines that requests #4, #5, and #6 are germane to the applicant's request to develop a private school and daycare (requests #2 and #3) on parcel #1. In staff's opinion, the proposed porte-cochere, which encroaches into the side setback area, will protect the children being dropped off from the elements and will add curb appeal to the subject property. Further, the main school building meets setback requirements and is located 26' from the side street property line. In addition, staff opines that the applicant's request to permit parking and drives within 25' of an official right-of-way will not have a negative visual impact on passersby along SW 15th Street. The submitted plans indicate that there will be adequate landscaping to the stacking area which will mitigate any potential negative visual impact. Furthermore, staff opines that the reduced outdoor recreation area will not have a negative impact on the children or neighborhood given that the applicant will stagger the children's recess and physical education at the outdoor recreation area by grade levels throughout the day. Consequently, staff opines that the proposed outdoor recreation area will adequately accommodate the children. As such, staff opines that the approval with conditions of these requests will not have a negative visual or aural impact on the surrounding area and would be **compatible** with the same. **Therefore, staff recommends approval with conditions of requests #4, #5 and #6 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has one (1) ingress and egress drive along SW 147th Avenue. The plans also show a total of 34 parking spaces, which exceeds the parking requirement by 15 parking spaces.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #6.

CONDITIONS FOR APPROVAL: (for requests #2 through #6 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Miami-Dade County Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc., Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets.

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

4. That the proposed hedge grow to and be maintained at a height of 6' along the rear (east) and interior side (south) property lines abutting the residential properties

5. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of Public Health, and the State of Florida Department of Children and Families (Child Care Licensing Unit).

6. That the private school and daycare be restricted to Infant-2nd grade and to a maximum of two hundred (200) children.

7. That the hours of operation shall be from 7:00 AM to 6:30 PM.

8. That the use may be conducted on the premises on weekdays only, Monday through Friday inclusive.

9. That the school shall assign staff to monitor and direct on-site vehicular traffic during drop-off and pick-up times to facilitate the flow of traffic and prevent potential accumulation on the public right-of-way.

10. That the waste pick-up at the school shall be performed by a private commercial entity and shall be prohibited during arrival and dismissal times.

11. That the applicant stagger the children's recess and physical education at the outdoor recreation area by grade levels throughout the day.

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

13. That the applicant obtain a new Certificate of Use from and promptly renew the same annually, with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

14. That the applicant comply with all applicable conditions and requirements of the Department of Regulatory and Economic Resources and all other departments as contained in their memoranda pertaining to this application.

15. That the proposed private school and daycare keep the children indoors on the days that prescribed EEL property burns occur.

ES:MW:NN:CH:JC

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

NDN

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
Z12-085

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

Low Density Residential (Pg. I-31)	*The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include 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.*
Residential Communities (Pg. I-26)	*The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including* ***schools****, parks, houses of worship,* ***daycare centers****, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.*
Land Use Objective LU-4A (Pg. I-11)	*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.*
Education Element Objective EDU-3A (Pg. X-5)	*It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that* ***new elementary schools*** *constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to* ***private schools****.*

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
Z12-085

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F)* ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*
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.*

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
Z12-085

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.*

A. JULMAR 147 INVESTMENT, LLC
(Applicant)

12-12-CZ10-1 (12-085)
Area BCC/District 11
Hearing Date: 07/18/13

Property Owner (if different from applicant) **Oscar Castillo Trustee.**

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

If so, who are the interested parties? **OSCAR**

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
None				

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

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

A

APPLICANT'S NAME: **JULMAR 147 INVESTMENT, LLC**

REPRESENTATIVE: Melissa Tapanes

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-12-CZ10-1 (12-085)	April 23, 2013	CZAB10	9	13

REC: Approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #6.

☐ 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
COUNCILMAN	M	Julio R. CACERES	X		
COUNCILWOMAN		Miriam PLANAS	X		
COUNCILMAN	S	Gerardo RODRIGUEZ	X		
COUNCILMAN		Manuel VALDES		X	
VICE CHAIRMAN		Toufic ZAKHARIA	X		
CHAIRMAN		Richard M. GOMEZ		X	
		VOTE:	4	2	

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

12

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

A

APPLICANT'S NAME: **JULMAR 147 INVESTMENT, LLC**

REPRESENTATIVE: Melissa Tapanes Llahues

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-12-CZ10-1 (12-085)	March 19, 2013	CZAB10		13

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #5.

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

■ DEFER: ☐ INDEFINITELY ■ TO: April 23, 2013 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: Motion to defer the application due to a lack of time.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Julio R. CACERES	X		
COUNCILMAN	M	Jose GARRIDO	X		
COUNCILWOMAN		Miriam PLANAS		X	
COUNCILMAN		Gerardo RODRIGUEZ		X	
COUNCILMAN		Manuel VALDES	X		
VICE CHAIRMAN		Toufic ZAKHARIA	X		
CHAIRMAN		Richard M. GOMEZ		X	
		VOTE:	4	3	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **DARON FITCH**

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

A

APPLICANT'S NAME: **JULMAR 147 INVESTMENT, LLC**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-12-CZ10-1 (12-085)	February 19, 2013	CZAB10		13

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #5.

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

■ DEFER: ☐ INDEFINITELY ■ TO: March 19, 2013 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ **OTHER: Deferral was due to an advertising issue with the application. Board members were told by staff that their attendance was not necessary for this hearing.**

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Julio R. CACERES			X
COUNCILMAN		Jose GARRIDO			X
COUNCILWOMAN		Miriam PLANAS			X
COUNCILMAN		Gerardo RODRIGUEZ			
COUNCILMAN		Manuel VALDES			
VICE CHAIRMAN		Toufic ZAKHARIA			X
CHAIRMAN		Richard M. GOMEZ			
		VOTE:			

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **LAUREN MORSE**

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

#1

APPLICANT'S NAME: **JULMAR 147 INVESTMENT, LLC**

REPRESENTATIVE: Guillermo Olmedillo

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-12-CZ10-1 (12-085)	December 5, 2012	CZAB10		12

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #5.

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

■ DEFER: ☐ INDEFINITELY ■ TO: February 19, 2013 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

■ OTHER: Deferred in order for the applicant to revise the covenant and to meet with the neighbors. The Board also has requested a staff member of the Environment Division of RER and a staff member from the Traffic Division of Public Works and Waste Management to attend the February hearing in 2013 to address some concerns that the Board has about the application.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	M	Julio R. CACERES	X		
COUNCILMAN		Richard M. GOMEZ	X		
COUNCILWOMAN		Miriam PLANAS	X		
COUNCILMAN	S	Gerardo RODRIGUEZ	X		
COUNCILMAN		Manuel VALDES	X		
COUNCILMAN		Toufic ZAKHARIA			X
CHAIRMAN		Jose GARRIDO (C.A.)	X		
		VOTE:	6	0	

EXHIBITS: ■ YES ☐ NO

COUNTY ATTORNEY: **LAUREN MORSE**
DAVID HOPE

15

Memorandum

MIAMI-DADE COUNTY

Date: February 6, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-10 #Z2012000085-4th Revision
Oscar Castilla
SE corner of the intersection of SW 147th Avenue and 15th Street
District Boundary (Zone) Changes to RU-MA. Special Exception to Permit a K-2 School
(AU) (2.34 Acres)
10-54-39

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

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.

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

Potable Water Service 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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by the Department 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

The proposed development is located within Bird Drive Basin, where a portion of the site must be set aside for stormwater management as required by the Code, to comply with the official Miami-Dade County report for that Basin. If said property has been continuously four and one-half (4.5) acres or less in size since September 30, 1997, the applicant may opt to pay a financial contribution into the Stormwater Compensation Trust Fund in lieu of providing set aside area for surface Water Management.

A Surface Water Management individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

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

Site grading and development plans shall comply with the requirements of Chapter 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 for this proposed development order.

Wetlands

The subject property is located within the Bird Drive Wetland Basin, and is a jurisdictional wetland as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance, including plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria will be required before any work can be done on the subject property. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to compensate for wetland values lost as a result of the proposed project.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. Specifically, Section 24-28.3(4)(b) of the Code requires that all tree islands shall be preserved within the North Trail Basin or within the Bird Drive Everglades Wetland Basin. If a tree island is determined to exist on the property, the site plans must be changed to indicate the preservation of the tree island and a suitable amount of buffer to the development.

The applicant is advised to contact the Wetland Resources Program at (305)372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit.

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

Natural Forest Communities

The subject property lies east to an Environmentally Endangered Land (EEL) property (Tree Island Park). EEL properties are subject to EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. This EEL property will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. Development on parcels containing or adjacent to an EEL property must avoid adverse impacts to the preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. Roads are preferable to buildable lots abutting EEL property lines. Also, in order to avoid damage to protected plants and substrate, the parking of heavy machinery, staging of construction materials and/or any other development related activities shall not be allowed inside or adjacent to the EEL property.

According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

The subject property contains tree resources and wetlands. Wetland Resources will be regulated through a Class IV Wetland Permit. Section 24-48 of the Code requires the preservation of all tree islands. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

Enforcement History

The subject properties have one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: OSCAR CASTILLA, TRUSTEE

This Department has no objections to this application.

Miami Dade County Public Works and Waste Management Department Traffic Engineering Division (TED) has no objections to this application provided the comments, as indicated below, are adequately addressed in the related documentation, and found acceptable to TED.

TED has reviewed the Site Plans S1, dated 08/06/2012 and received by Zoning on 08/23/2012; the Traffic Impact Study and Technical Memorandum, dated 06/18/2012 and 08/21/2012 respectively; and the Traffic Operations Plan, dated 08/21/2012, for the proposed facility located at the intersection of at SW 147 Avenue and SW 15 Street, and has the following comments:

Site Plan Review:

The Site Plans named S1, dated 08/06/2012 and received by Zoning on 08/23/2012, are acceptable and must supersede all other hearing site plans.

Traffic Study Review:

Traffic Impact Study and Technical Memorandum, dated 06/18/2012 and 08/21/2012 respectively, must be included within the permanent zoning hearing documents.

Traffic Operations Plan (TOP) Review:

The Traffic Operations Plan, dated 08/21/2012, is acceptable. The Traffic Operations Plan scanned as part of the zoning hearing documents must be rescanned to contain page 2 of 3.

Project Requirements:

All off-site improvements shall be constructed prior to the school opening.

School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along SW 147 Avenue and SW 15 Street adjacent to the site. A school speed zone and flashing signals may be waived at this time with the

provision that a school policy explicitly stating that all students must be accompanied by an adult to and from school at all times is provided within a covenant for this facility and published as school policy; and the school administration agrees to timely purchase and install such traffic control devices, if the Miami-Dade County Public Works and Waste Management Department determines the future need for said devices.

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 opening or expansion. The "Declaration of Restrictions" shall include a Traffic Operations Plan narrative and plan that has been found acceptable by TED.

Standard Comments:

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

Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 feet within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546.

Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required.

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

Please contact Ricardo Gavilan at 305-375-2030, if you have any questions concerning this recommendation.

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

Sta.#		LOS present	LOS w/project
F-88	SW 8 St. e/o SW 137 Ave.	D	D
9134	Coral Way w/o SW 137 Ave.	E	E
9826	SW 147 Ave. s/o Bird Dr. Ext.	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.

12-SEP-12

Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School

School Name: HIGHER LEARNING EDUCATIONAL CENTER

School Address: Vacant land on SW 147th Avenue & 15th Street Tax Folio # 30-4910-003-0050

1. Is this an expansion to an existing school ☐ Yes ☑ No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____.

2. Total size of site: _____ x _____ = 42,696 sq. ft. / 43,560 sq. ft. = 0.98 acres

3. Number of children or students requested: 200 Ages: Infant - 8 years old (Infant-Pk-2nd Grade)

4. Number of teachers: 16 Number of administrative & clerical personnel: 4.

5. Number of classrooms: 11 Total square footage of classroom area: 7,082 sq. ft.

6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): 5,059 sq. ft. - Includes Stairs and Elevator

7. Amount of outdoor recreation/play area in square footage: 11,350 sq. ft.

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 2

9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided = 34 spaces parking spaces required by §33-124(L) = 20 spaces

10. Indicate the number of auto stacking spaces: 5 provided 5 required.

11. Proposed height for the structure(s): 35'-0" See §33-151.18(g).

12. Size of identification sign: n/a x n/a = n/a sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.

13. Days and hours of operation: Infants - Pk - 2nd Grd School shall operate M to F 7 am to 6:30 pm.

14. Does the subject facility share the site with other facilities? __ Yes ✓ No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).

15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? ☐ Yes ☐ No (If yes, describe the residential uses and indicate same on the plans). No Residential Uses

RECEIVED
212-089
AUG 13 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERELAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 160 (number of children) = 5,600 sq. ft. of classroom area required.

b. Elementary Grades 1-6

30 sq. ft. x 40 (number of children) = 1,200 sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x 0 (number of children) = 0 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 6,800 sq. ft.
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 7,082 sq. ft.

RECEIVED
212-08
AUG 13 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AU

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x 80 (½ of children) = 3,600 sq. ft.

b. Grades 1-6 500 sq. ft. x 30 (first 30 children) = 15,000 sq. ft.

300 sq. ft. x 10 (remaining children) = 3,000 sq. ft.

c. Grades 7-12 800 sq. ft. x 0 (first 30 children) = 0 sq. ft.

300 sq. ft. x 0 (next 300 children) = 0 sq. ft.

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 21,600 sq. ft.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 11,350 sq. ft.

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

a. 28 trees are required per net acre. Trees required: 44.6 Trees provided: 48

b. Ten shrubs are required for each tree required. Shrubs required: 446 Shrubs provided: 500.

c. Grass area for organized sports/play area in square feet: 11,350 sq. ft. total recreation area

d. Lawn area in square feet (exclusive of organized sports/play area): 6,620 sq. ft.

School Address: Vacant land on SW 147th Avenue & 15th Street - Miami, Florida Zip Code: 33184

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

Signed, sealed, executed and acknowledged on this 15th day of June 2012
at Miami-Dade County, Florida.

Jorge L. Villavicencio, R.A. _____
Signature

WITNESSES:

_____

_____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

MY COMMISSION EXPIRES:

RECEIVED
20.085
AUG 13 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

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

CHECKED BY F.E. AMOUNT OF FEE $1,188.87

RECEIPT # _____

DATE HEARD: 4/23/13

BY CZAB # 10

RECEIVED
212-085
APR 30 2013
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. Z2012000085

Filed in the name of (Applicant) Julmar 147 Investment, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: Lying south of SW 15th Street, between SW 145th Ave and SW 147th Ave, Miami-Dade County FL

Application, or part of Application being Appealed (Explanation): Appeal of denial of: 1) district boundary change, 2) Special exception to permit a private school, 3) Unusual Use to permit a day nursery, 4) Non-Use Variance to permit the school setback 6' (25' required) from the side street (north) property line, 5) Non-Use variance to permit parking and drives within 25' of an official right-of-way (not permitted).

Appellant (name): Julmar 147 Investment, LLC

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)

See Letter of Intent.

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

RECEIVED
APR 30 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Mario Castellanos (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
_X_2. Original Applicant
____3. Written objection, waiver or consent

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

Further Appellant says not.

Witnesses:

Gina Rivera
Signature

GINA RIVERA
Print Name

Rivas
Signature

Lauren Rivas
Print Name

Appellant's signature

Mario Castellanos
Print Name

Sworn to and subscribed before me on the 25th day of April, year 2013

Appellant is personally know to me or has produced Florida License. C234-540-63-445-0 as identification.

NATALINE GARCIA
MY COMMISSION # EE 107787
EXPIRES: June 28, 2015
Bonded Thru Notary Public Underwriters

Notary
(Stamp/Seal)

Commission Expires: 6/28/2015

[b:forms/affidapl.sam(9/08)]

27

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APR 30 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

APPELLANT MUST SIGN THIS PAGE

Date: 25th day of April, year: 2013

Signed by: [signature]

Maria Castellanos
Print Name

2732 SW 140 Ave
Mailing Address

305 222 5116 — Phone
305 226 8903 — Fax

REPRESENTATIVE'S AFFIDAVIT

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

Representing

Signature

Print Name

Address

City State Zip

Telephone Number

Subscribed and Sworn to before me on the 25th day of April, year 2013

[signature]
Notary Public

NATALINE GARCIA
MY COMMISSION # EE 107787
EXPIRES: June 28, 2015
Bonded Thru Notary Public Underwriters

(stamp/seal)

Commission expires: 6/28/2015

28

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6227
E-Mail: MTapanes@BRZoningLaw.com

Z12-085

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APR 30 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY SDE

VIA HAND DELIVERY

April 30, 2013

Mr. Eric Silva, Assistant Director
Miami-Dade County
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street, 11th Floor
Miami, Florida 33128

RE: Julmar 147 Investment, LLC Public Hearing Application No. Z12-085

Dear Mr. Silva:

We represent Julmar 147 Investment, LLC, the applicant in Public Hearing Application No. Z12-085 ("Application"). The purpose of this petition is to request an appeal of the April 22, 2013 decision of the Miami-Dade County Community Zoning Appeals Board (CZAB) 10 to the Miami-Dade Board of County Commissioners pursuant to Section 33-314 of the Miami-Dade County Code.

This petition involves a decision of CZAB 10 regarding the proposed rezoning of a 2.34 acre parcel located at the southeast corner of SW 147 Avenue, a major section line road, and SW 15 Street from AU to RU-1MA, as well as an Unusual Use, Special Exception and minor associated variances to permit a daycare and private school. Bowing to political and neighborhood pressure, CZAB 10 denied the Application despite a recommendation of approval from the County's professional staff, expert testimony, and a wealth of data demonstrating both that the neighborhood concerns were unwarranted and that the Application satisfied the applicable legal standards. CZAB 10's action was not supported by competent substantial evidence and therefore must be overturned.

We respectfully request that this appeal be scheduled for hearing before the Board of County Commissioners at the next available agenda. Should you have any questions or comments, please do not hesitate to phone me at 305.377.6227.

Very truly yours,

Melissa Tapanes Llahues

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RESOLUTION NO. CZAB10-9-13

WHEREAS, **JULMAR 147 INVESTMENT, LLC** applied for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUEST #1 ON PARCELS "1" & "2"

(2) SPECIAL EXCEPTION to permit a private school.

(3) UNUSUAL USE to permit a daycare.

(4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.

(5) NON-USE VARIANCE to permit parking and within drives 25' of an official right-of-way (not permitted).

(6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

REQUESTS #2 THROUGH #6 ON PARCEL "1"

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL 1: Proposed Lot for higher Learning Educational Center. The West 305 feet of the North ½ of Tract 6, less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, according to Plat Book 46, Page 44. PARCEL 2: Proposed Lot for 6 RU1-MA Lots. The North ½ of Tract 6, less the West 305 feet and less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, Plat Book 46, Page 44.

LOCATION: Lying South of SW 15 Street, between SW 145 Avenue & SW 147 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 at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU1-MA on Parcels #1 and #2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested special exception to permit a private school on Parcel #1 (Item #2), the requested unusual use to permit a daycare on Parcel #1 (Item #3), the requested non-use variance to permit the school setback 6′ from the side street (north) property line on Parcel #1 (Item #4), the requested non-use variance to permit parking and within drives 25′ of an official right-of-way on Parcel #1 (Item #5), and the requested non-use variance to permit an outdoor recreation area of 11,350 sq. ft. on Parcel #1 (Item #6) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception on Parcel #1 (Item #2) unusual use on Parcel #1 (Item #3) would have an adverse impact upon the public interest and should be denied without prejudice ,and

WHEREAS, a motion to deny the application without prejudice was offered by Julio R. Caceres, seconded by Gerardo Rodriguez, and upon a poll of the members present the vote was as follows:

Julio R. Caceres	aye	Gerardo Rodriguez	aye
Miriam Planas	aye	Toufic Zakharia	aye
		Manuel Valdes	nay

Richard M. Gomez nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU1-MA on Parcels #1 and #2 (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested special exception to permit a private school on Parcel #1 (Item #2), the requested unusual use to permit a daycare on Parcel #1 (Item #3), the requested non-use variance to permit the school setback 6' from the side street (north) property line on Parcel #1 (Item #4), the requested non-use variance to permit parking and within drives 25' of an official right-of-way on Parcel #1 (Item #5), and the requested non-use variance to permit an outdoor recreation area of 11,350 sq. ft. on Parcel #1 (Item #6) be and the same are hereby denied without prejudice.

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

PASSED AND ADOPTED this 23rd day of April, 2013.

Hearing No. 12-12-CZ10-1
ej

Memorandum

MIAMI-DADE COUNTY

Date: September 25, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC # 12-085
Updated Oscar Castilla,Trustee

Attached please find a copy of this Department's review of the above-referenced item. The review was created as requested to update a previous response dated July 10, 2012. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-085
Updated Oscar Castilla, Trustee

Application: ***Oscar Castilla, Trustee*** is still requesting a District Boundary Change from Agricultural (AU) to modified Single-family Residential (RU1-MA), and a special exception for a school serving grades K to 2. Currently, the applicant is also requesting a variance for a setback on the property.

Size: The subject property is approximately 2.35 acres.

Location: The subject property is approximately south of SW 15th Street, between SW 145th Avenue and SW 147th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade 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 Public Works and Waste Management Department (PWWM) 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 12, 2011, 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 Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The Public Works and Waste Management Department (PWWM) maintains the response provided via memo dated July 10, 2012, as the supplemental information provided in the application does not affect the waste management service provided. The placement of a school on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"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." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM 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 plans associated with this project incorporate at least one of the following traffic circulation criteria 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 accordance 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 set-out 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 PWWM has no objections to the proposed application.**

Memorandum

MIAMI-DADE COUNTY

Date: January 28, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief M.N.
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000085: JULMAR 147 INVESTMENT, LLC

Application Name: JULMAR 147 INVESTMENT, LLC

Project Location: The site is located south of SW 15 Street, between SW 145 Avenue & SW 147 Avenue, Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from AU TO RU-1MA and a special exception to permit a school (K-2).

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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, Parks Property Management Supervisor

Memorandum

Date: 13-SEP-12

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department

Subject: Z2012000085

Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to site plan date stamped received August 21, 2012. 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 Z2012000085
located at LYING SOUTH OF SW 15 STREET, BETWEEN SW 145 AVENUE & SW 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1430 is proposed as the following:

_____ residential	dwelling units	_____ industrial	square feet
_____ Office	square feet	_____ institutional	square feet
_____ Retail	square feet	12,140 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 8.14 alarms-annually.
The estimated average travel time is: 6:20 minutes

Existing services

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

Station 61 - Trail - 15155 SW 10 Street
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 site plan date stamped received August 21, 2012. 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: 23-APR-13
REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

JULMAR 147 INVESTMENT, LLC

APPLICANT

LYING SOUTH OF SW 15 STREET, BETWEEN SW 145 AVENUE & SW 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2012000085

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases, prior case 201212006678 was opened August 9, 2012 and a warning issued August 20, 2012. Citation issued September 7, 2012, affadavit of compliance October 23, 2012, cvn electronically closed October 27, 2012 and case closed October 29, 2012. BNC: No bss cases open/closed.

Julmar 147 Investment, LLC

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

REPORTER NAME:

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: Julmar 147 Investment, LLC

NAME AND ADDRESS	Percentage of Stock
Julio Batista	50%
12911 SW 42 St #205 Miami, Fl 33175	
Mario Castellanos	50%
2732 SW 140 Ave Miami, Fl 33175	

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

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY AV

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

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: Anper Corporation

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
Maria C. Angola	50%
7350 S.W. 89 St. #622-S, Miami, FL 33156	
Helen B. Angola	50%
7350 S.W. 89 St. #622-S, Miami, FL 33156	

Date of contract: 06/19/12

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) Mario Castellanos - Julmar 147 Investment, LLC

Sworn to and subscribed before me this 3rd day of January, 20 13. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 6/28/2015

NATALINE GARCIA
MY COMMISSION # EE 107787
EXPIRES: June 28, 2015
Bonded Thru Notary Public Underwriters
Seal

*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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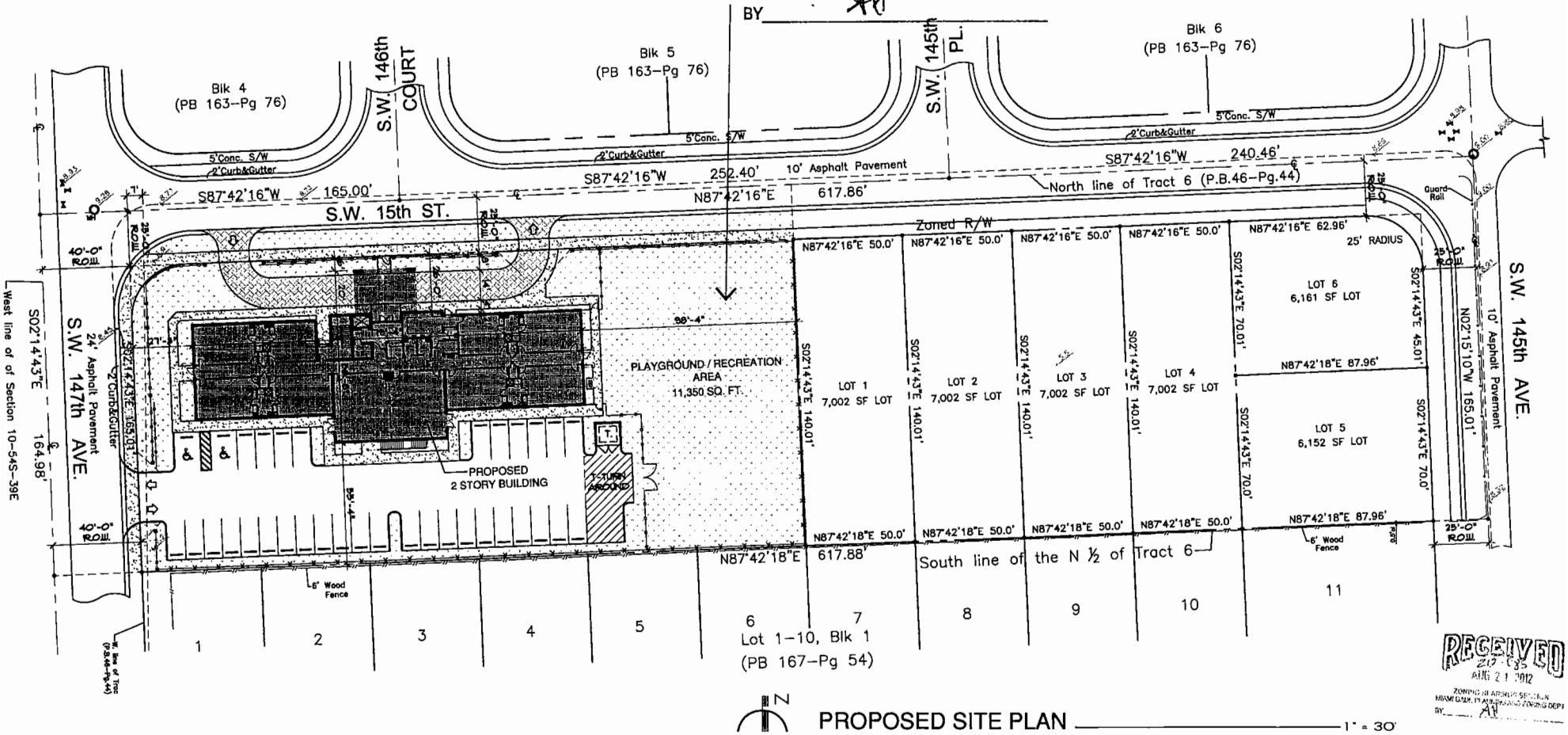
BY AH



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BY AH

ENLARGED SITE PLAN

41

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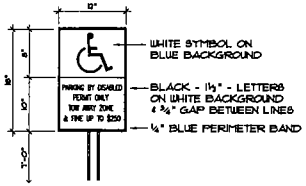
MIAMI-DADE COUNTY
PROCESS #: 212-085
DATE: AUG 21 2013
BY: EDS



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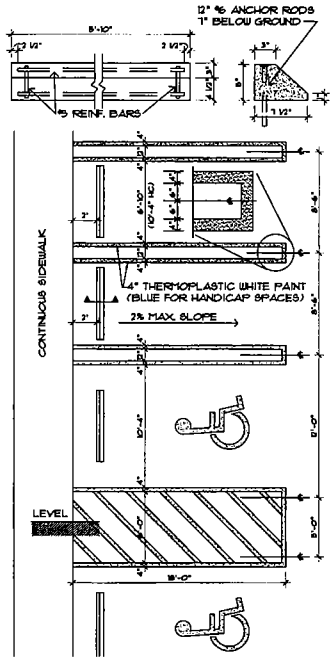


PARKING SPACE & CAR STOP DETAIL NTS

SITE SUMMARY

LOCATION — SW 15th STREET AND 147th AVENUE MIAMI, FLORIDA 33184

FOLIO NO. — 30-4910-003-0050 (TOTAL PROPERTY)

ZONING — AU - applying for - RU-1-MA

ZONING RESOLUTIONS — N/A

TOTAL EXISTING LOT AREA — GROSS: 108,563 S.F. (2.49 ACRES)
TOTAL NET: N/A - NOT YET SUBDIVIDED

PROPOSED LOT AREAS:
PARCEL '1' LOT AREA — GROSS: 56,915 S.F. (1.31 ACRES)
TOTAL NET: 42,898 S.F. (0.98 ACRES)
PARCEL '2' LOT AREA — GROSS: 51,648 S.F. (1.18 ACRES)
TOTAL NET: 40,321 S.F. (0.93 ACRES)
PARCEL '2' TO BE SUBDIVIDED INTO 6 RU-1MA RESIDENTIAL LOTS

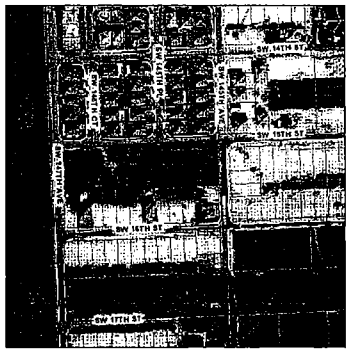
PROPOSED BUILDINGS:
1) TWO STORY HIGHER LEARNING EDUCATIONAL CENTER
COVERED DROP OFF — 557 SQ. FT.
FIRST FLOOR AREA — 6,533 SQ. FT.
SECOND FLOOR AREA — 3,051 SQ. FT.
PROPOSED SCHOOL BUILDING AREA = 12,141 SQ. FT.
TOTAL PROPOSED BUILDING LOT COVERAGE = 9,090 SQ. FT. 21.3 %
TOTAL PROPOSED BUILDING AREA = 12,141 SQ. FT.

SETBACKS:
FRONT - NORTH (TO DROP OFF) — 6'-0"
FRONT - NORTH (TO BUILDING WALL) — 26'-0"
SIDE STREET - WEST — 27'-3"
SIDE - EAST — 98'-4"
REAR - SOUTH — 55'-4"
SIDE - EAST (TO RESIDENTIAL STRUCTURE) — 103'-4"
REAR - SOUTH (TO RESIDENTIAL STRUCTURE) — 80'-5"
SIDE STREET - WEST (TO RESIDENTIAL STRUCTURE) — 132'-3"

SUMMARY OF OVERALL LOT COVERAGE:
TOTAL PROPOSED BUILDING LOT COVERAGE — 9,090 SQ. FT. 21.3 %
ASPHALT PAVED, SIDEWALKS AND PAVERED AREAS — 14,708 SQ. FT. 34.4 %
LANDSCAPE OPEN SPACE — 18,898 SQ. FT. 44.3 %
TOTAL AREA = 42,696 SQ. FT. 100.0 %
OUTDOOR RECREATION AREA — 11,350 SQ. FT. 26.6 %

PARKING REQUIRED: AS PER 33-124 MDC ZONING CODE
- SCHOOL (INFANTS - PK TO 2nd GRADE) — 20 SPACES
AS PER 33-124(J) & 2
INFANTS - PK TO 2nd GRADE:
1 SPACE PER STAFF x 20 = 20 SPACES
TOTAL PARKING REQUIRED — 20 SPACES

PARKING PROVIDED:
- STANDARD - 8.5' X 18' — 32 SPACES
- HANDICAP - 12.0' X 18'. — 2 SPACES
TOTAL PARKING PROVIDED — 34 SPACES

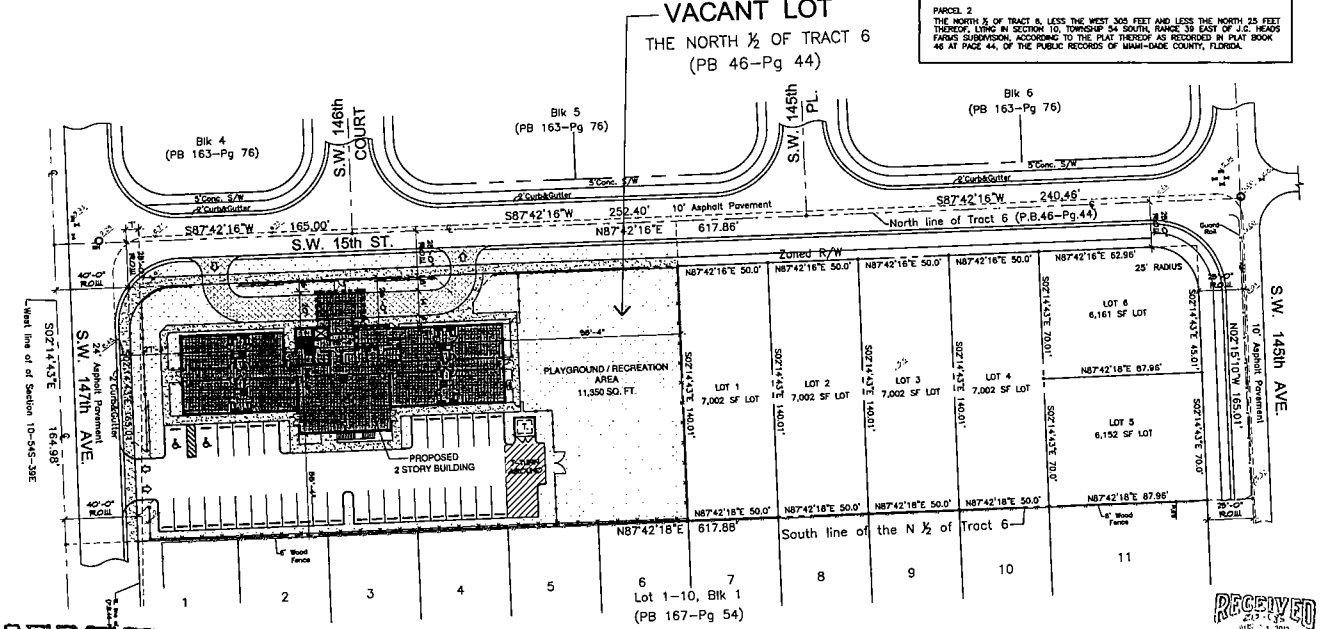


LOCATION — N.T.S.

LEGAL DESCRIPTIONS:

PARCEL 1
THE WEST 305 FEET OF THE NORTH ½ OF TRACT 6, LESS THE NORTH 25 FEET THEREOF, LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 39 EAST OF J.C. HEADS FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2
THE NORTH ½ OF TRACT 6, LESS THE WEST 305 FEET AND LESS THE NORTH 25 FEET THEREOF, LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 39 EAST OF J.C. HEADS FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



PROPOSED SITE PLAN — 1" = 30'

REFER TO SHEET A-3 FOR COMPLETE SITE PLAN DIMENSIONS

REFER TO SHEET A-2 FOR CHILDCARE CHECKLIST

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

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AUG 21 2013

REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation Licence AA26000395
Architectural Seal
JORGE L. LANDICHO NO. AR0013115

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7344 SW 48 STREET - MIAMI FL. 33155 - (305) 401-8181
CONSULTANT :

DATE : 06-06-12
SCALE : 1" = 30'
DATE SUBMITTED FOR REG. —
DRAWING NO : A-1 OF 7

43

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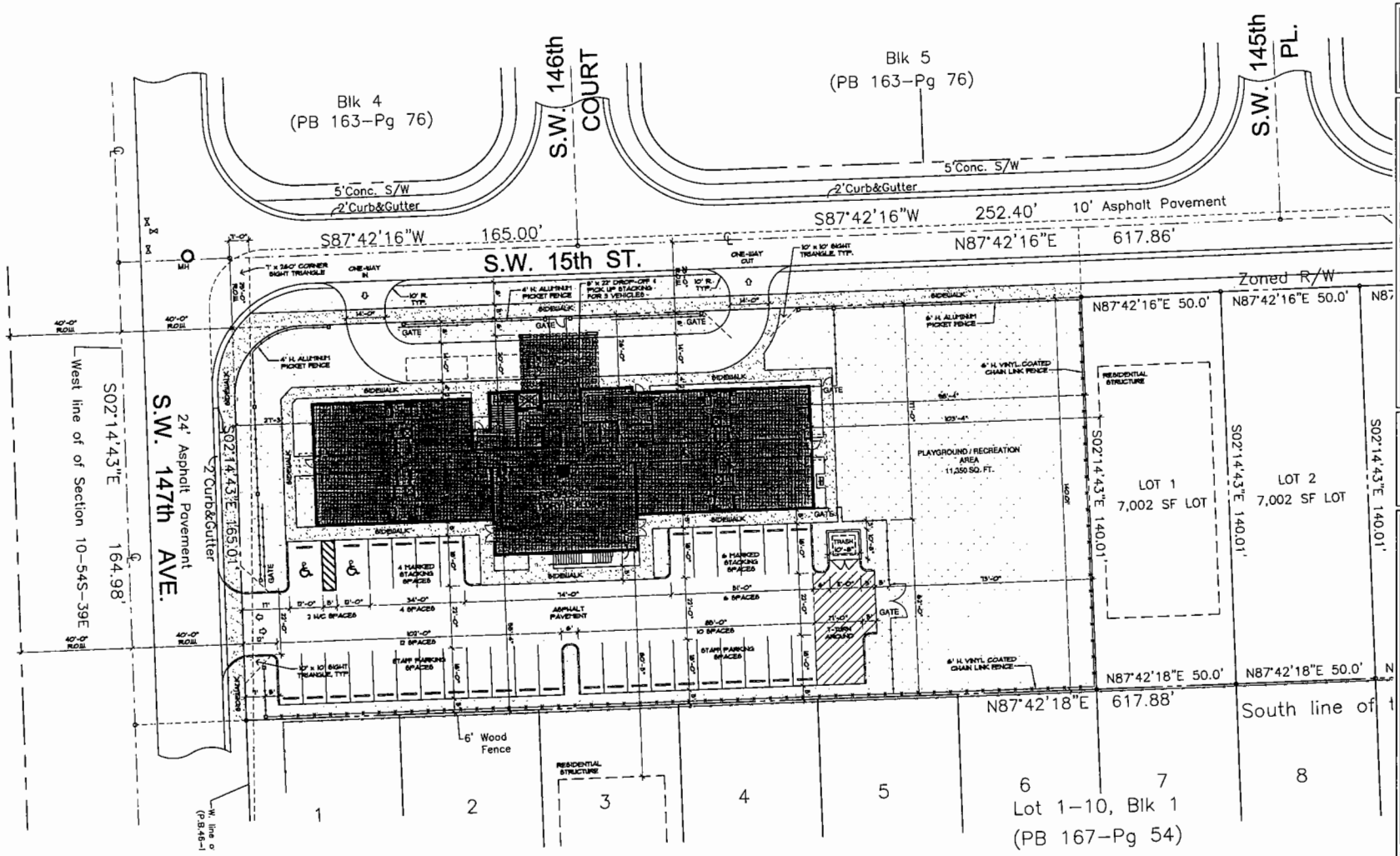
DATE: AUG 21 2012
BY: [illegible]



PROPOSED SITE PLAN 1/16" = 1'

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AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER
AND
6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation Licence #AA0003589
Architectural Seal
JORGE L. VILLAVICENCIO
NO. AR0012110

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7844 SW 48 STREET - MIAMI FL 33155 - (305) 661-8181
CONSULTANT :

DATE : 08-06-12
SCALE : 1/16" = 1'
DATE SUBMITTED FOR DSD: —
DRAWING NO : A-3 OF 7

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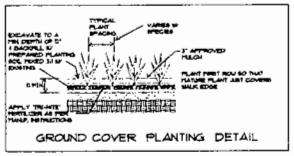
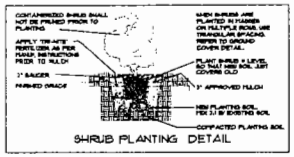
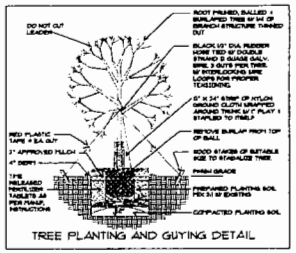
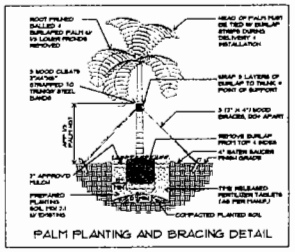
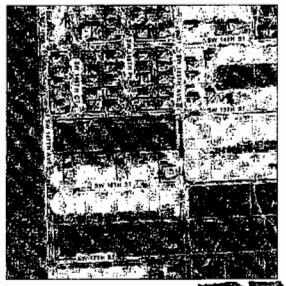
MIAMI-DADE COUNTY
PROCESS # 212-085
DATE: AUG 21 2013
BY: [illegible]



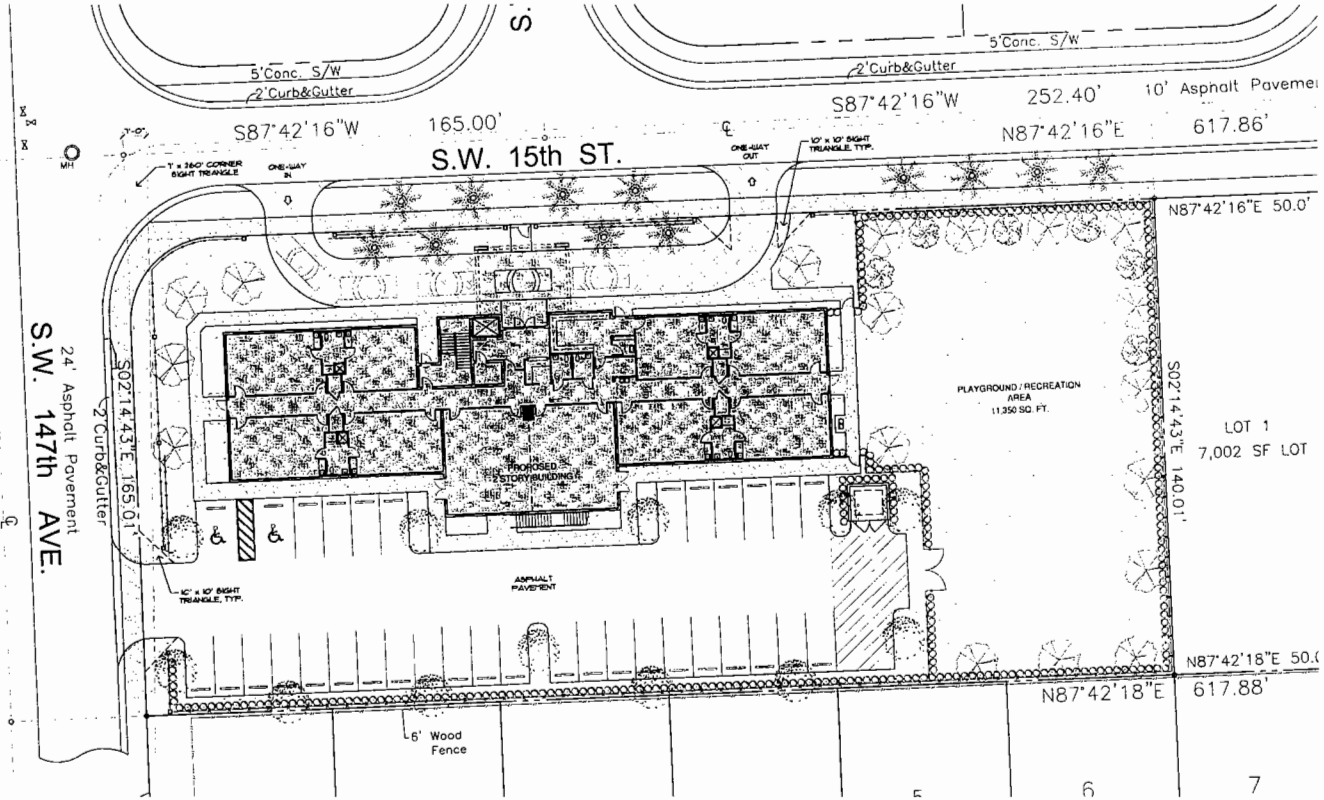








LOCATION



NOTE:
TREES PLANTED 7' FROM THE RIGHT OF WAY CAN BE COUNTED TOWARD THE STREET TREE REQUIREMENT.

N

LANDSCAPE PLAN — 1/16" = 1'

LANDSCAPE SCHEDULE

KEY	COMMON NAME	BOTANICAL NAME	HEIGHT AT PLANTING	NATURAL HEIGHT RANGE	NATIVE	QUANTITY
A	LIVE OAK	QUERCUS VIRGINIANA	14' (2.5" CALIPER) AT PLANTING	40' TO 50'	YES	18
B	PIGEON PLUM	COCCOLOBA DIVERSIFOLIA	12' (2" CALIPER) AT PLANTING	20' TO 25'	YES	6
C	SILVER BUTTONWOOD	CONOCARPUS ERECTUS	12' (2" CALIPER) AT PLANTING	10' TO 15'	YES	12
D	ROYAL PALM	ROYSTONEA ELATA	15' AT PLANTING	40' TO 60'	YES	12
F	RED-TIP COCOPLUM	CHRYSOBALANUS ICACO VAR. PELLOCARPAS	36" H. & 24" O/C AT PLANTING	6'	YES	500

* Landscape contractor shall provide irrigation system for all landscape areas. [illegible] Shop Drawing Plans for approval.
[illegible] HEDGE SHALL BE KEPT AT A MAXIMUM 6' IN HEIGHT ONCE MATURE.

LANDSCAPE LEGEND

Zoning District: RU-1-MA Net Lot Area: 0.98 acres 42,696 s.f.

	REQUIRED	PROVIDED
OPEN SPACE		
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 42,696 square feet x 25 % = 10,674 s.f.	10,674 S.F.	
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 36 x 10 square feet per parking space = 360 s.f.	360 S.F.	
C. Total square feet of landscaped open space required by Chapter 33 = A + B = 22,110 s.f.	11,034 S.F.	18,898 S.F.
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33 = 11,034 square feet	11,034 S.F.	18,898 S.F. 44.3 %
B. Maximum lawn area (St. Augustine sod) permitted = 60 % x 11,034 square feet = 6,620 s.f.	6,620 S.F.	6,620 S.F.
TREES		
A. The number of trees required per net lot acre: 28 TREES PER NET ACRE = 28 trees x 0.98 net lot acreage = 27.44 TREES	27.4	30
B. Street trees (max. average spacing of 35' o.c.) 445 linear feet along street / 35 = 12.7	12.7	13
C. Parking lot trees (1 per 80 s.f. of parking landscape area): 360 s.f. / 80 = 4.5 trees	4.5	5
D. Total number of trees required & provided =	44.6	48
E. 30 % palm trees allowed - 12 Royal Palms provided = 12 TREES = 25 %		
F. Percentage of native trees required = the number of trees provided 48 x 30 % = 14.4	14.4	48
SHRUBS		
A. The total number of trees required 44.6 x 10 = 446 required shrubs.	446	500
B. The number of shrubs required x 30 % = the number of native shrubs required	133.8	500

IRRIGATION PLAN: Required by Chapter 33. Auto Irrigation ✓ or hose bib ___ provided.
Note: Landscape contractor shall provide irrigation system for all landscape areas. Provide Shop Drawings for approval.

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AUG 21 2013
ZONING HEARINGS SECTION
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BY [illegible]

REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS
FOLIO # 30-6910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation Licence No. AA26000900
Architecture Seal
JORGE L. VILLAVICENCIO
NO. AR0012110

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7844 SW 48 STREET - MIAMI FL. 33155 - (305) 267-9951
CONSULTANT :

DATE : 08-06-12
SCALE : 1/16" = 1'
DATE SUBMITTED FOR DRW.
DRAWING NO : L-1 OF 1

44

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DATE: AUG 13 2013
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Department of Planning and Zoning
Zoning Hearings Section
111 N.W. 1 Street, 11th Floor
Miami, Florida 33128
(305) 375-2640

CHILD CARE CHECKLIST REQUIREMENTS FOR ZONING HEARING

1. Day nurseries, day care centers and kindergartens require a public hearing unless the property intended for such use is zoned RU-3, RU-3M, RU-3B, RU-4L, RU-4M, RU-4, RU-4A, RU-5, RU-5A, OPD, BU (Business) or IU (Industrial) and meet all requirements including setbacks for buildings of public assemblage where occupancy is for 25 or more, or other applicable setbacks. Must also comply with all other code requirements including, but not limited to, handicap accessibility and plumbing fixture count.

   Private schools are permitted on properties zoned RU-3, RU-3M, RU-3B, RU-4L, RU-4M, RU-4, RU-4A, AU and BU (Business) subject to compliance with the aforementioned requirements.

2. Must comply with all requirements of Article XA, (§33-151.11 through 33-151.22) Zoning Code of Miami-Dade County.

3. Submit one full set of folded plans and 1 C.D. (PDF Format) containing an identical set of plans for zoning hearing review, including:

   a. Site plans with zoning legend, showing outdoor playground area with a fence, parking spaces and automobile stacking.

   b. Floor plans identifying classroom area(s) – dimensioned (note: an architect or engineer must seal the plans for 50 or more children.).

   c. Completed Child Care Checklist (attached)

   d. Landscape plans, Landscape Legend and Certification of Compliance with Chapter 18A (Landscape Code).

4. Day care centers may require a traffic analysis. Contact Harvey Bernstein at the Public Works Department at 305-375-1874 for more information.

The Department of Planning and Zoning will review this application and accompanying plans. Early contact with the sections involved would be beneficial to the applicant. Contact the Zoning Information Section at (305) 375-1806, the Zoning Processing Section at (786) 315-2650 and the Planning Division at (305) 375-2800. Apply for a building permit at 11805 S.W. 26 Street, between the hours of 7:30 a.m. and 10:00 a.m. Tuesday through Friday. If you have any questions regarding the process for applying for a building permit, please contact the Permit Section at (786) 315-2100.

Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School

School Name: HIGHER LEARNING EDUCATIONAL CENTER

School Address: Vacant land on SW 147th Avenue & 15th Street Tax Folio # 30-4910-003-0050

1. Is this an expansion to an existing school ☐ Yes ☒ No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____.
2. Total size of site: _____ x _____ = 47,696 sq. ft. / 43,560 sq. ft. = 0.96 acres
3. Number of children or students requested: 200 Ages: Infant - 8 years old (Infant-Pk-2nd Grade)
4. Number of teachers: 16 Number of administrative & clerical personnel: 4
5. Number of classrooms: 11 Total square footage of classroom area: 7,062 sq. ft.
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): 4,058 sq. ft. - Includes Stairs and Elevator
7. Amount of outdoor recreation/play area in square footage: 11,350 sq. ft.

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(l)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 2
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided = 34 spaces parking spaces required by §33-124(L) = 20 spaces
10. Indicate the number of auto stacking spaces: 5 provided 5 required.
11. Proposed height for the structure(s): 35'-0" See §33-151.18(g).
12. Size of identification sign: n/a x n/a = n/a sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: Infants - Pk - 2nd Grd School shall operate M to F, 7 am to 6:30 pm.
14. Does the subject facility share the site with other facilities? ___ Yes ✓ No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.18).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? ☐ Yes ☐ No (If yes, describe the residential uses and indicate same on the plans). No Residential Uses

DEFINITIONS

Day Nursery	Childcare for infants and children up to the age of six (6).
Kindergarten	Childcare and preschool programs for children ages four (4) through six (6).
After-School Care	Childcare and recreation for children above the age of five (5) when no formal schooling program is conducted and where the care provided is generally after school, on weekends, school holidays and vacation.
Babysitting Service for Shoppers	Childcare for limited time periods (maximum three [3] hours) provided within a shopping center solely for the convenience of the patrons, and limited to not more than forty (40) children at any one time.
College or University	An institution of higher learning beyond the high school level.
Family Day Care	Childcare and recreation with a maximum of five (5) children including the day care operator's own children.
Private School	This term as used herein refers to any private institution providing childcare and/or instruction at any level from infants through the college level.
Elementary, Junior, and/or Senior High	Reference to these schools are to be broadly interpreted to compass any schools, graded or ungraded, whose students are within the age ranges typically found at these school levels.
Child, Student, Pupil	The terms "child", "student", or "pupil" and their plurals are used interchangeably.

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERELAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

   35 sq. ft. x 160 (number of children) = 5,600 sq. ft. of classroom area required.

b. Elemensry Grades 1-6

   30 sq. ft. x 40 (number of children) = 1,200 sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

   25 sq. ft. x 0 (number of children) = 0 sq. ft. of classroom area required.

   TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 6,800 sq. ft.
   TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 7,062 sq. ft.

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
   45 sq. ft. x 80 (½ of children) = 3,600 sq. ft.

b. Grades 1-6
   500 sq. ft. x 30 (first 30 children) = 15,000 sq. ft.
   300 sq. ft. x 10 (remaining children) = 3,000 sq. ft.

c. Grades 7-12
   800 sq. ft. x 0 (first 30 children) = 0 sq. ft.
   300 sq. ft. x 0 (next 300 children) = 0 sq. ft.
   150 sq. ft. x _____ (remaining children) = _____

   TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 21,600 sq. ft.
   TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 11,350 sq. ft.

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

a. 25 trees are required per net acre. Trees required: 44.6 Trees provided: 48
b. Ten shrubs are required for each tree required. Shrubs required: 446 Shrubs provided: 500.
c. Grass area for organized sports/play area in square feet: 11,350 sq. ft. total (recreation) area
d. Lawn area in square feet (exclusive of organized sports/play area): 6,520 sq. ft.

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CHILD CARE CHECKLIST

REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER
AND
6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation License AA0002389
Architectural Seal
JORGE L. VILLA-VICENCIO
REG. LAR0001118

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7944 SW 40 STREET - MIAMI FL. 33155 - (305) 661-9181
CONSULTANT :

DATE : 08-08-'12
SCALE : 1" - 1'
DATE SUBMITTED FOR SDR: —
DRAWING NO : A-2 OF 7

54

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DATE: AUG 13 2012
BY: SDB

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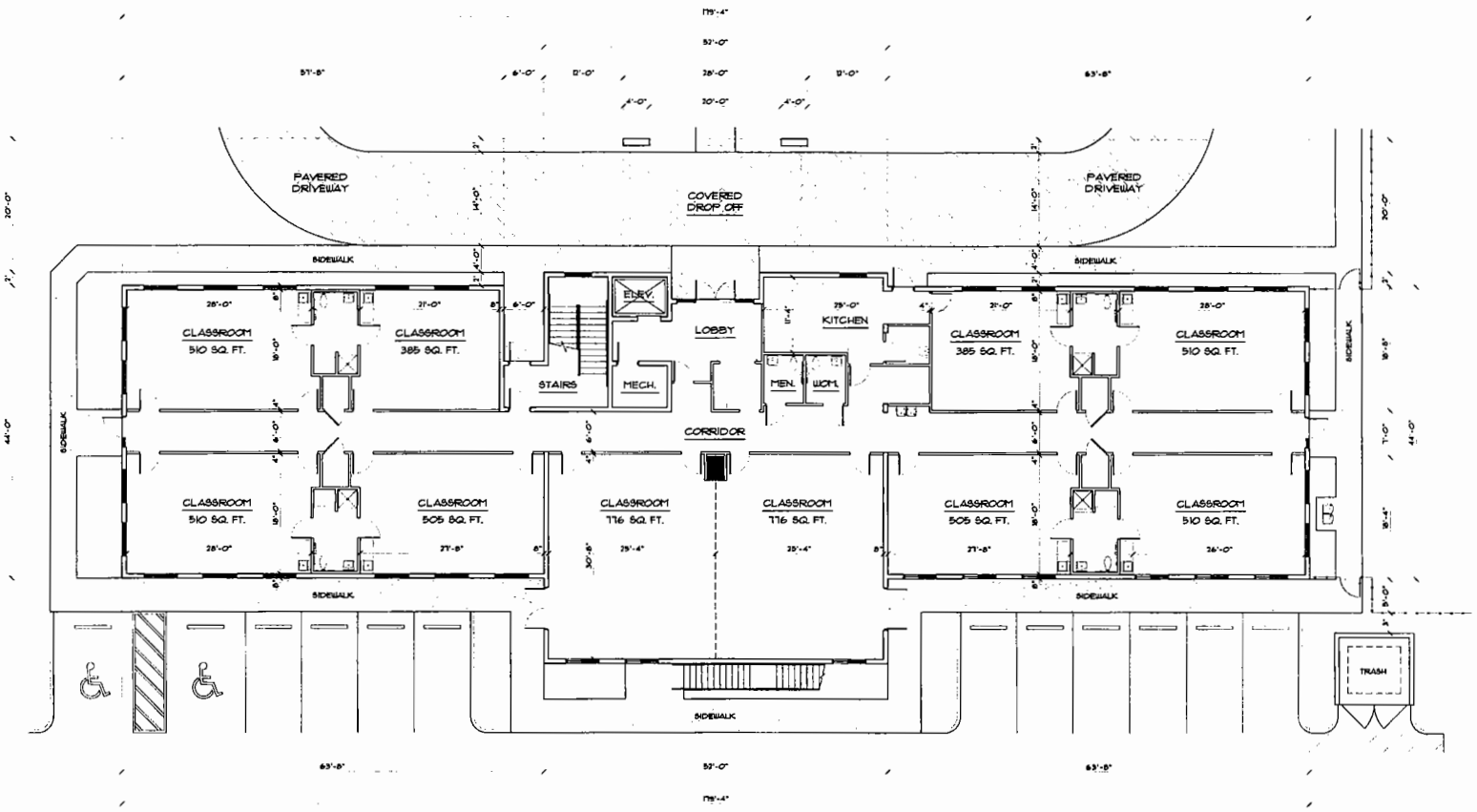

PROPOSED FIRST FLOOR PLAN — 1/8" = 1'-0"
9,090 SQ. FT.

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REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER
AND
6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation Licence #AA0002282
Architectural Seal
JORGE L. VILLAVICENCIO
NO. AR0012110

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7344 SW 48 STREET - MIAMI FL 33155 - (305) 661-8181
CONSULTANT :

DATE : 08-06-'12
SCALE : 1/8"
DATE SUBMITTED FOR BIDS: —
DRAWING NO : A-4 OF 7

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PROCESS #: 212-085
DATE: AUG 13 2013
BY: SDS

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AUG 13 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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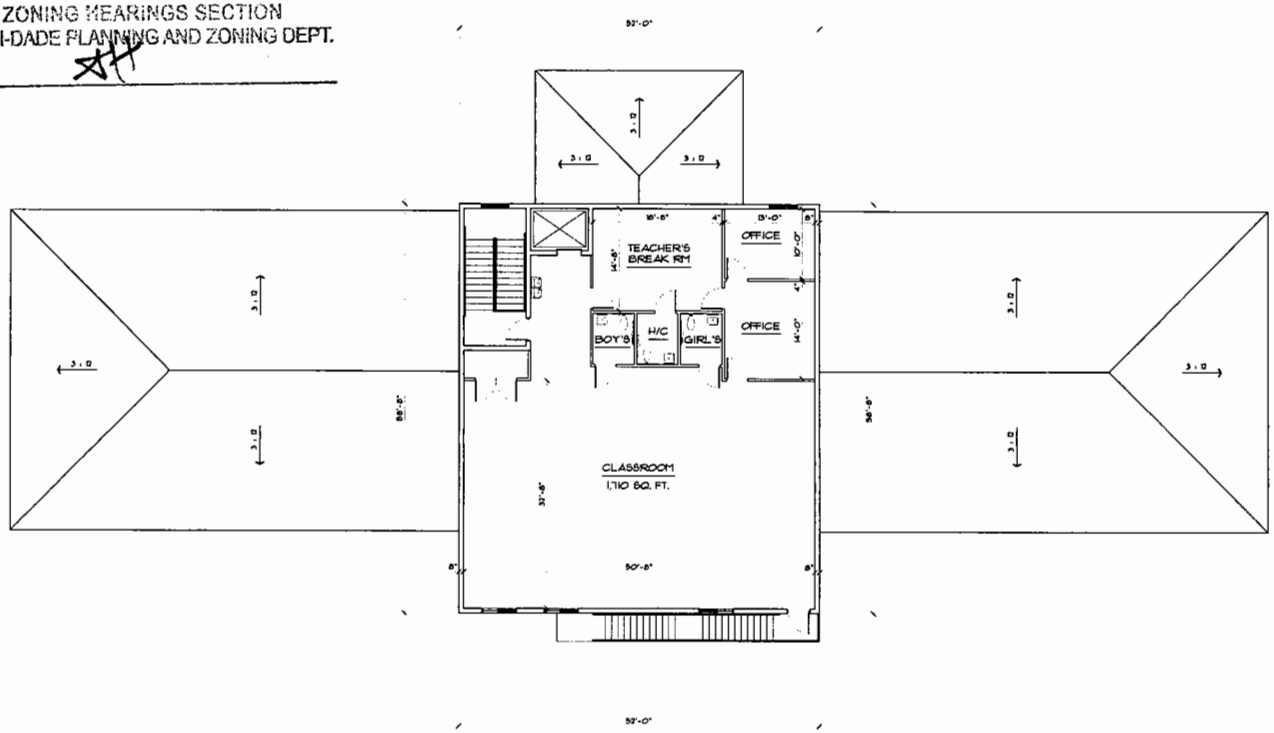

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PROPOSED SECOND FLOOR PLAN — 1/8" = 1'-0"
3,051 SQ. FT.

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47

REVISIONS :

HIGHER LEARNING EDUCATIONAL CENTER
AND
6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0050
VACANT LAND ON SW 15th STREET AND 147th AVENUE

Corporation Licence #AA0003388
Architectural Seal
JORGE I. VILLAVICENCIO
NO. AR0012110

VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7344 SW 48 STREET - MIAMI FL 33155 - (305) 661-5151

CONSULTANT :

DATE : 08-06-12
SCALE : 1/8"
DATE SUBMITTED FOR BDS :
—
DRAWING NO :
A-5 OF 7

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PLACES #: 212-085
DATE: AUG 13 2013
BY: [illegible]

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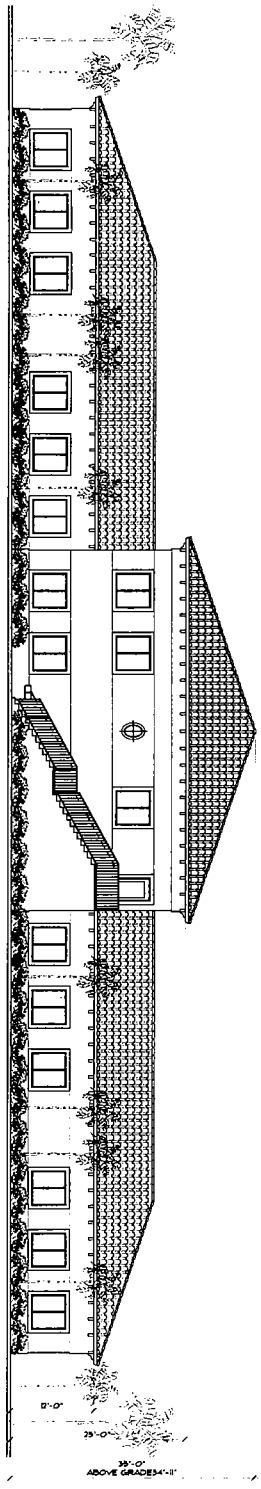
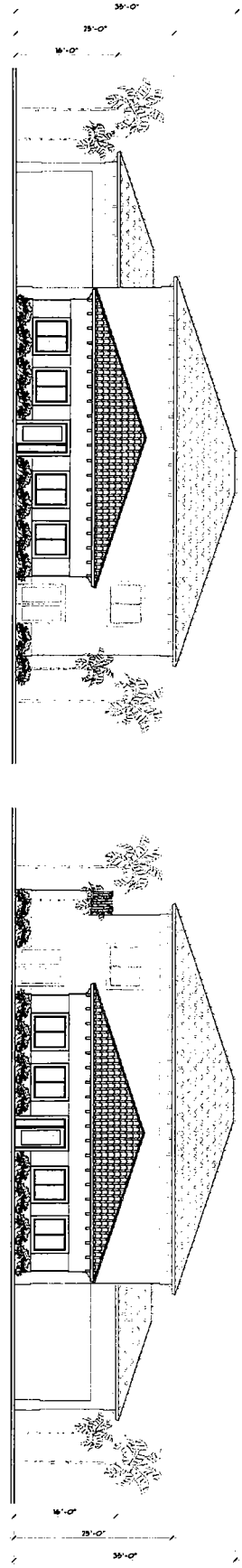
212-085
AUG 13 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [illegible]

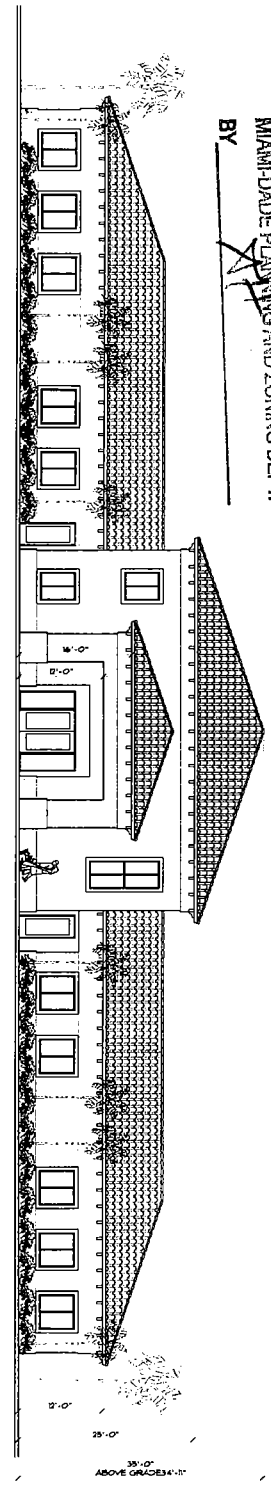


REAR ELEVATION (SOUTH) 1/8" = 1'-0"



SIDE ELEVATION (WEST) 1/8" = 1'-0"

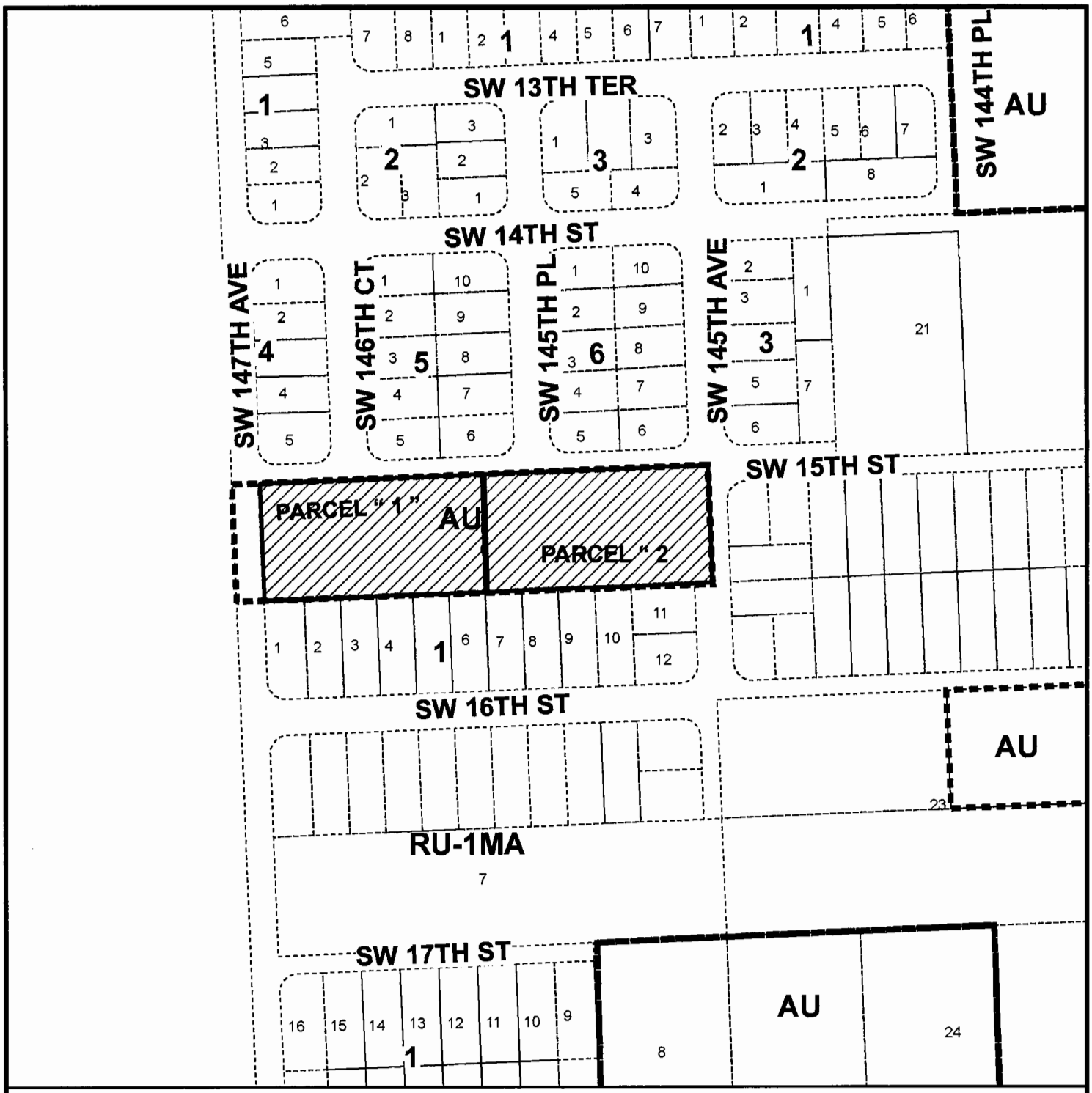
FRONT ELEVATION (NORTH) 1/8" = 1'-0"



FRONT ELEVATION (NORTH) 1/8" = 1'-0"

RECEIVED

DATE: 06-06-12 SCALE: 1/8" DATE SUBMITTED FOR BIDS: — DRAWING NO: A-7 OF 7	VILLA & ASSOCIATES INC. ARCHITECTURE - PLANNING - INTERIOR DESIGN 7344 SW 48 STREET - MIAMI FL 33155 CONSULTANT :	Corporation Licence #AA0003589 Architectural Seal JORGE L VILLAVICENCIO NO. AR0012110	HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4910-003-0050 VACANT LAND ON SW 15th STREET AND 147th AVENUE	REVISIONS :



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2012000085

Section: 10 Township: 54 Range: 39
Applicant: OSCAR CASTILLA TRUSTEE
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		49

MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2012000085

N
W E
S

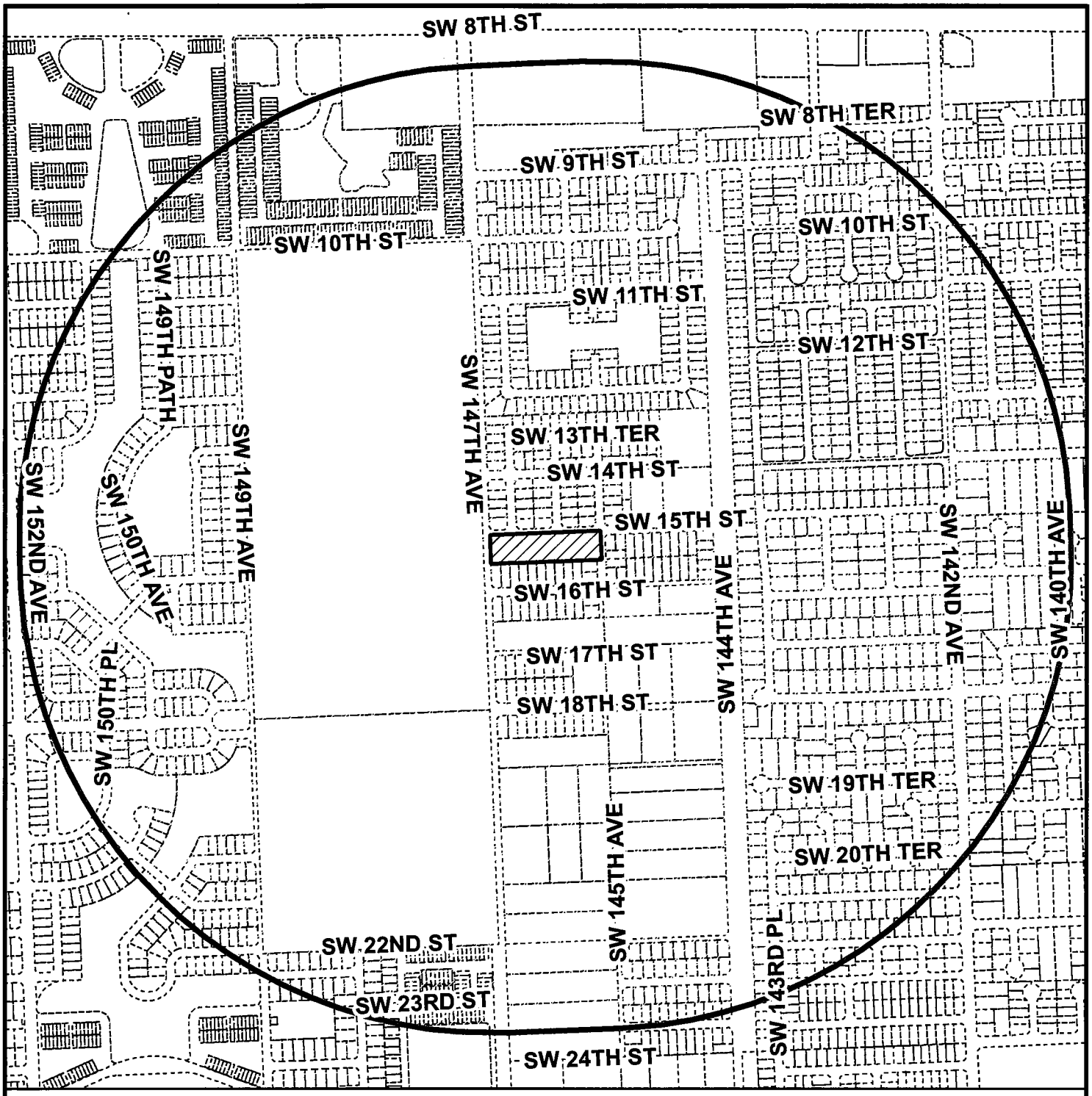
Section: 10 Township: 54 Range: 39
Applicant: OSCAR CASTILLA TRUSTEE
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend
Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		50



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2012000085

RADIUS: 2640

Section: 10 Township: 54 Range: 39
Applicant: OSCAR CASTILLA TRUSTEE
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

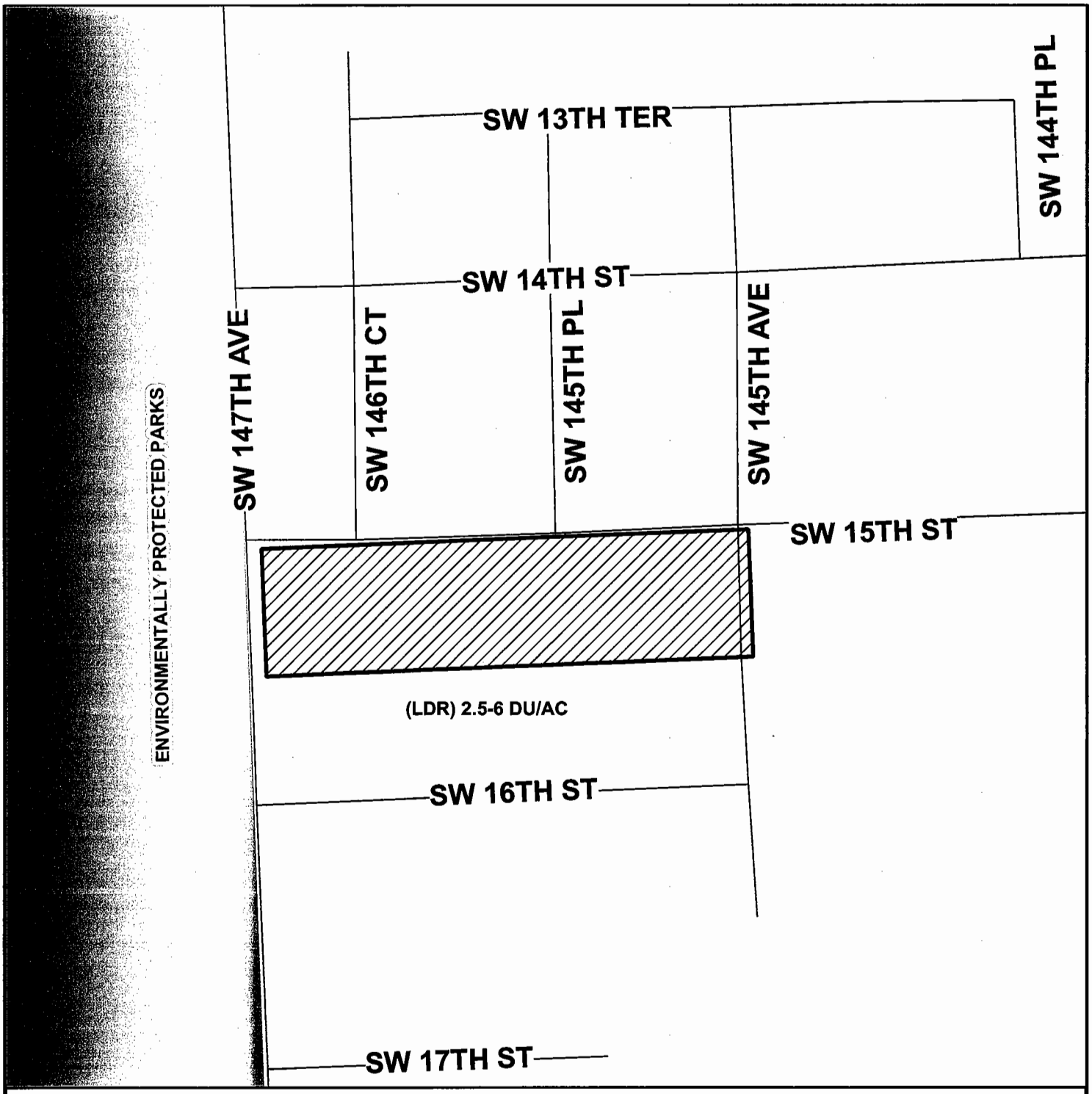
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		51



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000085

Section: 10 Township: 54 Range: 39
Applicant: OSCAR CASTILLA TRUSTEE
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY

This instrument was prepared by:
Name: Melissa Tapanes Llahues, Esq.
Bercow Radell & Fernandez, P.A.
Address: 200 South Biscayne Blvd., Suite 850
Miami, Florida 33131

JULMAR 147 INVESTMENT, LLC.
12-085
ITEM A

Received by
Zoning Agenda Coordinator
JUL 02 2013

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS - SCHOOL

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described as the West 305 feet of the North ½ of Tract 6 lying in Section 10, Section 54 South, Range 39 East of "J.G. Heads Farms", according to the Plat thereof, recorded in Plat Book 46, at page 44, of the Public Record of Miami-Dade County, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, the undersigned Owner intends to develop the Property as a daycare and school for grades Pre-Kindergarten through Second grade ("School"), and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 12-085 ("Application") will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Approved Plan for the Property.** The Property shall be developed substantially in accordance with the plans as applied to the Property previously submitted, prepared by Villa & Associates, A.I.A, entitled, "Higher Learning Educational Center & 6 Residential Lots," consisting of four (4) sheets dated stamped received August 21, 2012, and three (3) sheets dated stamped received August 13, 2012, said plans being on file with the Miami- Dade County Department of Regulatory and Economic Resources, and by reference made a part of this Declaration.

(2) **School's Compatibility with Residential Area.** The School shall be developed, constructed and maintained in a manner that is compatible with the surrounding residential area.

(a) The Owner shall install a six (6) foot CBS or prefabricated wall along the South property line of Parcel A prior to the issuance of the first vertical building permit for Parcel A. No openings shall be permitted. The façade of such

Section-Township-Range: 10-54-39
Folio number: 30-4910-003-0050

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CBS or prefabricated wall shall be maintained and the Owner shall repair any damage caused by an act of nature or vandalism within three (3) weeks of said act. However, in the event of a hurricane or other catastrophe, the Owner shall have six (6) months to repair any damage.

(b) The Owner shall install a four (4) foot aluminum post fence (not chain-linked) with an antique bronze or white paint finish along the North and West property lines of Parcel A prior to the issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for Parcel A, whichever is first. Landscape material consisting of a hedge at least two (2) feet in height (at the time of planting) shall be planted and maintained within Parcel A immediately abutting the four (4) foot aluminum post fence. Such fence shall be equipped with as many doors, gates or openings as necessary to permit safe vehicular and pedestrian access during the daycare and school's hours of operation. Doors, gates, or openings shall be strictly monitored to ensure the safety of children, employees, parents/guardians and visitors.

(c) The queuing and drop-off circular drive adjacent to SW 15 Street shall be constructed of pavers, concrete, stamped concrete or similar materials architecturally compatible with a single family neighborhood. Under no circumstances, shall the surface of said circular drive be asphalt.

(d) Sanitation/recycling pick-up shall be performed between the hours of 9:00 AM and 5:00 PM, Monday through Friday. The trash dumpster shall be equipped with a working lid and remain closed unless in active use. In addition, the Owner shall pressure clean the dumpster and its enclosure at least once per month. The Owner shall maintain a cleaning log.

(e) All outdoor lighting within Parcel A shall not exceed fifteen (15) feet in height and shall be designed pursuant to Section 33-4.1 of the Miami-Dade County Code to prevent spillage onto the abutting properties.

(f) The storage of vehicles in excess of eighteen (18) feet in length, including all types of "yellow" school buses is prohibited in the School parking area. The storage of equipment, materials, or other related items is prohibited within the School parking area.

(g) The School shall have a specific point of contact to serve as a conduit for the exchange of information between the School and the neighborhood. The point of contact's name, email, mailing address, phone, and hours of availability shall be provided via written correspondence to all property owners within five hundred (500) feet of Parcel A. This written notice shall be provided on an

(Space reserved for Clerk)

annual basis no later than fifteen (15) days prior to the commencement of each academic year.

(h) The use of Parcel A for commercial purposes such as renting, leasing, or allowing third parties unaffiliated with the operations of the School is prohibited.

(i) The use and location of any fixed amplified speaker(s), announcer equipment or similar audible enhancing equipment is prohibited on the exterior portions of the School building and Parcel A. Amplified sound from inside the School building shall not be audible from the Parcel A perimeter property line boundaries. Security alarms, fire alarms and other similar emergency notification/preparedness audible sounds shall be exempt from this Paragraph.

(j) The School shall be painted in an earthen hue color scheme to ensure compatibility with the residential character of the surrounding area. No caricatures or kitsch features shall be painted or located in the exterior of the School building or Parcel A.

(k) All signage on Parcel A shall conform to the Miami-Dade County Code, and shall be directed away from the East and South.

(l) All regularly scheduled service and deliveries shall be conducted by vans, light trucks, and medium trucks, not heavy trucks.

(3) **School Operational Plan.** The School shall strictly observe, monitor and enforce an Operational Plan among all students, employees, parents/guardians and visitors. The Operational Plan shall be distributed to all parents/guardians and employees prior to enrollment or employment, and shall be executed by all parents/guardians and employees prior to enrollment or employment. At minimum, the Operational Plan shall provide the following, which by reference made a part of this Declaration:

(a) The number of students shall be limited to 200.

(b) The school day shall commence at 8:00 AM for daycare and Pre-Kindergarten, and 8:30 AM for Kindergarten through Second grade. The School day shall end at 2:30 PM for daycare and Pre-kindergarten, and 3:00 PM for Kindergarten through Second grade. The School may operate Monday through Friday only, and may provide before and after school services and activities no earlier than 7:00 AM and no later than 6:30 PM.

(Public Hearing)

(Space reserved for Clerk)

(c) For students not enrolled in before or after school services and activities, drop-off shall occur between the hours of 7:30 AM through 9:00 AM and pick-up shall occur between the hours of 2:00 PM and 3:30 PM. All children shall be dropped-off and picked up by parents. Parents may hire private transportation vehicles for their children. All private transportation providers shall receive and adhere to the School's Operational Plan.

(d) All vehicles shall enter the queuing and drop-off circular drive adjacent to SW 15 Street at the western-most entrance, utilizing the drop-off on the right of the vehicle. The marked stacking spaces accessible from SW 147 Avenue Drop-off may also be utilized.

(e) During the first three (3) days of each academic year, the School shall hire two (2) off-duty police officers to direct vehicles from the public rights-of-way through the queuing and drop-off circular drive between the hours of 7:30 AM through 9:00 AM and 2:00 PM and 3:30 PM. Thereafter, School employee(s) shall direct vehicles from the public rights-of-way through the queuing and drop-off circular drive between the hours of 7:30 AM through 9:00 AM and 2:00 PM and 3:30 PM every day School is in session. School employee(s) shall assist students from the vehicles to the front door of the School. Temporary traffic devices, such as traffic cones, may be utilized.

(f) Parking in the stacking spaces as well as queuing and drop-off circular drive is prohibited. Following the first three (3) days of each academic school year, parents of children over three (3) years of age shall not be permitted to park their vehicles to walk their children to class or meet with School employees without a previously scheduled appointment. All School appointments shall take place prior to 8:00 AM or after 3:30 PM.

(g) Under no circumstances shall parking associated with the School or School-related special events occur within the rights-of-way, swales, grass areas, and lawn areas outside of the Property.

(h) All School-related special events shall be conducted in a manner, such as staggering classes, to ensure adequate parking capacity and compliance with subparagraph (f). All School-related special events in which the entire student body is permitted to invite parents/guardians or guests shall be located off-site. The use of Parcel A for School activities and/or events shall be prohibited between the hours of 9:00 PM and 6:00 AM, seven days per week.

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

(Space reserved for Clerk)

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authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of 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

(Space reserved for Clerk)

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

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

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

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

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

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation

(Space reserved for Clerk)

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or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

(Space reserved for Clerk)

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 14 day of March, 2013.

IN WITNESS WHEREOF, Julmar 147 Investment, LLC, has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Melissa T. Llanes

Print Name

Signature

Melissa Fernandez

Print Name

JULMAR 147 INVESTMENT, LLC

Address:
14850 SW 26 Street
Miami FL 33185

By Mario Castellanos
(Managing Member)

STATE OF FLORIDA **COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Mario Castellanos the Managing Member of Julmar 147 Investment, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 14 day of March 2013, in the County and State aforesaid.

Notary Public State of Florida
Ana Hernandez
My Commission EE075919
Expires 04/29/2015

Signature
Notary Public-State of Florida

Ana H. Fernandez

Print Name

My Commission Expires: 4/29/2015

(Space reserved for Clerk)

JOINDER BY MORTGAGEE - TRUSTEE

The undersigned Oscar Castilla, as Successor Trustee of the Manuel Calas Revocable Trust and Mortgagee under that certain Mortgage Deed, Assignment of Leases, and Security Agreement from Julmar 147 Investment, LLC, dated the 10th day of July, 2012, and recorded in Official Records Book 28186, Page 4149, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 12th day of March, 2013

Witnesses:

Eugenio Duarte
Signature

Print Name

Signature

Alexa Duarte
Print Name

Trustee Signature
Print Name Oscar Castilla
Address:
1717 N. Bay Shore Dr. #2451
Miami FL 33132

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Oscar Castillo, Successor Trustee, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 12th day of MARCH, 2013, in the County and State aforesaid.

Notary Public State of Florida

Print Name
My Commission Expires:

EUGENIO DUARTE
Notary Public - State of Florida
My Comm. Expires Feb 1, 2015
Commission # EE 60825
Bonded Through National Notary Assn.

[f:\forms\Joinder by Mortgagee_Trustee_Castilla_2013]

(Space reserved for Clerk)

JOINDER BY MORTGAGEE - INDIVIDUAL

The undersigned Fred De La Mata, Mortgagee under that certain Mortgage Deed, Assignment of Leases, and Security Agreement from Julmar 147 Investment, LLC, dated the 10th day of July, 2012, and recorded in Official Records Book 28186, Page 4149, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 12th day of March, 2013

Witnesses:

Signature

EUGENIO DUARTE
Print Name

Signature

Alexa Duarte
Print Name

Signature
Fred De La Mata
Address:
1220 W. W 48 TERR
DORAL 33178

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Fred De La Mata, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 12 day of March, 2013, in the County and State aforesaid.

Notary Public-State of Florida

Print Name

My Commission Expires:

EUGENIO DUARTE
Notary Public - State of Florida
My Comm. Expires Feb 1, 2015
Commission # EE 60825
Bonded Through National Notary Assn

[f:\forms\Joinder_by_Mortgagee_Trustee_-_De_la_Mata (3/11/13)]

This instrument was prepared by:
Name: Melissa Tapanes Llahues, Esq.
Bercow Radell & Fernandez, P.A.
Address: 200 South Biscayne Blvd., Suite 850
Miami, Florida 33131

JULMAR 147 INVESTMENT, LLC

12-085

ITEM A

Received by
Zoning Agenda Coordinator

JUL 02 2013

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS - RESIDENTIAL

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described as the North ½ of Tract 6, less the West 305 Feet and less the North 25 Feet thereof, lying in Section 10, Section 54 South, Range 39 East of "J.G. Heads Farms", according to the Plat thereof, recorded in Plat Book 46, at page 44, of the Public Record of Miami-Dade County, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, the undersigned Owner intends to develop the Property as a six single family residences, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 12-085 ("Application") will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Approved Plan for the Property.** The Property shall be developed substantially in accordance with the plans as applied to the Property previously submitted, prepared by Villa & Associates, A.I.A, entitled, "Higher Learning Educational Center & 6 Residential Lots," consisting of four (4) sheets dated stamped received August 21, 2012, and three (3) sheets dated stamped received August 13, 2012, said plans being on file with the Miami- Dade County Department of Regulatory and Economic Resources, and by reference made a part of this Declaration.

(2) **Density**. The development of the Property shall be limited to a maximum of six units per gross acre for a total of six single-family residential lots.

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

Section-Township-Range: 10-54-39
Folio number: 30-4910-003-0050

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requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of 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

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addition to any other remedies available at law, in equity or both.

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

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

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

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

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its

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full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

(Space reserved for Clerk)

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 8 day of March, 2013.

IN WITNESS WHEREOF, Julmar 147 Investment, LLC, has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Ramon Castellanos
Print Name

Signature

Tony Castellanos
Print Name

JULMAR 147 INVESTMENT, LLC
Address:

By Mario Castellanos
(Managing Member)

STATE OF FLORIDA **COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Mario Castellanos the Managing Member of Julmar 147 Investment, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 8th day of March 2013, in the County and State aforesaid.

Signature
Notary Public-State of Florida
Nataline Garcia
Print Name

My Commission Expires: 6/28/2015

NATALINE GARCIA
MY COMMISSION # EE 107787
EXPIRES: June 28, 2015
Bonded Thru Notary Public Underwriters

[f:/forms/Acknowledgment_Limited_Liability_Company_-_Julmar (3/8/13)]

(Space reserved for Clerk)

JOINDER BY MORTGAGEE - TRUSTEE

The undersigned Oscar Castilla, as Successor Trustee of the Manuel Calas Revocable Trust and Mortgagee under that certain Mortgage Deed, Assignment of Leases, and Security Agreement from Julmar 147 Investment, LLC, dated the 10th day of July, 2012, and recorded in Official Records Book 28186, Page 4149, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 12 day of MARCH, 2013

Witnesses:

Signature

Eugenio Duarte

Print Name

Signature

Alexa Duarte

Print Name

Trustee Signature

Print Name OSCAR CASTILLA.

Address:

1717 N. BAYSHORE DR. #2451

MIAMI FL. 33132.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Oscar Castillo, Successor Trustee, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 12 day of MARCH, 2013, in the County and State aforesaid.

Notary Public-State of Florida

Print Name

My Commission Expires:

EUGENIO DUARTE
Notary Public - State of Florida
My Comm. Expires Feb 1, 2015
Commission # EE 60825
Bonded Through National Notary Assn.

[f:\forms\Joinder_by_Mortgagee_Trustee_-_Castilla (3/11/13)]

(Space reserved for Clerk)

JOINDER BY MORTGAGEE - INDIVIDUAL

The undersigned Fred De La Mata, Mortgagee under that certain Mortgage Deed, Assignment of Leases, and Security Agreement from Julmar 147 Investment, LLC, dated the 10th day of July, 2012, and recorded in Official Records Book 28186, Page 4149, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 12th day of March, 2013

Witnesses:

Signature

EUGENIO DUARTE

Print Name

Signature

Alexa Duarte

Print Name

Signature

Fred De La Mata

Address:

10221 N.W. 48 TERR

DORAL FL 33178

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Fred De La Mata, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 12th day of March, 2013, in the County and State aforesaid.

Notary Public-State of Florida

Print Name

My Commission Expires:

EUGENIO DUARTE
Notary Public - State of Florida
My Comm. Expires Feb 1, 2015
Commission # EE 60825
Bonded Through National Notary Assn.

[f:\forms\Joinder_by_Mortgagee_Trustee_-_De_la_Mata (3/11/13)]

JULMAR 147 INVESTMENT, LLC
#12-085
ITEM A.

Marlene Leon-Rubido
Attorney At Law

Coral Way Law Center
6780 Coral Way
Miami, Florida 33155
email: marlenerubido@earthlink.net

Tel: (305) 596-2211
Tel: (305) 261-4000
Fax:(305) 669-9202

Received by
Zoning Agenda Coordinator
JUL 02 2013

MIAMI-DADE COUNTY
OPINION OF TITLE

To: Miami-Dade County, a political subdivision of the State of Florida.

With the understanding that this opinion of title is furnished to Miami-Dade County, Florida, as an inducement for acceptance of Declaration of Restrictions pursuant to P.H. No. 12-085, covering the real property hereinafter described, it is hereby certified that I have examined Old Republic National Title Insurance Company, Owner's Policy of Title Insurance #OF6-8065207 with effective date of July 13, 2012, together with certified computer search covering the period from the effective date of the Commitment through February 21, 2013 (the "Search"), inclusive of the following described real property:

> The North ½ of Tract 6, lying in Section 10, Township 54 South, Range 39 East, of J.G. Head's Farms, according to the Plat thereof, recorded in Plat Book 46, at page 44, of the Public Records of Miami-Dade County, Florida.
>
> Folio: 30-4910-003-0050

Basing my opinion on said Title Policy and Title Search Report covering said period, I am of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in:

JULMAR 147 INVESTMENT, LLC
A Florida Limited Liability Company

(Trustee Deed, filed July 13, 2012, recorded in O.R. Book 28186, page 4129, Public Records of Miami-Dade County, Florida) AND Warranty Deed, filed July 13, 2012, recorded in O.R. Book 28186, page 4131, Public Records of Miami-Dade County, Florida)

(NOTE: Mario Castellanos, as Manager of Julmar 147 Investment, LLC, a Florida Limited Liability Company, is authorized to executed instruments and documents on behalf said Company.)

Subject to the following liens, encumbrances, and other exceptions:

General Exceptions:

1. All taxes for the year in which this opinion is rendered, unless noted below that such

taxes have been paid. Taxes for 2011 are paid.

2. Rights of persons other then the above owners who are in possession.

3. Facts that would be disclosed upon accurate survey.

4. Any unrecorded labor, mechanics' or materialmen's liens.

5. Zoning and other restrictions imposed by governmental authority.

Special Exceptions:

1. Mortgage Deed, Assignment of Leases, and Security Agreement in favor of Fred De La Mata, and Oscar Castilla, as Successor Trustee of the Manuel Calas Revocable Trust dated November 12, 2001, filed July 13, 2012 recorded in O.R. Book 28186, page 4139, in the Public Records of Miami-Dade County, Florida.

2. Assignment of Leases, Rents, and Profits, in favor of Fred De La Mata, and Oscar Castilla, as Successor Trustee of the Manuel Calas Revocable Trust dated November 12, 2001, filed July 13, 2012 recorded in O.R. Book 28186, page 4149, in the Public Records of Miami-Dade County, Florida.

3 All matters contained on the Plat of J.G. Heads Farms, as recorded in Plat Book 46, page 44, Public Records of Miami Dade County, Florida.

4. Assignment of Easement recorded in O.R. Book 14906, page 1117, Public Records of Miami Dade County, Florida.

5. Easement recorded in O.R. Book 26643, page 4960, Public Records of Miami Dade County, Florida.

6. Covenant Running with the Land in favor of Miami-Dade County, recorded in O.R. Book 28279, Page 566, Miami Dade County, Florida.

7. Ordinance 13/03 for Julmar Subdivision Street Lighting, recorded in O.R. Book 28483, Page 4449, Miami Dade County, Florida.

Therefore, it is my opinion that the following parties must join the platting of the above described real property in order to grant MIAMI DADE COUNTY, FLORIDA, and the public a good and proper title to the dedicated areas shown on the final plat of the aforedescribed property, the subdivision thereof to be known as JULMAR SUBDIVISION.

Name	Interest	Special Exception Number
JULMAR 147 INVESTMENT, LLC		Fee Simple
Fred De La Mata		Mortgage Holder
Oscar Castilla, as Successor Trustee of the Manuel Calas Revocable Trust dated November 12, 2001		Mortgage Holder

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice law in the State of Florida and am a member in good standing of the Florida Bar.

Respectfully submitted this 6 Day of March, 2013.

Marlene León-Rubido, Esquire
6780 Coral Way
Miami, Florida 33155
(305)-596-2211
marlenerubido@earthlink.net

Sworn to and Subscribed before me this 6 Day of March, 2013.

Notary Public

My Commission Expires:

ARACELI BETANCOURT
MY COMMISSION # EE182113
EXPIRES March 22, 2016
(407) 398-0153 FloridaNotaryService.com

1
2 COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
3 350 NW 97 Avenue
Miami, Florida
4 Tuesday, April 23, 2013 at 6:30 p.m.
5
6
7 ITEM
8 **JULMAR 147 INVESTMENT, LLC**
(12-85)
9
10
11 BOARD MEMBERS
(Present)
12
Richard M. Gomez, Chairman
13 Toufic Zakharia, Vice Chairman
Miriam "Mimi" Planas
14 Julio Caceres
Gerardo Rodriguez
15 Manuel "Manny" Valdes
16
17 COUNTY ATTORNEY'S OFFICE
18 David Hope
Assistant County Attorney
19
20 STAFF
21 Earl Jones, Clerk
Jackie Carranza, Specialist
22 Jorge Ubieta, Public Works
Felix Acosta, Technician
23
24 On behalf of the Applicant
25 Melissa Tapanes Llahues, Esq.
Bercow, Radell & Fernandez

1 I N D E X

2 COUNCIL

3 CHAIRMAN GOMEZ: 3-4, 7-8, 15-19, 23-24.

4 VICE CHAIRMAN ZAKHARIA: 3, 20-23.

5 COUNCILWOMAN PLANAS: 23.

6 COUNCILMAN CACERES: 3, 19, 23.

7 COUNCILMAN RODRIGUEZ: 3, 19, 23.

8 COUNCILMAN VALDES: 3, 23.

9

STAFF

10

THE CLERK: 3-7, 23-24.
11 MS. CARRANZA: 7.
MR. HOPE: 18.

12

ON BEHALF OF THE APPLICANT

13

MS. TAPANES LLAHUES: 15, 18-22, 24.

14

15

SUPPORTERS

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PROTESTERS

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MR. GIBBS: 15-17.

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1 CHAIRMAN GOMEZ: Ladies and
2 Gentlemen, this meeting for Community
3 Council 10 has come to order. Today's
4 date is April 23, 2013.
5 Please stand for the Pledge of
6 Allegiance.
7 (Pledge of Allegiance).
8 CHAIRMAN GOMEZ: You may be seated.
9 Staff, please call the roll.
10 THE CLERK: Councilman Caceres?
11 COUNCILMAN CACERES: Here.
12 THE CLERK: Councilwoman Planas?
13 Councilman Rodriguez?
14 COUNCILMAN RODRIGUEZ: Here.
15 THE CLERK: Councilman Valdes?
16 COUNCILMAN VALDES: Present.
17 THE CLERK: Vice Chair Zakharia?
18 VICE CHAIRMAN ZAKHARIA: Present.
19 THE CLERK: Chairman Gomez?
20 CHAIRMAN GOMEZ: Present.
21 THE CLERK: We have a quorum.
22 CHAIRMAN GOMEZ: Thank you.
23 (Thereupon, unrelated matters were
24 heard, whereupon the meeting continued as
25 follows:)

1 CHAIRMAN GOMEZ: Those of you who are
2 present today, will you please stand, so
3 the court reporter can swear you in.
4 (Thereupon, all interested
5 individuals seeking to present testimony
6 in these proceedings were duly sworn to
7 tell the truth, the whole truth and
8 nothing but the truth, after which the
9 following transpired:)
10 CHAIRMAN GOMEZ: Thank you.
11 Those of you who are lobbyists should
12 have registered with the Dade County Clerk
13 of the Board's office prior to this
14 hearing.
15 At this time, I'd like to open the
16 floor. If there's anyone here that would
17 like to withdraw or defer an application,
18 please come forward at this time and state
19 your name, address for the record.
20 The Chair recognizes that there's no
21 deferrals or withdrawals, so at this time,
22 I'd like to ask the staff to read the
23 introductory statements for the zoning
24 hearing.
25 THE CLERK: "In accordance with the

1 Code of Miami-Dade County, all items to be
2 heard this evening have been legally
3 advertised in the newspaper, notices have
4 been mailed and the properties have been
5 posted. Additional copies of the agenda
6 are available here at the meeting.
7 "Items will be called up to be heard
8 by agenda number and name of applicant.
9 The record of the hearing on each
10 application will include the records of
11 the Department of Regulatory and Economic
12 Resources.
13 "All these items are physically
14 present this evening, available to all
15 interested parties and available to the
16 Members of the Board, who examine items
17 from the record during the hearing.
18 Parties have the right of
19 cross-examination.
20 "This statement, along with the fact
21 that all witnesses have been sworn, should
22 be included in any transcript of all or
23 any part of these proceedings.
24 "In addition, the following
25 departments have representatives present

here at the meeting to address any questions: The zoning evaluation and platting and traffic review sections of the Department of Regulatory and Economic Resources and the County Attorney's Office.

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

"Any person making impertinent or slanderous remarks or becomes boisterous while addressing the Community Zoning 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.

"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 date will be deferred to the next available zoning hearing meeting date for this Board."

CHAIRMAN GOMEZ: Thank you.

(Thereupon, unrelated matters were heard, whereupon the meeting continued as follows:)

* * * * * * * * * * * * * * * * * * *

CHAIRMAN GOMEZ: Staff, please call the next item.

MS. CARRANZA: Item No. 7 is Item A, Julmar 147 Investment, LLC, zoning hearing application 12-85; 86 protests and 769 waivers.

CHAIRMAN GOMEZ: Okay. In the interest of time, and also to make sure that we have an opportunity to hear the rest of the applications, we've already heard this application several times. We know what the history of it is. And we're aware that, I believe, counsel and the homeowners have met.

So we would like to hear essentially what has transpired since our last hearing

1 and like to keep it to that, so that we
2 could ask further questions and move on
3 from where we were at at the last meeting.
4 MS. TAPANES LLAHUES: Good evening,
5 Chairman, Vice Chair, Honorable Council
6 Members, my name is Melissa Tapanes
7 Llahues, with the law firm of Bercow,
8 Radell and Fernandez, for the record, 200
9 South Biscayne Boulevard, Miami.
10 I'm here today representing the
11 applicant, Julmar 147 Investments. And
12 joining me this evening is the owner,
13 Mario Castellanos; the prospective owner
14 and the owner of the New Horizon School,
15 Helen Angola; Richard Garcia, our traffic
16 engineer, Horacio Huembes, the project
17 architect; Guillermo Olmedillo, our
18 planner; as well as my colleagues, Graham
19 Penn, Mickey Marrero and Jeff Bercow.
20 As you've noted, we gave a full
21 presentation at the last hearing, and I
22 would like to incorporate by reference the
23 substantive competent evidence and
24 testimony offered and submitted into the
25 record on March 18th.

1 As you may remember, the objective of
2 this application is to construct a school
3 on the west half of the property abutting
4 147 Avenue -- thank you -- a section line
5 road. And it abuts Tree Island Park and
6 developed single-family homes on the east
7 half of the property.
8 Due to high demand and an impressive
9 reputation, we have overwhelming support
10 from parents of the past, current and
11 prospective students, residents in the
12 neighborhood, workers in the area as well
13 as concerned citizens of West Dade
14 Homeowners Association.
15 As noted by staff, we have over 800
16 signatures in support, and I have a small
17 gang of folks here supporting the
18 application. If you could please stand.
19 We have about 70 individuals here in
20 support of this application.
21 All Miami-Dade County reviewing
22 agencies, including planning, zoning,
23 DERM, Public Works, have recommended in
24 favor of this application.
25 And as you noted, the application was

1 automatically deferred due to lack of time
2 in order -- and with an instruction for us
3 to meet with the neighbors.
4 I'm here before you this evening
5 disappointed, but not surprised, that we
6 have been unable to reach a compromise.
7 There's a vocal minority of neighbors that
8 we have met with since December, and I'd
9 like my colleague Graham to pass out a
10 handout that summarizes our efforts since
11 December. And you might recall, that's at
12 the time that our law firm was retained.
13 The reason why I'm not surprised is
14 because the covenant presented to you back
15 in March addressed every single issue
16 raised by the eight or so neighbors that
17 we met with in December and negotiated in
18 good faith with the leaders of the now
19 established association on February 8th.
20 All the issues raised by neighbors
21 were dealt with in the school's
22 operational plan, such as hours of
23 operation, weekend activities, parking on
24 the swales, school-wide special events as
25 well as traffic operations. I summarized

1 that covenant back in March and it's in
2 the record as well.
3 Since the last meeting, we've also
4 had many discussions with applicant's
5 counsel, Mr. Tucker Gibbs, and we met with
6 two members of the association on
7 April 2nd.
8 As we noted on the record in March,
9 this vocal minority of neighbors are not
10 interested in a reasonable compromise.
11 However, we are. And I'd like, Graham, if
12 you would, to distribute what we're asking
13 this Council to do today, to help us reach
14 a reasonable compromise.
15 I've memorialized in this document
16 conditions that you might find very
17 familiar, and it's because it was
18 recommended to us by this Council at the
19 March hearing.
20 We would like to first withdraw our
21 request for a variance of outdoor
22 recreational space and we would ask for
23 your approval of our amended request under
24 the condition that we submit a revised
25 site plan, child care checklist and

1 proffer new covenants to expand the school
2 property to include the proposed lot, one
3 of the residential property, which adds
4 over 7,000 square feet of land to the
5 school; that we limit the maximum number
6 of students to 188 students thereby no
7 longer needing a variance of outdoor
8 recreational space; that we plant a dense
9 landscape buffer of 20 Buttonwoods or
10 Pigeon Plumb trees 15 feet on center in
11 order -- this is in addition to the CBS
12 wall and a hedge located to the south
13 boundary line; and that we provide all
14 prospective and current parents with
15 notice of the County's prescribed burning
16 conducted every 3 to 7 years at Tree
17 Island Park in the school's operational
18 plan.
19 As noted in the record in March, this
20 project is compatible with the surrounding
21 area. The rezoning implements the
22 low-density residential land use
23 designation. And we're not here dealing
24 with a zoning issue or a rezoning issue.
25 The CDMP low-density residential

1 designation specifically permits
2 neighborhood and community services,
3 including schools and daycare centers.
4 Schools belong in residential areas in
5 proximity to the families that they serve.
6 They establish neighborhoods by providing
7 identity. They preserve property values
8 by attracting families. They create jobs.
9 They provide child care so that parents
10 can work. And they create nurturing
11 environments where students and children
12 can be educated, which not only benefits
13 their families, but the community at
14 large.
15 Again, schools in residential areas
16 are the rule, not the exception. We have
17 an exhibit in the record that shows that
18 every public and private school within
19 20 square miles of the property is
20 surrounded on at least three sides by
21 residential homes.
22 And in this case, it's surrounded by
23 Southwest 147 Avenue, a section line road,
24 which is under construction, and to expand
25 to double its capacity. It's surrounded

1 by Tree Island Park, a regional park. It
2 has residential on two sides and it's
3 abutted on one side by the residential
4 that the owner is currently proposing
5 before you today.
6 Traffic was also an issue. And as
7 you know, your professional Public Works
8 staff agrees with our traffic engineer
9 that traffic is not an issue.
10 Mr. Caceres, you were mentioning that
11 level of service is important. In this
12 case, all area roadways, intersections and
13 driveways are at Level of Service A,
14 including our proposed school.
15 Southwest 147 Avenue, where access
16 will be provided to this property, is
17 going to double in its capacity. And
18 that's not included in our figures of our
19 traffic analysis.
20 We respectfully request your approval
21 today. We wish we would have been able to
22 reach a compromise. It was -- we worked
23 very hard, and that summary provided to
24 you shows the magnitude of our efforts.
25 We ask for your approval, acceptance

1 of the proffered covenants that we have
2 with the conditions that we have before
3 you as well. Our team is here to answer
4 any questions that you may have. And
5 thank you for hearing us for a few months
6 now.
7 CHAIRMAN GOMEZ: Thank you.
8 MS. TAPANES LLAHUES: Thank you.
9 CHAIRMAN GOMEZ: Mr. Gibbs, I'm
10 assuming you're going to be the
11 representative for the homeowners.
12 Please state your name and address,
13 for the record.
14 MR. GIBBS: Yes, my name is Tucker
15 Gibbs and I'm representing the neighbors.
16 And my address is 3835 Utopia Court in
17 Coconut Grove.
18 CHAIRMAN GOMEZ: Before you -- I just
19 have one quick question.
20 MR. GIBBS: Sure.
21 CHAIRMAN GOMEZ: You've seen these
22 proffered conditions, and I'm assuming
23 that the homeowners that you're
24 representing are not in agreement with
25 these conditions. I just want to make

1 sure that that's clear.
2 MR. GIBBS: That's correct, and I'll
3 explain. Mr. Frye is going to hand out
4 something to you all.
5 And you need to give a copy to them
6 as well.
7 What he's handing you is a map of the
8 neighborhood in the area. And on that
9 map, you'll see in red those people who
10 signed a petition against and opposing
11 this application. Where it says 200 in
12 the orange, that's where the location
13 you're talking -- that they're talking
14 about.
15 My clients, as you know from the last
16 meeting, do not want a school at this
17 location. That's the issue to them.
18 Just to give you a point of
19 reference, in the handout that we gave you
20 at the last meeting, there are 19 private
21 and charter schools within two miles of
22 this approved -- this proposed school
23 site. That's 19. Only two are filled to
24 capacity. In addition, all have pre-K up
25 to second grade. And that's something for

1 you all to think about. That's not public
2 schools. That's private and charter
3 schools.
4 My clients did meet with the
5 applicant to discuss a compromise, but we
6 could not come to an agreement.
7 Our position remained unchanged. The
8 school is in the wrong location. It's too
9 big for the location. It's inconsistent
10 with the goals, objectives and policies of
11 the CDMP, your comprehensive plan. And it
12 doesn't meet the review standards of the
13 special exception, unusual use, and for
14 the two -- now two non-use variances.
15 That's all I'm going to say. It's
16 what we said at the meeting last time
17 where we'd like to incorporate all of the
18 comments that we made and my clients made
19 into the record for this.
20 But we would urge you to reject this
21 application, because it is too big and it
22 is in the wrong location. Thank you.
23 CHAIRMAN GOMEZ: Thank you, Mr.
24 Gibbs.
25 Being that we've already heard the --

1 I'm sorry.
2 MR. HOPE: Just need to ask if
3 there's any other people that want to
4 speak against the application.
5 CHAIRMAN GOMEZ: Well, we heard this
6 application several times.
7 MR. HOPE: Okay.
8 CHAIRMAN GOMEZ: The public has
9 already spoken.
10 So I'm going to close the public
11 hearing now and I'm going to open it up to
12 the Council to ask questions.
13 MR. HOPE: Well, before you do that,
14 she gets a chance to rebut what he just
15 said.
16 CHAIRMAN GOMEZ: Oh, I'm sorry.
17 MS. TAPANES LLAHUES: I just want to
18 be very clear that we've had many meetings
19 with these residents. The largest meeting
20 we had was with eight individuals. Since
21 then, we've only seen two individuals at
22 every meeting. Again, this is a very
23 vocal minority. I question the petitions
24 provided.
25 I also know for a fact that 19

1 charter schools and private schools are
2 not in this area. That is just simply not
3 true.
4 The fact -- and I will rely on the
5 professional staff's opinion regarding the
6 standards and compatibility with the
7 Comprehensive Development Master Plan,
8 and, again, the previous evidence
9 submitted into the record by our planner,
10 Guillermo Olmedillo, and our traffic
11 engineer, Richard Garcia.
12 Thank you.
13 CHAIRMAN GOMEZ: With that now, I'm
14 going to close the public hearing and I'm
15 gonna open it up to the Council for
16 questions.
17 I'm going to start at my right with
18 Councilman Caceres.
19 COUNCILMAN CACERES: No, sir, no
20 questions. I'm ready for a motion when
21 you are.
22 CHAIRMAN GOMEZ: Councilman
23 Rodriguez?
24 COUNCILMAN RODRIGUEZ: No questions.
25 CHAIRMAN GOMEZ: Vice Chair Zakharia?

1 VICE CHAIRMAN ZAKHARIA: Yes, I have
2 a question.
3 In terms of the school buses, the
4 school buses are going to drive up and
5 down 147 Avenue?
6 MS. TAPANES LLAHUES: We are not
7 having any school buses. There will be
8 some parents will be dropping off their
9 children, but no school buses are
10 permitted. And that's included in
11 our covenant.
12 VICE CHAIRMAN ZAKHARIA: So there's
13 going to be more traffic going up and down
14 147 Avenue, because you're not having
15 school buses.
16 MS. TAPANES LLAHUES: Right, this is
17 a small school of a maximum of what we've
18 proffered today 188 students. It is not a
19 large school, by any means.
20 Again, including the proposed number
21 of students at 200, all Level of Service
22 for 147 Avenue, the driveways at this
23 property and all intersections, are at
24 Level of Service A.
25 VICE CHAIRMAN ZAKHARIA: Okay. So

1 what about the roads in front of the
2 school, that street which is -- what's
3 that, Southwest 15 Street?
4 MS. TAPANES LLAHUES: Correct.
5 VICE CHAIRMAN ZAKHARIA: Okay. I
6 mean, the roads there doesn't seem to be
7 in good condition.
8 MS. TAPANES LLAHUES: I'm --
9 VICE CHAIRMAN ZAKHARIA: The roads
10 doesn't seem to be in good condition.
11 MS. TAPANES LLAHUES: Yes, there are
12 conditions as part of our approval to
13 improve that intersection and those roads.
14 VICE CHAIRMAN ZAKHARIA: Okay. So --
15 MS. TAPANES LLAHUES: We have to
16 build the other half. The reason why it's
17 narrow in width --
18 VICE CHAIRMAN ZAKHARIA: Right.
19 MS. TAPANES LLAHUES: -- is because
20 we have not developed our property, so we
21 have not dedicated our half of the
22 roadway. As part of this development,
23 obviously we need to dedicate our half of
24 that right-of-way and improve it.
25 VICE CHAIRMAN ZAKHARIA: Okay. So,

1 basically, when the parents come in,
2 they're either going to come from the
3 north or the south and they're going to
4 drop-off their kid or kids at the corner
5 of 147 and Southwest 15?
6 MS. TAPANES LLAHUES: They will
7 drop-off their students -- the reason for
8 the variance is that we're providing a
9 port-a-cochere in the front setback area.
10 VICE CHAIRMAN ZAKHARIA: Okay.
11 MS. TAPANES LLAHUES: And what we're
12 doing is, there is a circular drive on
13 Southwest 15 Street, so that will be one
14 means of dropping off, or in the rear
15 parking area, there's additional spaces
16 for drop-off.
17 VICE CHAIRMAN ZAKHARIA: And where is
18 the rear exactly you talk about?
19 MS. TAPANES LLAHUES: The parking
20 lot.
21 VICE CHAIRMAN ZAKHARIA: The parking
22 lot.
23 MS. TAPANES LLAHUES: On the south
24 side of the property. So entrance is from
25 147 Avenue and Southwest 15 Street.

1 VICE CHAIRMAN ZAKHARIA: Okay. Okay.
2 No further questions.
3 CHAIRMAN GOMEZ: Councilwoman Planas?
4 COUNCILWOMAN PLANAS: No questions.
5 CHAIRMAN GOMEZ: Councilman Valdes?
6 COUNCILMAN VALDES: No questions at
7 this time.
8 CHAIRMAN GOMEZ: I don't have any
9 further questions either. So I'd like to
10 open it up for a motion on the table.
11 COUNCILMAN CACERES: My motion is to
12 deny this application without prejudice.
13 VICE CHAIR ZAKHARIA: I second.
14 THE CLERK: Motion to deny the
15 application without prejudice.
16 Councilman Caceres?
17 COUNCILMAN CACERES: Yes.
18 THE CLERK: Councilwoman Planas?
19 COUNCILWOMAN PLANAS: Yes.
20 THE CLERK: Councilman Rodriguez?
21 COUNCILMAN RODRIGUEZ: Yes.
22 THE CLERK: Councilman Valdes?
23 COUNCILMAN VALDES: No.
24 THE CLERK: Vice Chairman Zakharia?
25 VICE CHAIRMAN ZAKHARIA: Yes.

1 THE CLERK: Chairman Gomez?
2 CHAIRMAN GOMEZ: No.
3 THE CLERK: Motion passes 4 to 2.
4 And so the application has been denied
5 without prejudice.
6 MS. TAPANES LLAHUES: Thank you.
7 Thank you.
8 (Thereupon, the hearing on Item
9 Julmar 147 Investment, LLC, was
10 concluded).
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1 CERTIFICATE OF OATH
2
3 STATE OF FLORIDA)
4 COUNTY OF DADE)
5
6 I, Jannett Taylor-Brown, Notary
7 Public, State of Florida, certify that all
8 witnesses personally appeared before me on this
9 23rd day of April 2013 and were duly sworn.
10
11
12 JANNETT TAYLOR-BROWN,
13 NOTARY PUBLIC
14 STATE OF FLORIDA
15
16
17 JANNETT TAYLOR-BROWN
18 MY COMMISSION # DD 947659
EXPIRES December 27, 2013
(407) 398-0153 FloridaNotaryService.com
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER
2
3
4 I, Jannett Taylor-Brown, Court Reporter,
5 do hereby certify that I was authorized to and
6 did report the foregoing proceeding, Julmar 147
7 Investment, LLC, Item No. 12-85, heard by
8 Community Council 10 on the 23rd of April 2013;
9 and that the transcript, pages 1 through 24, is
10 a true and correct record of my stenographic
11 notes.
12
13 DATED this 18th day of May 2013 at
14 Miami-Dade County, Florida.
15
16
17
18
19
20 JANNETT TAYLOR-BROWN
21 COURT REPORTER
22
23
24
25

1 COMMUNITY ZONING APPEALS BOARD - AREA 10

2 RUBEN DARIO MIDDLE SCHOOL

3 350 NW 97 AVENUE, MIAMI

4 Tuesday, March 19, 2013

5 6:30 p.m.

6

7

8 ITEM NO:

9 JULMAR 147 INVESTMENT, LLC.
12-85

10

11

12

13 BOARD MEMBERS

14 Present:

15 Richard M. Gomez, Chairman
Toufic Zakharia
16 Julio Caceres
Manuel Garrido
17 Miriam Planas
Gerardo Rodriguez
18 Manuel Valdes

19

20

21 STAFF PRESENT:

22

Jackie Carranza
23 Earl Jones
Daron Fitch, Assistant County Attorney

24

25

1 I N D E X

2 BOARD MEMBERS PAGE NO.

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13 Mr. Gibbs 33-47,116,127,135

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2 THE COURT REPORTER: Do you swear the
3 testimony you're about to give is the truth, the
4 whole truth, and nothing but the truth, so help
5 you, God?
6 ALL WITNESSES: I do.
7 * * * * *
8 MR. JONES: In accordance with the Code of
9 Miami-Dade County, all items to be heard this
10 evening have been legally advertised in the
11 newspaper, notices have been mailed and the
12 properties have been posted. Additional copies of
13 the agenda are available here at the meeting.
14 Items will be called up to be heard by agenda
15 number and name of applicant. The record of the
16 hearing on each application will include the
17 records of the Department of Regulatory and
18 Economic Resources. All these items are
19 physically present this evening available to all
20 interested parties and available to the members of
21 the Board who examine items from the record during
22 the hearing. The parties have the right of
23 Cross-Examination.
24 This statement, along with the fact that all
25 witnesses have been sworn, should be included in

1 any transcript of all or any part of these
2 proceedings.
3 In addition, the following departments have
4 representatives present here at the meeting to
5 address any questions: Zoning Evaluation and
6 Planning and Traffic Review Sections of the
7 Department of Regulatory and Economic Resources,
8 the Department of Public Works and Waste
9 Management, and the County Attorney's Office.
10 All exhibits used in presentation before the
11 Board will become part of the public record and
12 will not be returned unless an identical letter
13 size copy is submitted for the file.
14 Any person making impertinent or slanderous
15 remarks, or who becomes boisterous while
16 addressing the Community Zoning Appeals Board,
17 shall be barred from further audience before the
18 Community Zoning Appeals Board by the presiding
19 officer, unless permission to continue or again
20 address the Board be granted by the majority vote
21 of the Board Members present.
22 The number of filed protests and waivers on
23 each application will be read into the record at
24 the time of hearing as application is read. Those
25 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.

* * * * *

MS. CARRANZA: Item A, Julmar 147 Investment, LLC, zoning hearing application 12-85. Eighty-six protests and 769 waivers.

MS. TAPANES-LLAHUES: Good evening, Chairman, Honorable Council Members. My name is Melissa Tapanes-Llahues, partner at the law firm of Bercow, Radell & Fernandez, 200 South Biscayne Boulevard, Miami. It is my pleasure, today, to represent Julmar 147 Investments, the applicant and the owner of the 2.34 acre parcel located at the southeast corner of Southwest 147th Avenue, a major section line road, and Southwest 15th Street.

Joining me this evening is the owner, Mario and Yvonne Castellanos; the perspective owner of the property, Helen Angula, she's the owner of the New Horizons School; Richard Garcia, our traffic engineer; Horacio Carlos Humbes, our project architect; Guillermo Olmedillo, our planner, as well as many neighboring residents and parents who have come to support this application.

The request before you this evening is a

1 rezoning from agricultural to RU-1MA. That is
2 consistent with the residential development
3 abutting the property on three sides; the north,
4 the south, as well as the east.
5 To the west you have Tree Island Park, across
6 the street from Southwest 147th Avenue. We are
7 also requesting a special exception to permit a
8 private school for kindergarten to second grade;
9 an unusual use to permit a daycare for infants to
10 Pre-K 4; and minor variances associated with the
11 proposed site plan.
12 I'll discuss all these requests in detail.
13 The objective is to develop the west half of
14 the property as a school for up to 200 children,
15 and the east half of the property as six single
16 family residential lots.
17 We have overwhelming support from parents of
18 past, current and perspective students in the
19 area, residents in the neighborhood, as well as
20 workers in the area that take advantage of the New
21 Horizons School. Many of them are here today, and
22 I would like them to stand, just to show how many
23 folks took time out of their evening to come and
24 support this application. Thank you.
25 It's important for you to note that in the

1 public record there have been over 800 letters and
2 petitions of support for this application. We've
3 also received the support of the Concerned
4 Citizens of West Dade Homeowner's Association.
5 They were -- they are the association that
6 represented this greater West Dade area that the
7 Commissioner had spoken about.
8 This item, as you may recall, was deferred
9 from the December agenda, due to questions from
10 the Board, and to allow the applicant, with time,
11 to meet with the neighbors who attended the last
12 hearing and vocalized their concerns about the
13 application.
14 I did not represent the applicant at that
15 time. I have reviewed the meeting tape, and the
16 lack of decorum, as part of the question and
17 answer session, and there was a lot of confusion,
18 which was quite audible in that meeting tape.
19 I'm hoping to address all the concerns raised
20 as part of that public hearing, as part of this
21 application, and this public hearing.
22 I am now representing the applicant, and I
23 thank you, in advance, for the opportunity to
24 present their case in earnest.
25 I, respectfully, request your approval of

1 this application, as well as the acceptance of the
2 proffered covenant, which is consistent with your
3 professional staff's recommendation, as well as
4 our expert testimony from our traffic engineer,
5 planner and architect.
6 All Miami-Dade County reviewing agencies,
7 including Planning, Zoning, Public Works, DERM,
8 have all reviewed the application and recommended
9 in favor of its approval.
10 It was very apropos having Commissioner
11 Zapata here to speak about the development of this
12 area.
13 This property, it is in yellow, is a
14 2.34 acres parcel at the southeast corner of 147th
15 Avenue, a major section line road, and Southwest
16 15th Street. It is designated low density
17 residential by the County CDMP and zoned
18 agricultural. It is surrounded on three sides by
19 residential development, also designated low
20 density residential, and zoned RU-1MA, which is
21 the proposed rezoning.
22 Tree Island Park, as I mentioned, is located
23 across Southwest 147th Avenue. Due to the
24 recession and fractured ownership, development of
25 this area occurred to the east and west, as you

1 can see through this aerial photograph, but you
2 can see that this swath of land, located between
3 Bird Road, Coral Way, Southwest 149th Avenue, and
4 Southwest 145th Avenue, has been, relatively,
5 under developed.
6 This neighborhood is transforming before our
7 eyes. Today, you'll see that, approximately, 600
8 residential lots have been subdivided. That is
9 shown in this aerial photograph in blue. Dozens
10 of homes are under construction, including the
11 homes that are located immediately abutting this
12 site, as well as massive infrastructure projects,
13 are underway today.
14 The greatest transformation in this area will
15 come thanks to massive public improvement projects
16 that the Commissioner had mentioned. First is
17 Tree Island Park, and I will pass along a master
18 plan that is in the -- that is part of the record
19 here.
20 Tree Island Park is undergoing permitting
21 right now and will serve the community as an
22 active park featuring two lighted multi-purpose
23 fields, six lighted tennis courts, two lighted
24 soccer fields, pool and splash areas for children,
25 playgrounds, as well as rain shelters and a

1 massive pedestrian and bicycle path that goes
2 along the entire project.
3 Southwest 147th Avenue, as I mentioned, a
4 major section line road that abuts this property
5 to the west, is being widened, from two lanes to
6 four lanes, right now, and it is going to double
7 in capacity. That construction project will end
8 before the end of the year.
9 Unlike other areas of Miami-Dade County,
10 these infrastructure projects are occurring before
11 the necessity, the need is in place. Southwest
12 147th Avenue satisfies the level of service today
13 for that road and, again, it is doubling its
14 capacity in the very near future.
15 This is the site plan that is in the record
16 before you right now.
17 As I mentioned, we are requesting to rezone
18 the property to allow the development of a school
19 in the west half of the property, as well as six
20 single family lots on the east half of the
21 property.
22 The rezoning implements the Comprehensive
23 Development Master Plan's land use designation,
24 and I believe we can all agree that the rezoning
25 is not what is at issue. The issue of contention

1 before you today is the proposed school in the
2 westernmost 1.31 acres.
3 The New Horizons School was established 17
4 years ago in this area. It has earned full
5 accreditation, as well as a sparkling record from
6 the Department of Children and Families. Due to
7 its excellent reputation and high demand, New
8 Horizons has currently two campuses, one located
9 at 8150 Southwest 8th Street, and one located just
10 nine blocks south of this property at 2417
11 Southwest 147th Avenue.
12 The goal is for New Horizons School to
13 purchase this westernmost 1.31 acres in order to
14 construct a new school and relocate their campus,
15 which is located less than ten blocks south, to
16 this location, in order to develop the site with a
17 school that they can call their own.
18 The architect for the project has designed
19 the proposed school to be esthetically and
20 architecturally compatible with its surroundings.
21 It is a two-story structure, equivalent in height
22 to many of the residences that abuts the site. It
23 features a porte cochere, which is also typical of
24 the porch-like structures used in this area. It
25 has a paved circular drive, an aluminum picket

1 fence, a barrel tiled roof, an earthen color tone,
2 which is consistent with this area, as well as
3 lush landscaping. The school is proposed to have
4 11 classrooms. It will have six teachers and four
5 administrative personnel. There is a quarter acre
6 playground and recreational area to the east that
7 serves to buffer the site from the residences to
8 the east.
9 There is also -- we are only proposing
10 21 percent lot coverage, which means much more
11 landscaping and open space than is typical in this
12 area.
13 The age of the students will be infants to
14 second grade, about eight years old, and DCF
15 regulates the number of children per classroom
16 based on their grades. So, it is, basically, 150
17 to 200 students depending on their grade levels.
18 There will be two arrival and dismissal
19 times, and the infant and pre-school component
20 will provide flexibility in this arrival and
21 dismissal times because, as you know, the
22 pre-school and infant component allows for more
23 flexibility to deal with the parents' work
24 schedules.
25 There is access from both Southwest 147th

1 Avenue, as well as Southwest 15th Street.
2 Southwest 147th Avenue, as you can see in the
3 site plan, provides access to the rear parking
4 area of the site where this project provides sixty
5 percent more parking spaces than is required by
6 Code.
7 There are also six stacking spaces on
8 Southwest 15th Street, at the drop-off and pick up
9 area, at that porte cochere. And the point is to
10 provide children with adequate protection from the
11 elements at the time of drop-off and pick-up,
12 which we will discuss in more detail.
13 But, to discuss the traffic pattern and the
14 level of service, I will like to introduce you to
15 Richard Garcia, our traffic engineer.
16 MR. GARCIA: Hi, good evening. Richard
17 Garcia, 13117 Northwest 107th Avenue. I prepared
18 a traffic impact study for the school. I went
19 over a lot of the details on the previous, I'll
20 try to summarize them quickly for you. We
21 coordinated with your staff, Public Work Traffic
22 Engineering Division to select the surrogate
23 school that resembles this school in size, in
24 operation, in number of students. The surrogate
25 school was also a small school with similar grades

1 and also had a day care component. We went to
2 that surrogate school, collected data, then used
3 that data to apply to this school. We did the
4 standard traffic analysis, calculating the trip
5 generated, determining the existing, the proposed
6 level of service. Like was mentioned, we did the
7 analysis with the existing two-lane road. We meet
8 all the levels of service. We also did an
9 accumulation assessment, which is to evaluate the
10 on site stacking during the arrivals and the
11 dismissals. That is usually the critical elements
12 for schools. In particular, the p.m. peak pick-up
13 times, the dismissal times is where the cues
14 usually get the largest. We worked with the
15 architect to develop a plan for scheduling of
16 children that would meet all the stacking, the
17 accumulation of cuing vehicles on site. That is
18 your staff's requirements, that is the County's
19 requirement. We did meet one hundred percent of
20 the on site stacking so that all the arrivals and
21 dismissals will occur within the site, either on
22 parking spaces or the drop-off lane.
23 And, furthermore, we worked with the
24 applicant to develop a Traffic Operations Plan
25 which ties all this in. It, basically, details

1 how the school is going to operate, what their
2 schedule is, where personnel and staff will be
3 stationed, and that sort of, like, then, finalizes
4 how the school will, ultimately, operate. We did
5 receive some comments from staff. They were
6 technical in nature. We responded to those
7 comments. And, to my understanding, they were in
8 approval with our analysis.
9 And with that, I'll open it up for any
10 questions that you may have.
11 So, there were many questions in December
12 about the applicant's outreach to the neighboring
13 residents. The property was purchased by the
14 applicant in July, 2012. This was a time when
15 many of the surrounding homes were under
16 construction. There was no homeowner's
17 association. The association that will appear
18 before you today was established on January 31,
19 2013. The applicant paid Miami-Dade County
20 thousands of dollars to provide notice, two times,
21 at the time of the application submittal, as well
22 as right before public hearing to all property
23 owners within half a mile.
24 At the time of the last public hearing, they
25 received one protest and had reached out to that

1 gentleman and his family.
2 In addition, the applicant had met with the
3 known association for that area, the Concerned
4 Citizens of West Dade, and had earned their
5 support. A letter of support and their favorable
6 testimony was as part of the December public
7 hearing.
8 The applicant was very surprised by the
9 neighbors who attended the December hearing and
10 voiced their concerns about the application.
11 Following the December hearing, I was
12 retained, and we began our efforts to earn the
13 neighbors' support.
14 On December 17th, we met with, approximately,
15 eight neighbors who voiced concerns about the
16 application. All the issues that were raised by
17 these neighbors were dealt with as part of the
18 school's Operational Plan, such as hours of
19 operation, weekend activities, parking on the
20 swill, school-wide special events, and traffic
21 issues.
22 We had promised to address all their concerns
23 via a new covenant, which we did, and submitted to
24 them in early January.
25 I will summarize the covenant, in detail, in

1 a few moments, but I would be remiss if I did not
2 say the following: We addressed every concern
3 that the neighbors raised at our initial meeting.
4 We followed up with the neighbors' leadership,
5 over a dozen time, to negotiate the terms of this
6 covenant. We were finally granted a meeting with
7 the neighbors for the evening of Friday,
8 February 8th, to discuss the covenant in detail.
9 We had a very cordial four-hour meeting, where we
10 discussed the covenant, word by word, line by
11 line, and the applicant agreed to every revision
12 requested of them.
13 We left the meeting, on February 8th, hopeful
14 that we had reached a compromise. When we learned
15 that the County made an advertising error, which
16 required us to be deferred to this hearing in
17 March, versus February, we were hopeful, and
18 informed the neighbors of this deferral, and were
19 hopeful that the additional month will give us
20 more time to deal with any loose ends that came
21 from that February 8th meeting.
22 On February 26th, we were informed that the
23 neighbors had a meeting regarding the covenant,
24 and the proposed compromised, and agreed to retain
25 an attorney, who is here representing them this

1 evening.
2 I informed the neighbors that due to their
3 now legal representation, I could no longer
4 discuss this matter with them directly, but I
5 would reach out with their attorney, which I have
6 done.
7 To date, I had not heard back from the
8 attorney, despite my phone calls, and despite my
9 in-person confirmation that he received our
10 willingness to negotiate.
11 On March 1st, I confirmed with Mr. Gibbs, in
12 person, who is the attorney for the homeowners,
13 that, in fact, he had received my messages.
14 Moments ago I was informed that they are not
15 interested in any compromise, they just do not
16 want a school in their neighborhood.
17 I have a letter from Mr. Gibbs dated
18 February 8th, where he provided the County, and if
19 you can please submit this for the record, the
20 letter from Mr. Gibbs is dated February 8th and
21 date stamped, from the County, at 4:50 p.m. This
22 letter is important because it provides the County
23 with notice that, in fact, he had been retained
24 representing the homeowners. The problem with
25 that is that a mere hour later I was sitting with

1 the same homeowner having a four-hour cordial
2 meeting with them, with no knowledge that they had
3 retained counsel. And, in fact, I was only
4 informed of that weeks later.
5 My point with this is that every step of the
6 process the applicant has done everything in their
7 power to negotiate, in good faith, the terms of a
8 covenant, their proposed site plan, their proposed
9 school. The same cannot be said from these
10 neighbors. I want to go through the covenant,
11 line by line, so you can see what we have done in
12 order to address every which one of their
13 concerns.
14 The covenant is before you and part of your
15 package. And, again, this covenant addresses all
16 the concerns raised to us back in December, and
17 have been negotiated, in good faith, with the
18 leaders of the now established association.
19 In addition to requiring that the property be
20 developed in substantial accordance with the
21 proposed plan, the covenant insures compatibility
22 with the residential area and sets forth an
23 operational plan for the school. This covenant
24 takes the very best from every controversial
25 zoning application in Miami-Dade County, the City

1 of Coral Gables, and the City of Miami. It is all
2 before you today in one document.
3 We are installing a 6-foot wall along the
4 south property line prior to the first building
5 permit.
6 We are putting an aluminum post fence to the
7 north and west. Remember, the east is the one
8 that is abutted by our own site.
9 We are constructing a circular drive at the
10 porte cochere made of pavers and similar
11 materials.
12 We require garbage pick-up Mondays through
13 Fridays, 9:00 a.m. to 9:00 p.m.
14 We will pressure clean the dumpster every
15 month and keep the dumpster closed when it is not
16 in use.
17 All outdoor lights will be designed to
18 prevent spillage in accordance with the County
19 Code.
20 We prohibit the storage of school buses,
21 large vans, any equipment, any storage, within the
22 parking area.
23 We are providing a point of contact with an
24 annual notice to all the property owners within a
25 500 feet radius so that they know who to contact

1 if there is ever any problem.
2 We prohibit the rental of the school, for any
3 commercial purposes, to third parties.
4 We are prohibiting exterior speakers,
5 prohibiting caricatures and all those other type
6 of items that you see at many daycares throughout
7 Miami-Dade County that might not be the most
8 attractive in nature.
9 We are prohibiting deliveries of heavy
10 trucks.
11 Signage is directed away from the east and
12 the south.
13 And the covenant sets forth an operational
14 plan that incorporates all the comments from
15 Public Works and our traffic engineer. We are
16 limiting the number of students. We are providing
17 two dismissal and arrival times. The hours of
18 operation are limited from 7:00 a.m. to 6:30 p.m.
19 There is daily drop-off and queuing procedures,
20 including the first three days of every academic
21 year there will be off-duty police officers on
22 site to make sure that parents, new parents,
23 understand what is required of them. Every parent
24 must sign this Operational Manual; every parent,
25 every employee, anybody doing business with the

1 school, so there is never any issues. And there
2 will be consequences if there is ever any issues.
3 Most importantly, parking is prohibited on
4 the swills and right-of-way. We have enough
5 parking, on our site, to deal with not only
6 stacking but any sort of the other type of
7 necessity to park.
8 School events where the entire student body
9 is allowed to invite a parent, or a guest, are
10 prohibited on site. Those will be located off
11 site, which is what the New Horizons School does
12 currently.
13 In preparation for the meeting that we never
14 had, as a follow-up to our February 8th meeting,
15 we prepared a line of site exhibit, aggreing to
16 plant a dense row of trees, 20 buffer trees, green
17 buttonwoods. They are used regularly by
18 architects, in addition to the CBS wall and the
19 6-foot hedge every fifteen feet on center to
20 provide a landscape buffer.
21 These are elevations and site plans of what
22 that would look like. Our goal, of course, is to
23 prevent noise, any sort of visual impact from the
24 building, which, again, is only two stories in
25 height, similar to any residential home in that

1 area.
2 Our request today is, again, to approve the
3 rezoning as it implements the CDMP low density
4 residential designation. This low density
5 residential designation specifically permits
6 neighborhood and community services, including
7 schools and daycare centers, at the site.
8 The CDMP provides that the County shall
9 consider factors, such as noise, lighting, odor
10 access, traffic, parking, height and architectural
11 elements, as well as hours of operation. All
12 those issues have been addressed in our covenant.
13 The approval of the unusual use, as well as a
14 special exception to permit a private school and
15 daycare, fully complies with Section 33-311(a)(3)
16 of the County Code. This is why we've earned a
17 favorable recommendation from your professional
18 staff.
19 The approval will not have the unfavorable
20 effect on the economy, generate excessive noise,
21 traffic, or tend to create a fire, or other
22 dangerous hazard.
23 The development of the property, with the
24 school, and six single family lots, will improve a
25 vacant lot. It will create jobs. It will provide

1 child care and educational services to families
2 within this same area. It will also help preserve
3 property values.
4 Noise is not an issue because the building is
5 setback, significantly, from the abutting property
6 owners. It will also be buffered by a wall, a
7 hedge, and additional trees.
8 Outdoor recreation in the playground will be
9 supervised and staggered throughout the day, as
10 required by the covenant, and the hours of
11 operation for the school are limited to Mondays
12 through Fridays. No weekend activities.
13 Your professional Public Works staff agrees
14 with our traffic engineer that traffic is not an
15 issue. The County's level of service is satisfied
16 by all adjacent roadways. Southwest 147th Avenue,
17 although it currently meets level of service, is
18 widening from two lanes to four lanes, doubling
19 its capacity.
20 The analysis of the abutting intersection and
21 driveways lead to level of service A, which means
22 traffic cannot get any better. It is a level of
23 service A.
24 Our analysis shows that sixty vehicles will
25 be entering the property during the p.m. peak hour

1 period. This means that between the hours of 7:00
2 a.m. and 9:00 a.m., one car will enter the
3 property every two minutes.
4 There is stacking for 22 vehicles, where on
5 average 11 may be required. This means that the
6 projected accumulation of cars is accumulated by
7 an average of over 245 percent, where only 100
8 percent is required by the County.
9 Last, at the December hearing, there was an
10 issue about prescribed fires at Tree Island Park.
11 I would like to submit into the record a
12 correspondence from Cynthia Guerra, Miami-Dade
13 County EO Program Director, where she confirms
14 that the DERM memo was incorrect, Tree Island Park
15 is not a natural forest community. A small
16 portion of the site is managed by the County's EO
17 Program, and the County provides notice to all
18 surrounding property owners prior to a prescribed
19 fire.
20 The reason for a prescribed fire -- the
21 reason why they are necessary, every three to
22 seven years, is to avoid catastrophic fires. So,
23 small portions of this park are burned every three
24 to seven years as part of the EO Program.
25 The decision to proceed with one of these

1 prescribed fires is done the day of, in order to
2 ensure that the wind conditions, the weather
3 conditions will not create any disruption to the
4 abutting surrounding residential property owners,
5 schools, roads, et cetera.
6 The bottom line is that Tree Island Park is
7 planned as an active park in which the County is
8 investing millions of dollars of public funds to
9 attract thousands of people to its park, to that
10 master plan I shared with you. There is no danger
11 associated with prescribed fires. In fact,
12 prescribed fires avoid catastrophic fires, which
13 is in all of our interest.
14 We are also requesting, as I mentioned, minor
15 non-use variances, to accommodate the proposed
16 plan. The County's professional staff has
17 recommended in favor of these variances pursuant
18 to 33-311(A)(4)(B) of the County Code. The
19 purpose is to provide curb appeal to the property,
20 protect children from the elements with that porte
21 cochere which requires a setback variance, and to
22 a staggered time in that outdoor recreational
23 area.
24 More importantly, Staff agrees that the
25 proposed school is surrounded -- is compatible

1 with the surrounding residential uses. It is
2 consistent with the CDMP that schools belong in
3 residential areas. They establish neighborhoods
4 by providing identity, they preserve property
5 values by attracting families. And, schools
6 within residential areas are nothing new.
7 This exhibit demonstrates that every public
8 and private school within 20 square miles of the
9 property is surrounded, on at least three sides,
10 by residential homes. There is a close-up here of
11 one of the many schools that are surrounded on all
12 four sides by residential homes.
13 This is Conchita Espinosa at Southwest 8th
14 Street and 127th Avenue. The bottom line is that
15 schools within residential neighborhoods are the
16 rule, not the exception.
17 In the case of this application, the school
18 has residential to the south and north, a major
19 section line road abutting it to the west, along
20 with a major County park further west, and it is
21 buffered from the residential to the east by its
22 own property, and six single family homes that
23 will be constructed.
24 We have done everything in our power to deal
25 with all the concerns raised. The covenant makes

1 that clear. Our efforts of our time makes that
2 clear.
3 I urge you to approve this application
4 consistent with your professional Staff's
5 recommendation, all the evidence that we have
6 placed on the record, both today as well as at the
7 December 5th public hearing. Our team is here to
8 answer any questions and we, respectfully, reserve
9 time for rebuttal. Thank you.
10 CHAIRMAN GOMEZ: Thank you. Before I open
11 this up to the public, I want to make sure that we
12 whoever is here to speak for and against this
13 application, please try and keep your responses
14 quickly and select two or three representatives
15 for each side to come and speak before the
16 Council, because I want to make sure that
17 everybody on this Council also has time to ask
18 their questions and get as much information as
19 possible before you put this to a vote.
20 So, first, I would like to open up the floor
21 to anybody that is in favor of this application.
22 MS. TAPANES-LLAHUES: We have just a few
23 people to represent the many.
24 CHAIRMAN GOMEZ: Okay. If they can just
25 please keep it as short as possible.

1 Please give your name and address. And,
2 also, make sure whoever is speaking here that they
3 were sworn in.
4 MS. RODRIGUEZ: Good evening. My name is
5 Lisette Rodriguez, and I live at 2245 Southwest
6 147th Court, Miami, Florida 33185. It is just
7 about seven or eight blocks from the proposed
8 school. And I'm not only a resident of this
9 neighborhood, I'm also a mother of a child that
10 attended New Horizon Pre-school for over five
11 years and I had a great experience with this
12 school.
13 What I don't understand is why -- this is an
14 application for a 200-children school. And the
15 opposition is making it sound, or with my respect,
16 is making you believe that it is a school of 2,000
17 children. It is not like that. It is not true.
18 Another fear is that traffic is going to get,
19 like, hectic. I mean, we have new roads coming up
20 to the surrounding area. And when new roads are
21 open, traffic gets better, not worse.
22 I please ask you to approve this application.
23 And, thank you.
24 MS. PINTO: Good evening. My name is Jasmine
25 Pinto. I live at 2332 Southwest 147th Path,

1 Miami, Florida 33185.
2 I'm here because I really do not understand
3 anything of what everybody has been talking about,
4 the zoning and stuff like that. I really don't
5 understand. The only thing that I do understand
6 is that I'm a mother, I'm a single mother, I have
7 two small kids, and my kids attended to Mrs.
8 Helen's school for three years, and that's family.
9 I don't have any family here. My family has
10 become their school. And my kids can't be in
11 better hands. So, that's the only thing that I
12 can say here. It is very, very close to my house.
13 I work alone, so I really need somebody close so I
14 can keep working. Thank you.
15 MS. GARCIA: Hello. My name is Katherine
16 Garcia. I reside at 14814 Southwest 82nd Terrace,
17 Miami, Florida 33193. I'm a parent of a
18 two-and-a-half-year-old child that attends New
19 Horizons Pre-school. Both my husband and I are
20 elementary school teachers. When my son was only
21 one year old, we needed to find a school to place
22 him in, and we instantly fell in love with New
23 Horizons. From the moment that we walked in, we
24 felt the love and the care that they have.
25 When I dropped him off, I thought I was going

1 to be hysterical, to be honest with you, dropping
2 off my son for the first time. But, surprisingly,
3 I walked away calm, because I knew that I had
4 dropped him off at a loving, caring place.
5 What I mostly wait for, at the end of the
6 day, is to go and see how the teachers interact
7 with my child, and it is amazing. I can't wait
8 for them to tell me a little story about his day
9 and what he did. There aren't enough words that
10 can express how much I care for New Horizons. Now
11 my son gets dressed in the morning and can't wait
12 to go to school. As we are approaching the
13 school, he sees the school and he says, "Mi
14 escuela." And what more does a mother want than
15 for her child to have this love for the school
16 that he attends.
17 So, I'm asking for you to please approve this
18 application. Thank you.
19 MS. DAVILA: Good evening. My name is
20 Gwendolyn Davila. I reside at 15663 Southwest
21 10th Street, Miami, Florida 33194.
22 I have two little girls. My first began when
23 she was two years old at New Horizons, my second
24 one when she was three months old. I'm an
25 educator. When I went into that school I felt the

1 love that they provided. Today, I feel like
2 family to every one of the employees that have
3 gone through there. I can tell you that their
4 quality of education surpasses what I have seen in
5 all public school, including my own, which is a
6 very good school. My oldest came out of there
7 going into a team class, which is a very good
8 thing to say about any pre-school. And I know
9 that my second will do the same. The quality of
10 their education is phenomenal, the love that they
11 give, the security that they provide the children,
12 and I urge that you allow this school to be placed
13 in that location, for the simple fact that it is
14 an asset to our community. It is something that
15 we, as residents of the area, look forward to so
16 that we can continue for many years in this
17 beautiful location. Thank you.
18 MS. TAPANES-LLAHUES: Thank you.
19 CHAIRMAN GOMEZ: Thank you.
20 Now, I would like to open the floor to
21 anybody in opposition to this application.
22 MR. GIBBS: Good evening. My name is Tucker
23 Gibbs with law offices at 3835 Utopia Court in
24 Coconut Grove. And tonight I'm here representing
25 the West Dade Homeowners Coalition, and Ernesto

1 Frye who is a neighbor of this project.
2 I would like to have a little more time
3 because I'm going to be speaking for the group,
4 and be followed by Mr. Mark Alvarez, who is our
5 urban planner; Mr. George Arango, who is a
6 resident, Alicia Bourdon and Raul Pino, not the
7 Raul Pino from the County. And, then, we'll
8 conclude with Mr. Frye.
9 So, I want to let you all know that my
10 clients do object to this application. But
11 Ms. Tapanes was correct, we agree that the
12 rezoning is not the issue here. The issue is the
13 school. My clients have no problem with
14 residential use behind them, at this same density
15 and intensity that they have. That is what is
16 being proposed.
17 The issue for them is the school because the
18 school, quite frankly, is in the wrong location.
19 It is contrary to the County's guidelines to urban
20 form and the comprehensive plan, and the school is
21 too big for this particular location.
22 It is inconsistent with the goals, objectives
23 and policy of the comprehensive plan, the CDMP,
24 and it does not meet the review standards that are
25 set out in the zoning code for special exceptions

1 and unusual uses, and for the three non-use
2 variances.
3 Excuse me, I have a cold and I apologize for
4 my scratchy voice. As I said, it is not the right
5 location. The project is too big for the
6 neighborhood. The CDMP, specifically, says the
7 development must be compatible with the
8 neighborhood. And that is what the issue tonight
9 is going to be about, it is compatibility and how
10 you all determine it by applying the standards in
11 the Comprehensive Plan, and applying the standards
12 that are in the zoning code in the criteria.
13 A key element in the Comprehensive Plan, and
14 the CDMP, is the guideline to urban form. And our
15 urban planner will be discussing that in its
16 application. But the key concept in the CDMP is
17 to preserve -- and this comes out of the CDMP
18 itself, to preserve sound and stable residential
19 neighborhoods.
20 I would like to consider that -- I represent
21 a lot of residential neighborhoods in these
22 matters. I would like to consider it a prime
23 directive. It is the one thing that is important
24 about residential neighborhoods. It is the only
25 mention of residential neighborhoods in that

1 particular provision of the Comprehensive Plan.
2 And Objective Land Use 4 seeks to reduce
3 inconsistent land uses with the surrounding
4 community. And Staff acknowledges that the
5 importance of the Land Use Policy 4-A, which says
6 that in evaluating compatibility, the County shall
7 consider factors such as noise, lighting, odor,
8 access, traffic, parking, height, bulk, scale,
9 buffering and safety, among others.
10 But the Staff, in its Staff Report, and this
11 is very important, because this is the problem
12 here. The Staff talks about that one policy, but
13 does not talk about Land Use Policy 4-C, which
14 states that, "Residential neighborhoods shall be
15 protected from intrusion by uses that would
16 disrupt and degrade the health, safety,
17 tranquility, character, overall welfare of the
18 neighborhood, which might create excessive
19 density, noise, glare, odor, vibration, et cetera.
20 What does all that mean? It means that if
21 something is put into a residential neighborhood,
22 even a school, which is allowed under a special
23 exception to be in a residential neighborhood,
24 what you all have to do is look at it and say,
25 "Does this particular use disrupt that

1 neighborhood? Does it degrade that neighborhood?
2 Does it increase traffic?" I'm not talking about
3 level of service. It doesn't say level of service
4 here it says degrade what is there. That is a
5 residential neighborhood.
6 So, that particular land use policy is
7 something that was never addressed in the Staff
8 recommendation.
9 In addition, Land Use Policy 4-D says, "Okay,
10 supportive but potentially incompatible uses are
11 allowed," which could be a school that may
12 degrade, "only where proper design solutions can
13 and will be used to integrate the compatible
14 complimentary elements," the good stuff, "and
15 buffer the incompatible stuff, the bad stuff."
16 And, so, what Ms. Tapanes has said is that
17 they have a covenant that is going to do all that.
18 My position, from a legal perspective, and I
19 know the County disagrees with me, but you're
20 getting a covenant in promise to rezoned property,
21 and that is contract zoning, and that is illegal.
22 The County has done it for years, I just want
23 to put it on the record, that putting something
24 like that in a contract is inappropriate.
25 Here the applicant seeks to shoehorn in an

1 oversized school into a too small property. And
2 how do we know that it's too big? Because it
3 needs three non-use variances, and these non-use
4 variances are not minor. And that is the only
5 reason why they can build this building on the
6 site, because they have a setback variance, they
7 can put their porte cochere in, and I understand
8 that porte cochere is to cover the children from
9 the elements.
10 But the issue is, it speaks louder. That
11 property is too small. They should be able to
12 build their school without any variances, and
13 especially the variance for open space. They are
14 required to have over 21,000 square feet in open
15 space -- open recreational space, and they have
16 11,000. That's almost half. They want a variance
17 for almost their required recreational open space.
18 Now, look at -- the proposed school includes
19 200 students, 20 teachers and staff on property
20 that will accommodate six homes. I want you to
21 think about that. 200 people, individuals,
22 utilizing that property every day, five days a
23 week, where there would normally be six single
24 family homes. This is a marked increase in the
25 intensity of the development of this property,

1 and, yet, Staff deems it is compatible with the
2 surrounding homes without acknowledging how this
3 overstuffed school, stuffed in this residential
4 neighborhood preserves, as I said before, this
5 sound and stable neighborhood, because that is
6 what the Comp Plan says you need to find, that it
7 preserves that neighborhood, and without
8 acknowledging how this neighborhood is being
9 protected, by the more intense use that will
10 degrade and disrupt the safety and tranquility, et
11 cetera, that we had talked about in the
12 Comprehensive Plan.
13 By its size, the parking, up against
14 residences, there's 220 student and staff coming
15 and going, coming and going, five days a week.
16 And none of the departments, and you heard Staff,
17 you have seen the Staff Report, Staff Report says
18 that they've relied -- the Planning Staff has
19 relied on the Public Works Department, on Solid
20 Waste, on DERM, and on the entire department. And
21 they said that those reports, specifically, show
22 that this project is compatible. But when you
23 look at those reports, those reports do not
24 mention the Comprehensive Plan, they do not
25 mention the standards for the non-use variances,

1 they do not mention neighborhood compatibility.
2 Nowhere, on any of those reports, is any of that
3 ever mentioned.
4 Now, the Zoning Code requires the applicant
5 to meet the standards for a special exception or
6 unusual use for a school or for the use -- for the
7 use for the child care center. That provision
8 requires a showing that the applicant doesn't have
9 an unfavorable impact on the economy of the
10 County, it wouldn't generate excessive noise,
11 traffic, or otherwise burden public facilities,
12 that it wouldn't create a fire or other hazards,
13 it would not promote excessive overcrowding or the
14 concentration of people.
15 And, then, it says something very
16 interesting, and I think it is the most important
17 point, and that is why I'm bringing it up. It
18 says, "When considering the necessity for and the
19 reasonableness of the exception or use," so they
20 are looking to say the necessity for the school
21 and the reasonableness for the school in this
22 location, in relation to the present and future
23 development of the area, and the compatibility of
24 the area. And that's the important thing.
25 Is this school necessary? And you're going

1 to hear testimony that this school is not
2 necessary, that they are building schools, many
3 schools, and there are a lot of schools in this
4 neighborhood, and you are going to hear about
5 that.
6 So, Staff says it is okay because Public
7 Works, DERM, the fire department says it is okay.
8 But those memos failed to mention those review
9 standards, as I said before, Staff says it is okay
10 because the school plants trees, and a hedge, and
11 built a 6-foot wall with its residential
12 neighbors, but what about the increase in
13 intensity? Instead of six houses on this parcel,
14 the neighbors are going to get 220 students,
15 teachers and staff, increased non-residential
16 traffic on those residential streets. I don't
17 know how many of you may have ever driven down
18 there, those are narrow streets. Those are very
19 narrow streets. You're going to have moms and
20 dads dropping their kids off and leaving, coming
21 back from work, and picking those kids up, and
22 driving on those narrow streets. They may be
23 late, they may be speeding. There is a potential
24 safety problem there.
25 Is this reasonable? Is it compatible?

1 The Zoning Code requires a 25-foot setback
2 from the side street on 15th Street. The school
3 wants a 6-foot setback for their porte cochere.
4 They want no parking or drive aisles -- the school
5 wants no parking or drive aisles within 25 feet --
6 excuse me. The requirement is no drive aisles or
7 parking within 25 feet of the right-of-way, which
8 is 15th Street. The school wants both. They want
9 to have it all. 21,000 square feet of
10 recreational open space. The school wants just
11 about half. The standards for that non-use
12 variance are basic.
13 To give a non-use variance, you have to make
14 a determination that that non-use variance
15 maintains the basic intent and purpose of the
16 zoning regulations. In general, to promote the
17 general welfare of the public as it affects the
18 stability and appearance of the neighborhood.
19 And, number two, you have to determine that
20 the non-use variance is otherwise compatible with
21 the surrounding area, and not detrimental to it.
22 Now, Staff says that the non-use variance
23 for the drive aisles, and the 25 feet nearest to
24 15th Street, and the reduction by 50 percent of
25 the open space recreation area is important,

because that is what allows the school here.

Now, think about that. Without those variances, a school would be inappropriate there. And you are being asked to waive those requirements to allow a school in. That means you were asked -- they are asking for a bigger school than that property can allow, and that is the issue. That is the issue. They need the variances to operate because it is too big.

Any variances negatively impact this area. The drive aisles and parking at the entrance at Southwest 15th Street is very narrow, and I don't know if I have a site plan here, or not. I do not. But you all know the stacking is only five cars. Five cars. Mr. Garcia is a very good traffic engineer. I'm not going to argue with him, but I'm going to say that sometimes you can look at a pretty picture and you can say five stacking spaces and wonder how 220 students, and staff, and teachers, are going to be able to fit in there in the morning, coming in the morning.

Public Works has already evaluated the level of service and the traffic going in in the afternoon, but I haven't seen anything about the morning, and Mr. Garcia, I know, will speak to

1 that.
2 The issue is that the narrow -- the variance
3 requires it to be a much more narrow and shallow
4 entryway, and that creates more -- less stacking
5 internally and, possibly, more parking out on the
6 street, because people are going to be in line.
7 Don't kid yourself. Every person up here I know
8 understands how schools operate, have been around
9 schools zones, have seen the stacking on these
10 schools. The Staff only mentions, by the way,
11 visual impacts. That is the only impacts Staff
12 mentions in their Staff Reports. Nothing about
13 noise, nothing about anything else. They talk
14 about visual impacts, but the schools have less
15 internal stacking, more idling cars waiting on
16 147th. The 50 percent reduction on recreational
17 open space is contrary to the basic intent and
18 purpose of those zoning regulations. That Code
19 provision clearly states its intent. That Code
20 provision provides a formula about how many
21 students you have and how much open space and
22 recreation open space you need per student. And
23 that is why it is 21,000 square feet. And those
24 numbers are minimum numbers.
25 In section 33-151.18, that section says those

1 are minimum standards. And you are being asked to
2 take those minimum standards and cut them in half.
3 But the intent in the Code is clear. It says
4 they are minimum standards. It is my position
5 that you cannot change that. The intent in the
6 Code is clear, and that is what you have to apply.
7 And Staff ignores the intent without any
8 authority and determines that the minimum
9 standards can be ignored if PE classes can be
10 staggered, if you can take the kids out in a
11 staggered fashion.
12 When I went to school, that is the way you
13 did it. Every class was staggered, and you didn't
14 have everybody in the school going out at once,
15 and using the recreational field. They knew that
16 when they wrote these provisions of the Code.
17 They know that you're not going to send everybody
18 out. And, yet, the Code is clear, that you have
19 these minimum standards.
20 So, our position is very clear that this
21 application should be denied insofar as the
22 request for a school and daycare center, because
23 the proposed location isn't appropriate, the
24 school and daycare center are incompatible with
25 the neighborhood, the special exception use

1 approvals do not meet the standards, and neither
2 do the non-use variances.
3 Please, don't buy into the idea that this is
4 a small school, and don't buy into the idea that
5 they'll make it smaller. This is about getting
6 their foot in the door. Once you allow a school
7 here, once you allow a school here, it is there.
8 And for anybody to tell you it is only going to be
9 200 students, I represent a lot of neighborhoods
10 who fight schools, because schools come in and
11 they promise the moon, and when it comes down to
12 it five, ten years later, they want 100 new
13 students, or 200 new students, they want to go
14 vertical, and that is the problem here. No school
15 is going to tell you that they won't -- no school
16 will not expand. They may tell you that. You may
17 put conditions that they can't expand, but they
18 will still come back to a different Community
19 Council -- you all may not be here, but they'll
20 come back and they'll say, "But we need to change,
21 we need to grow."
22 Approving this now just guarantees the
23 traffic, noise, the other problems that are going
24 to exist today will exist in the future and may be
25 even worse in the future.

1 Please, just say no to this school, approve
2 the rezoning, let them build houses, like all
3 these people who live in this neighborhood
4 expected when they bought their homes here.
5 Thank you very much.
6 COUNCILMAN GARRIDO: There is no clapping,
7 please. There is no clapping, please.
8 MR. ALVAREZ: Good evening, Chairman, and the
9 Board. Thank you for the time.
10 My name is Mark Alvarez. I'm a professional
11 planner. I have been retained to review this, and
12 I'm going to speak to you tonight on, basically,
13 two issues. One, is that the school is in the
14 wrong place, and I want to speak to you in the
15 context of what you have before you for the
16 permits, and your approval criteria. And the
17 other is that it is too large of a school for the
18 site that it is on.
19 I will be -- although that sounds repetitious
20 of Mr. Gibbs, I'm going to speak to you in a
21 little bit more plain fashion about it.
22 First of all, can you see the map? I didn't
23 think so. Can I bring it up?
24 I'm a planner. Of course, we want schools
25 near residential neighborhoods. That is a given.

1 When schools are near residential neighborhoods,
2 children can walk to the schools, there is less
3 traffic impacts, there is less transportation
4 needs. I mean, there is every reason, especially
5 for safety and students going to the school by
6 walking, and biking, and to allow the school to
7 become part of the neighborhood.
8 However, the Comprehensive Plan has created a
9 guideline for urban development. And that
10 guideline says that school ideally go in certain
11 places. So, because we want a school that is hear
12 the residential neighborhood doesn't mean we put
13 it wherever we want.
14 So, what happens here -- I'm going to have to
15 step up and do this because I need to point to
16 things -- can you see that? Do you mind if I step
17 up to point?
18 CHAIRMAN GOMEZ: Go ahead.
19 MR. ALVAREZ: The Guidelines for Urban Form
20 tell us a few things. Well, first of all, this is
21 terrible lighting -- are you sure you can see
22 this? I want to try this.
23 I want to start with the section that is just
24 to the east of the section that we are talking
25 about. This is here. The Guidelines for Urban

1 Form say that each section is defined by the major
2 arterial or the section line roads. So, just
3 starting with the east, because this is a better
4 example, this is from -- I'm sorry, this would be
5 on the east side of 137th, so between 137th and
6 127th is this section I want to look at for just a
7 moment, and then for comparison.
8 So, if we look at that, we have this section.
9 And, then, what the Guidelines for Urban
10 Development say is we may also have these half
11 section line roads, which are somewhat in yellow
12 here. That may divide it, as long as they don't
13 disrupt development or community. And in the
14 typical pattern, which is shown by this diagram,
15 that we have nodes at the intersection of the
16 section line roads, and the nodes have the
17 commercial development.
18 In between here, along the corridors, we may
19 have -- we, typically, have some commercial. It
20 was supposed to be higher density residential,
21 some semi-public and public uses, and possibly
22 office where there is transit.
23 So, here, and again this lighting is really
24 impossible, but there are commercial nodes at
25 these corners.

1 Then, in the interior is the residential,
2 which is mixed residential, different densities
3 are allowable and desired. But at the center is
4 the section center, and the section center is what
5 is ideally supposed to be the place for the public
6 uses. And that happens to be right here.
7 Just to the east, that section to the east of
8 127th, 137th, we have Joe Hall school and the
9 Tamiami Park together. And why is that important?
10 Well, yes, it is a park, as we've heard about that
11 before, co-located with a school, but across from
12 it, is multi family. And there is only on two
13 sides there is single family residential. This is
14 actually well planned out. There is transit
15 running through here. It is at the intersection.
16 So, it is actually at a center that was intended
17 to be -- it was planned for a school. So, it
18 doesn't actually sit in a place where it's
19 interrupting a neighborhood.
20 So, we go over to where we are talking about
21 now, and the site, the entire site, is right here
22 along 147th. And the section for this is 137th to
23 147th. And Ms. Tapanes said 147 is a section line
24 road. It will be a major corridor at some point,
25 and that's true.

1 But, if you could see this map, you would
2 realize that this -- the platting, and the
3 planning, and how this has been laid out, follows
4 the Guidelines for Urban Development. Here, that
5 is not so.
6 In fact, the intersection, if it were
7 intended to be at the center, will never happen,
8 because Southwest 18th doesn't go across the
9 canal, there is properties in front of it, it's
10 never going to going across the park.
11 They are saying it is at the edge. It is at
12 sort of the commercial corridor, not the best
13 place for a public use like that, but acceptable,
14 and it is near a park. But the problem is, you
15 know, if you drive down the neighborhood, you
16 listen to everything that was presented, and it
17 sounds rights, and then you drive through and you
18 say, "No, no, something is wrong here." And the
19 reason is that it wasn't planned out, like this
20 section over here. It wasn't planned out to have
21 that school as the center of the community.
22 In fact, what we have here is an area that
23 was clearly -- if you look at your maps and
24 aerials, and the GIS pages from the County,
25 clearly platted to be single family residential.

1 Everybody moved in there expecting homes to be
2 around them.
3 So, it really doesn't fit this pattern. We
4 are sort of -- it is a very tortured kind of
5 situation because, yes, it is along the section
6 line road, but it is not fitting this pattern. It
7 is north really where the school can go, and it is
8 obvious when you drove down there, you realize
9 you are in a place that was platted for single
10 family homes.
11 So, in fact, it really isn't in the right
12 place. There are plenty of other places for it.
13 This area is still developing. There is a lot of
14 vacant space. There are quite a lot of other
15 schools. And it is platted for single family
16 homes. So, we are not taking away the use of the
17 land. That land could be developed as homes, just
18 as easily, and it was intended to be developed for
19 homes.
20 There is no real rationale for the school
21 being there. It is stuffed into a place that it
22 really shouldn't be, and there are better places
23 for it.
24 The second point is the size of the school.
25 Mr. Gibbs used the term shoehorn. That was the

1 word I was going to use. And, in fact, you know,
2 in our current day in age, it is not, necessarily,
3 a large school. There are so many large schools
4 in this County that this one is not truly a large
5 school, but it is not a small school either. This
6 is not a very -- 200 students is still a fair size
7 school.
8 Joe Hall Elementary, as an example, over in
9 the other section, has about 600 students and it
10 is on about almost seven acres of land, and it has
11 a park next to it. We have a school with 200
12 students, stuffed into a single family residential
13 area. It has only one acre, and it has 200
14 students. It is quite shoehorned in there. And
15 that is when we get -- and Mr. Gibbs went over
16 this non-use variance. It really has come out of
17 that. Why do we have the porte cochere that is
18 too close to the right-of-way? Why do we have the
19 driveway that is too close to the right-of-way?
20 Why do we have too little recreational space?
21 Well, it's simply because the school is too big.
22 And, in fact, an architect might get up here and
23 say, "Well, we need this building to be a certain
24 size. We want double-loaded classrooms, et
25 cetera." That is all true. But if you think

about it, if the school has half as many students, if it were to be located there, and we don't think it should, but let's say it was half as many, then, suddenly, the parking that is stuffed into the back, you don't need that much parking, and the building can move.

So, no matter how you want to cut the pie, the reason for the non-use variances, and the reason they are there is because the school is shoehorned into the property. There is no desire to use some of the property that is owned under the same ownership to the east. I don't know why. But it is stuffed into a very small lot.

So, simply, we think it is not in the right place, there are better places for a school, and it is too large for that lot.

Thank you very much.

CHAIRMAN GOMEZ: Thank you.

MR. ARANGO: Good evening, Chair, Councilmen, Councilwoman, my name is Jorge Arango. I'm a police officer, but I live in the immediate vicinity of where the proposed daycare is trying to be built.

I'm here not as a police officer but I'm here as a concerned citizen, and a neighbor, on behalf

1 of over 200 members that we have from the
2 neighborhood. And the one thing that I would like
3 to start off -- for the record, I wasn't sworn in.
4 If I could be sworn in, please.
5 THE COURT REPORTER: Do you swear the
6 testimony you're about to give is the truth, the
7 whole truth, and nothing but the truth, so help,
8 you, God?
9 MR. ARANGO: I do.
10 On behalf of my neighbors, we do not oppose
11 the school. We just oppose the location. It's a
12 great school. We are familiar with the school.
13 There is two New Horizons in the immediate area,
14 one off of 142 and Coral Way, and there is one
15 that is currently next to some of the individuals
16 that spoke, off of Coral Way and 149 Avenue. So,
17 the school is a great school. We are not opposing
18 the school itself, just the location. I wanted
19 to make that clear.
20 One thing that I'm going to talk about and
21 discuss, and I'll try to make it as brief as
22 possible, is traffic, traffic and traffic. We are
23 all mostly parents here, and grandparents, and
24 deal with schools, and driving to and from Miami,
25 and I know that at any given moment you can go by

1 any school and see that there are traffic
2 concerns. The same traffic concerns that you have
3 at these schools are the same places where they've
4 had traffic engineers, and no disrespect to
5 Mr. Garcia, the same traffic engineers that
6 studies that were done there, however, we have
7 cars that are parked all over the properties in
8 the adjacent areas, traffic that is backed up and
9 overflowing on the roadways. And in law
10 enforcement, a lot of the most -- one of the most
11 concern, comments and problems we have is traffic,
12 traffic -- traffic-related concerns, when school
13 opening, you know, people park and causing delays
14 on the roadways, and it is very typical that, at
15 any given moment, day, afternoon or night, you can
16 go by, like I said, most schools and find traffic
17 concerns and issues that are there.
18 My family and I moved to this new area within
19 approximately a year, and we were very selective.
20 We had an area where we believed, before where
21 traffic was a big problem, there was,
22 approximately three to four traffic crashes on our
23 property. They knocked over our mailbox about
24 three times. And we were at risk, at any given,
25 moment with the traffic overload. So, when we

1 chose the home that we live at now, we are very,
2 very selective and we chose this new property
3 factoring in -- one of the factors was, obviously,
4 traffic concerns and shying away from that.
5 So, we moved into this new property to avoid
6 some of the issues that are trying to be presented
7 and forced into that area -- into that residential
8 area.
9 And I know, on behalf of the neighbors, we
10 share the same concerns, that we purchased a lot
11 of these home recently, fairly new homes within
12 the area to avoid those concerns.
13 I've also done volunteer work in a lot of the
14 schools. And, again, the reason the volunteer
15 work -- a lot of the issues at volunteer schools
16 are to address traffic concerns, and parents, and
17 the drop-off and pick-up, at any one of these
18 schools. And a lot of these schools have been in
19 existence far a while. They are not the new
20 schools. They have policies and procedures that
21 have already been in place, and generations have
22 gone through these schools already, with the same
23 rules and policies that they are trying to
24 implement in this school. However, they are still
25 problems -- there are still problems dropping off

1 and picking up, and you're looking at 200
2 students. That is 200 students, that means
3 dropping off and picking up, that is twice. And
4 if you are looking at, you know, dropping off and
5 piking up you're looking at 200 students a day.
6 In addition to the four lane traffic that is
7 going to be their entrance and exits coming into
8 the park, which is adjacent to it, the traffic is,
9 obviously, an issue that we deal with on a daily
10 basis, at any given moment. And to bring this
11 daycare, at that particular location, will have an
12 adverse effect on our community, our quality of
13 life, and it is not a place for the school to be
14 placed.
15 Mrs. Tapanes had mentioned, at the first
16 hearing, that a school is necessary in a
17 residential area. They are. We do believe that,
18 but so are cemeteries, and so are prisons, just in
19 the right locations. They belong in certain
20 spots, not in a spot that is not designated for a
21 daycare when it is, primarily, residential all
22 around in the immediate area.
23 I just ask that you listen to, you know, the
24 voice of the people and let our voices be heard
25 and recognized. Thank you.

1 COUNCILMAN GARRIDO: Mr. Chair.
2 CHAIRMAN GOMEZ: You are recognized.
3 MS. TAPANES-LLAHUES: Mr. Arango, I need to
4 ask you a few questions.
5 COUNCILMAN GARRIDO: Mr. Chair --
6 CHAIRMAN GOMEZ: Go ahead.
7 COUNCILMAN GARRIDO: In essence of time, and
8 I'm the one here caught because I was the one
9 that, essentially, gave the first deferment that
10 there was going to be time, and, you know, we've
11 heard this before. I know the school has
12 contracted a new counsel, and the neighbors have
13 contracted. But, I was the with that deferred.
14 In fact, I pushed for deferment on the last -- in
15 December. And, hopefully, we can move a little
16 bit quicker and try to get it because I think we
17 got a lot of questions. I really feel bad about
18 the other applicants who came here that we
19 deferred the first application. Gosh, I guess you
20 were right, Mr. Caceres, we should have deferred
21 it.
22 But, at any rate, we've heard everything. I
23 mean, personally, I've heard everything from the
24 opposing counsel in December. And this is really
25 why it wasn't deferred to be explained again.

1 Hopefully we can move quicker and get our points
2 of views, and we'll take a vote, or defer it,
3 because that might be the case, but we are a
4 little bit long now.
5 COUNCILMAN CACERES: Mr. Chair, just real
6 quick. I think that we need to hear Ms. Tapanes'
7 Cross-Exam of -- just because I would hate for a
8 procedural issue to come back.
9 COUNCILMAN GARRIDO: Yeah, yeah.
10 MS. TAPANES-LLAHUES: It will be brief.
11 Just, for the record, I have to ask you, are
12 a traffic engineer?
13 MR. ARANGO: No.
14 MS. TAPANES-LLAHUES: Do you have a
15 resolution from an association saying that you are
16 representing them and speaking on behalf of 200
17 people?
18 MR. ARANGO: No. They are here in the
19 community -- in the petition in reference to that.
20 MS. TAPANES-LLAHUES: But you were not -- you
21 were not chosen as their representative?
22 MR. ARANGO: Not their representative, no.
23 MS. TAPANES-LLAHUES: And Southwest 147th
24 Avenue, you live within the same block of What is
25 going to be a four lane major section line road.

1 MR. ARANGO: Yes, very close to there.
2 MS. TAPANES-LLAHUES: Thank you.
3 MR. ARANGO: Thank you.
4 COUNCILMAN GARRIDO: I mean, I don't
5 understand the Cross-Examination. This is a
6 zoning hearing. I mean that is -- anybody -- I
7 mean, anybody can come here from Fort Lauderdale
8 and speak on behalf. It doesn't have to be --
9 we've never had this on this Board. We've never
10 had a Cross-Examination.
11 MR. ARANGO: Thank you for recognizing that,
12 sir.
13 COUNCILMAN GARRIDO: I don't think it is
14 right. It was done, and it is fine.
15 COUNCILMAN CACERES: Mr. Garrido, I think our
16 legal counsel will tell us that applicants have
17 the right of Cross-Examination. I think that is
18 one of the comments that we read at the beginning,
19 and I think that it was important to hear.
20 MS. TAPANES-LLAHUES: This was not
21 adversarial.
22 COUNCILMAN GARRIDO: I mean, the
23 Cross-Examination, for me, personally, is not
24 going to make it one way, or the other. I mean,
25 there are facts --

1 COUNCILMAN CACERES: I understand that, sir.
2 I just didn't want, procedurally, I would hate for
3 not following a procedure.
4 COUNCILMAN GARRIDO: I hear what you are
5 saying. We are a quasi judicial board. We are
6 not a court of law.
7 CHAIRMAN GOMEZ: Let's keep moving.
8 Anybody --
9 COUNCILMAN GARRIDO: That's fine, you can
10 have your rebuttal.
11 CHAIRMAN GOMEZ: Is this your final rebuttal?
12 Any more objectors? One more.
13 MS. JORDAN: Good evening. My name is
14 Alicia Jordan. I'm a resident at 14479 Southwest
15 15th Street. And I do have a couple of issues
16 here with people that I've heard from, you know,
17 saying that we want the school, that school is the
18 best school, blah-blah-blah. Actually, I agree
19 with them. The school is perfect but there is a
20 couple of problems here. These people might not
21 live on the same street that I live, where I'm
22 going to have to deal constantly in 15th Street.
23 I'm a mother, I'm a teacher. I have a seven year
24 old and a five year old. I take my children to
25 school and whatever they say that the traffic will

1 work, it is never going to work. You know what?
2 I parking in an illegal spot because there is no
3 spots in the school that I take my children. When
4 they promise, at the beginning of the, year they
5 were going do have a police, they were going to
6 put people in there, guess what? They did it
7 three days, so now we are talking.
8 Now, it is not only this. Every single
9 neighbor in there -- those streets are very
10 narrow, the lots to the south of the parcel are
11 140 deep --
12 COUNCILMAN GARRIDO: Mr. Chair, we are going
13 again -- and I understand, ma'am, we understand --
14 I think we going, again, you know, going around
15 and around in circles.
16 MS. JORDAN: Exactly.
17 COUNCILMAN GARRIDO: I think we should put
18 this matter behind us. You have two minutes, you
19 speak out and I'm not going against you, we are
20 just going to be here all night, we know that
21 there are streets, they give you the testimony and
22 now LOS, we know the corners. I mean, we know
23 everything, ma'am. But we trying to move forward
24 here?
25 MS. JORDAN: Well, I only have a few words

1 to tell you all.
2 COUNCILMAN GARRIDO: You are taking too much
3 time.
4 MS. JORDAN: Twenty seconds, please. I only
5 have a word to tell you all sitting down on this
6 table, to consider this an issue, and to please do
7 not allow it that school to be built in that area.
8 MR. FRYE: Thank you, guys. I'm sorry for
9 taking more of your time then what is needed here.
10 COUNCILMAN GARRIDO: Name and address.
11 MR. FRYE: My name is Ernesto Frye. I'm a
12 representative of West Dade Homeowners Coalition,
13 and the neighbors here opposing this daycare. I
14 live at 14611 Southwest 16th Street. I would like
15 to step up just to give you guys this book so you
16 guys can use it for the record.
17 CHAIRMAN GOMEZ: Okay.
18 COUNCILMAN CACERES: Mr. Gibbs, do we have a
19 copy for staff?
20 MR. FRYE: Yes, we do. When we first started
21 this organization -- when we first started this
22 first hearing, December 5th, we weren't organized.
23 And, for the record, I would like to show all the
24 homeowners, and residents, and neighbors, who are
25 opposing the daycare to please rise -- inside the

1 neighborhood -- inside the neighborhood.
2 Thank you very much. Now, these are the
3 individuals that are inside, in the community,
4 directly next to or will be affected dramatically
5 by the traffic, which you guys already know, and
6 the subject has been beat down, so I'm not going
7 to go into it anymore.
8 But, in this book, I tabbed everything so you
9 guys can review it at your own time, but I would
10 like to focus on two things; one, is the setbacks,
11 the second tab. Those are the setbacks that they
12 are specifying for this. You guys already know
13 what it is, but I wanted to show the pictures so
14 you have a visual. I'm a visual person, and I
15 like to see things on paper before making my
16 decision. I figured I can post that for you guys.
17 The proposed location, the tab Proposed
18 Location, so you guys see the area, is not
19 completely developed yet, which explains the
20 reason why this will be a low density area. We
21 are a brand new neighborhood. So, we are still
22 working on that. You guys can see where the
23 parcel will be.
24 On the Bond Plan, I wanted to show that we
25 have big plans for West Kendall. 149th Avenue and

1 Coral Way, we are going to have another school
2 that is going to be built there, from K through
3 5th, and I don't know the number that is going to
4 be attending that yet, it hasn't been released.
5 But, again, another school from K through 5th on
6 149th Avenue closer to the residents that are here
7 now, that was in favor of the school.
8 Next, I have the process number 12-128. That
9 is another school that will be built on 152nd a
10 charter school, for 3,000 students. That is Pre-K
11 through 12th grade for 3,000 students. That is
12 going to accommodate the area. It's a charter
13 school, by the way. And there is the plan for
14 that and the location so you guys can have a
15 visual aspect of that, as well.
16 COUNCILMAN GARRIDO: Can we have something
17 here put on the record that -- is this going to
18 come before our Board, this Letter of Intent here?
19 MS. CARRANZA: If you can give me a couple of
20 minutes, I'll look and see on what date.
21 COUNCILMAN GARRIDO: Can we look at this if
22 it's coming, hopefully, before our Board? I mean,
23 we can look at it because it is in the system, but
24 can he speak on behalf of it? I mean, can he
25 mention anything on it? It's 8th Street and

1 152nd. I don't know whether it is north or south
2 of it, because if it is, I don't want him to speak
3 anymore in terms of this application, your opinion
4 on it.
5 MS. CARRANZA: Through the Chair, this is
6 north.
7 COUNCILMAN GARRIDO: It is in our district?
8 MS. CARRANZA: I'm still going to check.
9 COUNCILMAN GARRIDO: If it is, you can't
10 speak one more word of it.
11 MR. FRYE: I'll skip the rest of it.
12 COUNCILMAN GARRIDO: Or anything, for that
13 matter, if it's coming before our Board.
14 MR. FRYE: Okay.
15 COUNCILMAN CACERES: Please understand why he
16 is saying that. If we get information, without
17 that applicant being here, and we form an opinion,
18 based on something, without that applicant having
19 the right to rebut anything that you may say or
20 that you may -- procedurally, we want to be able
21 to vote on that. And, potentially, we could end
22 up all having to recuse ourselves.
23 MR. FRYE: Wow.
24 COUNCILMAN CACERES: Please understand, it is
25 not a disrespect to you or to anyone else here.

1 MR. FRYE: No, none taken. Thank you very
2 much.
3 Finally -- well, with that being said, would
4 I be able to quote something from Mr. Javier Soto
5 in District 10?
6 COUNCILMAN GARRIDO: You know, at this point,
7 I don't even want to look at this, if it is in our
8 district --
9 MR. FRYE: No, no. Look, look --
10 COUNCILMAN GARRIDO: Just state your facts,
11 close it up, and we'll move forward. I think it's
12 best. And there is nothing against your opinion,
13 but I think it's like Councilman Caceres says, you
14 form an opinion here.
15 MR. FRYE: I understand.
16 The last thing I wanted to show is the last
17 tab --
18 MS. CARRANZA: Through the Chair, this is an
19 application that we reviewed about last week with
20 DIC Lower Council. The application online does
21 not state whether it is within this district, but
22 it is very close, but most likely.
23 COUNCILMAN GARRIDO: Because we go to Krome
24 and 8th Street.
25 MS. CARRANZA: Yes.

1 COUNCILMAN GARRIDO: Let's just stop right
2 there.
3 MR. FRYE: And, finally, the last tab --
4 COUNCILMAN GARRIDO: That is my opinion,
5 Mr. Chair.
6 CHAIRMAN GOMEZ: I agree.
7 COUNCILMAN CACERES: Mr. Chair, I just turned
8 my packet over to Staff. I don't even want to
9 have it anymore.
10 MR. FRYE: The last tab is just the
11 petitions. It is just -- the book is just one tab
12 also. The last map is really what I wanted you
13 guys to see because this is exactly what we have
14 here, and it is just the last map. I was hoping
15 you guys would be able to just look at it so you
16 can see all the homeowners that live in the
17 residents, the Tree Island Park and the marked red
18 dots is everybody who signed this petition that is
19 against the daycare being here in our
20 neighborhood. We have -- I don't even know how
21 many red dots we have there of the homes, but we
22 have about 220 petitions signed for this, and
23 these are all, again, in the community. I'll
24 leave it at that. And I appreciate your time and
25 sorry I had to take a little bit more than might

1 have been necessary. We ask that you do not
2 approve this daycare. Thank you.
3 CHAIRMAN GOMEZ: Thank you.
4 MS. CARRANZA: Through the Chair, if I could
5 offer a little bit more clarification. That
6 application, since it is a DIC item, it will not
7 be heard here. It will be heard at BCC.
8 CHAIRMAN GOMEZ: Thank you.
9 Any more objectors? I ask that you please be
10 brief.
11 MR. PINO: I will. Good evening. My name is
12 Raul Pino. I reside at 14502 Southwest 13th
13 Terrace, Miami, Florida 33184.
14 For the benefit of those Members of the
15 Council that were not here in December, I do want
16 to recap a couple of brief points that I think are
17 essential. First and foremost, because the
18 credibility of our organization, we, as a
19 community, was questioned in the earlier comments,
20 I want to bring up that in the December council
21 meeting, there were 700-plus signatures
22 submitted to this Council, pretending, or
23 presenting, that there was overwhelming support.
24 But under the very first question of scrutiny, it
25 was identified that none of those 700-plus

1 signatures resided in the immediate community.
2 So, when we deal with credibility and good
3 faith, I want to reflect that point, that was a
4 starting point in December's hearing.
5 Second of all, and it was my first time
6 before this Council, or any council of a similar
7 nature. But, in December I learned that this
8 Council, under its right to evaluate information,
9 can apply the common sense. So, aside from all
10 the legalities that we've heard, and what Staff
11 has looked at, I do want you to please consider a
12 couple of things with the lens of common sense.
13 Children, in the morning going to school,
14 that reside in that community, three of which are
15 my own children, are at a greater risk if this
16 plan is approved. Children of the age of mine,
17 that reside in the community, are at a greater
18 risk, if this is approved, in the afternoon, when
19 they come home and they want to play ball, like I
20 played when I was growing up, or they want to ride
21 their bikes, just like I rode, when I was growing
22 up.
23 I ask you not to approve this out of the
24 safety of my children, of the children in our
25 community, and, quite frankly, of the parents that

1 may be driving through there.
2 I have had the inevitable position of
3 speaking with somebody who was a driver of a
4 vehicle, where it was the casualty of a child.
5 And 20 years later that gentleman is a fragment of
6 what he could be because he breaks down of the
7 unfortunate incident that he was in. This is not
8 in keeping with the best interest of the safety of
9 my children. I don't ever want a parent to be in
10 a situation that that friend was, and that he
11 conveyed to me.
12 So, please, do the math. One child per
13 minute being dropped off is three hours and 20
14 minutes, if this was an assembly line of dropping
15 off and picking up kids. One every minute, three
16 hours and 20 minutes. That doesn't meet common
17 sense. Thank you for your time. Good evening.
18 COUNCILMAN CACERES: Mr. Chair, I would like
19 the record to reflect that Mr. Pino and I are part
20 of a mens group at our church. I have crossed
21 paths with him. I have no idea what his cell
22 phone number, or where he lives. I have never
23 called him, I never had coffee with him. I've
24 just seen him, and I know his name through a
25 church group. And this does not pose any

1 conflict, in any way, for me. So, I have chosen
2 not to recuse myself. I just wanted to disclose
3 that I have crossed paths with Mr. Pino in the
4 past, and I do not feel the need to recuse myself.
5 CHAIRMAN GOMEZ: Thank you. Now, I would
6 like to open the floor for the rebuttal.
7 MS. TAPANES-LLAHUES: Thank you. Thank you
8 for your patience this evening. Just to be clear,
9 this is a pre-school daycare infants to second
10 grade, a maximum of 200 students. The folks who
11 are here, who voice their concerns, said,
12 specifically, they are not opposed to the school.
13 And your Staff, your professional Staff, clearly
14 says that the school is compatible. There is all
15 the evidence presented to you is substantive
16 competent evidence for your decision.
17 Mr. Gibbs and Mr. Alvarez selectively
18 reviewed the CDMP and Staff's recommendation, only
19 Planning and Zoning takes on the issue of the
20 CDMP, not Public Works, not DERM, not any other
21 reviewing agency. Those other reviewing agencies
22 are responsible for what is their responsibility
23 which is obvious in their realm.
24 Access to this site is from Southwest 147th
25 Avenue, a major section line road. The Guides to

1 Urban Forms makes it clear the type of uses that
2 are acceptable at these major section line roads.
3 The problems that are evident, throughout
4 Miami-Dade County, with schools, are the older
5 schools, that did not have the covenants in place,
6 the operational procedures in place, to deal with
7 the reality of drop-off and pick-up.
8 Public Works Staff and our traffic engineer
9 have made the record very clear. There are no
10 traffic concerns for this use at this property.
11 The level of service for all the adjacent
12 roadways are more than adequate. They are being
13 expanded to deal with future growth, as well as
14 what is being proposed today. The actual
15 accumulation at the -- not only the intersections
16 abutting the site, but at the driveways proposed
17 by this project, are at Level Of Service A. The
18 accumulation Lakes studies are very clear, based
19 on a very similar surrogate school within this
20 area, within the same demographics accepted by the
21 Public Works Department.
22 The schools mentioned in Mr. Fray's comments
23 have not been approved by Miami-Dade County, and
24 those are very large charter schools, K through
25 12, in most situations, and K through 5. That is

1 not the school that we are proposing here to you
2 today. There is no way for us to expand the
3 school we are proposing today because the
4 Department of Children and Family will not allow
5 it.
6 The variances that we are proposing today are
7 simply to provide a porte cochere so that the
8 students will have protection from the elements
9 during the cueing of drop-off and pick-up. We can
10 move it back and set it back from the front, but
11 what that would do is lessen the rear setback
12 which we had, because of our discussions with
13 neighbors, had increased it to the very maximum
14 possible.
15 The outdoor open space is acceptable because
16 of staggered playtime for these children. The
17 maximum that is required by the County is if all
18 children do physical education at one time.
19 I submit to you that this application is a
20 good one. It provides a much needed service to a
21 growing residential community. It is consistent
22 with your Comprehensive Plan. It is compatible
23 with the surrounding residential uses, and I urge
24 your approval this evening.
25 Thank you very much. I'm available for

1 questions if you have some.
2 CHAIRMAN GOMEZ: Thank you. With that, I'm
3 going to close the public hearing and open it up
4 to the Council for questions. I'll start to my
5 left with Councilman Valdez.
6 COUNCILMAN VALDES: I was reading in the -- I
7 was reading in the -- where it says that traffic
8 is going to be controlled.
9 MS. TAPANES-LLAHUES: In the covenant?
10 CHAIRMAN GOMEZ: It is in the covenant, yeah.
11 COUNCILMAN VALDES: Let me find the spot.
12 Hold on. Let me just bring this one up. It says,
13 "Under no circumstances shall parking, associated
14 with the school or school-related special events,
15 occur within the right-of-way, swales, lawn areas
16 outside the property." How is that to be
17 controlled? I mean what measures will be used to
18 enforce that and make sure that it doesn't happen?
19 MS. TAPANES-LLAHUES: Absolutely. Each
20 parent, employee and frequent guest of the daycare
21 pre-school, will sign this Operational Manual.
22 There will be consequences. It is up to the owner
23 to enforce this covenant, because, at the end,
24 this owner is providing notice to all of the
25 abutting property owners with a contact person.

1 That contact person will be responsible. If they
2 are not responsible, then all it takes is one
3 neighbor to call 311 and have Code Enforcement
4 site the property owner with infringing this
5 covenant.
6 What happens if a property owner infringes
7 this covenant? They go to Code Enforcement
8 Hearings, Special Master, and the County will shut
9 down this property owner's use. That is all to be
10 avoided very clearly, because it is in the
11 property owner's best interest to avoid that
12 situation. Not only are these fines expensive,
13 but, again, it derails the whole purpose of what
14 this owner of New Horizons is trying to do, which
15 is educate children, and these families, whether
16 they are opposing us today, they are the
17 perspective parents of this school. And,
18 eventually, this will all die down and this will
19 all become, you know, these students, these
20 parents, this owner, will all work together in
21 what is the best interest of this neighborhood.
22 COUNCILMAN VALDES: So, in other words,
23 you are talking about somebody notify that it
24 happened, and then --
25 MS. TAPANES-LLAHUES: It is self-enforcement.

1 It is self-enforcement. If a parent or an
2 employee does not follow these rules, there will
3 be consequences, and the owner will deal with
4 those consequences, meaning a parent at the school
5 that my daughter goes to, which is a subject of a
6 very controversial zoning application as well, as
7 a parent, if I do not obey the rules, my daughter
8 would not be allowed to continue at that school.
9 It is very bottom line. That is what happens in
10 reality.
11 COUNCILMAN VALDES: Another question I have
12 of the traffic was, people who make a left or
13 right on that street to go in, and drop off
14 through the driveway on 15th Street, how is the
15 flow supposed to work once they go in, drop-off
16 and come out? I mean --
17 MS. TAPANES-LLAHUES: Correct.
18 COUNCILMAN VALDES: If you could explain
19 that, please.
20 MS. TAPANES-LLAHUES: Yes. People will be
21 coming from Southwest 147th Avenue, either by
22 making a right turn on Southwest 15th or a left
23 turn. The idea is that the actual porte cochere
24 providing stacking for six cars. For the
25 exception, and there are rules in this covenant,

1 requiring that all parents of children over three
2 years of age be dropped off at this area. And
3 what happens, because I do it every day with my
4 daughter, is, literally, the child is required to
5 be on the right side of the vehicle, in their car
6 seat, the door is unlocked, a staff member from
7 the school opens the door, the child is unbuckled,
8 is walked to the door, they are taken into their
9 assembly area, and later taken into their class.
10 That is, basically, the way that it happens.
11 For children under three years of age, those
12 parents will park off the actual rear parking area
13 and drop and actually take their children to the
14 rear door where a staff person will be awaiting
15 them.
16 During the first three days of every academic
17 year, we will have off-duty police officers, just
18 to avoid any issues with new parents, although
19 every parent will need to sign an Operational
20 Manual, and every other day there will be actual
21 Staff Members who will deal with these situations.
22 COUNCILMAN VALDES: In other words, children
23 over three the parents are -- will not be allowed
24 to stop, just more than enough for the child to
25 unbuckle, get off the vehicle, close the door and

1 start walking for that time period only?
2 MS. TAPANES-LLAHUES: Exactly. All actual
3 parent/teacher conferences will occur before and
4 after the arrival and dismissal times. It is
5 something that is necessary, just to avoid any
6 problems. And it is something that is common, as
7 Mr. Garcia could tell you, and Mr. Humbes, who we
8 work together on many school applications, it is
9 typical with the new schools to prevent any type
10 of issues.
11 COUNCILMAN VALDES: And the children under
12 three years old, those parents will park in the
13 back and walk their children to, I guess, the
14 classroom?
15 MS. TAPANES-LLAHUES: The rear, the rear. It
16 is in the rear classroom. There will be a door,
17 they drop them off. It is a standard procedure
18 that will occur every day. And the reason why
19 it's important for it to be under three years of
20 age, from an operational standpoint, is that
21 children under three years of age, their arrival
22 and dismissal times are much more varied than your
23 preschooler, in this case kindergarten, first
24 grades, and second grade. Parents have different
25 work schedules. Many of the under three students

1 come, do halfway, depending on their parent's
2 schedule. So, it allows for a meaningful way of
3 operating the school that is sensitive to the
4 surrounding area.
5 And, again, as evident in my exhibits, which
6 is somewhere here, schools are surrounded by
7 residential homes. Where there are problems is
8 where they are not the correct operational actual
9 mechanisms in place to deal with their impact.
10 COUNCILMAN VALDES: When you said they drop
11 off the child, in other words, they hand the child
12 to somebody else, or they will walk the child
13 to the classroom, put him in whatever place?
14 MS. TAPANES-LLAHUES: It is to the rear door.
15 There is a rear door at the rear parking area, and
16 they hand them off, for the smaller children.
17 COUNCILMAN VALDES: Because I'm thinking, if
18 a parent does get out of the vehicle, walk it
19 of -- I mean, walk the child all the way to the
20 classroom, it could be maybe five minutes, plus or
21 minus. If you walk up to a door, hand over your
22 child, and walk back to your car, maybe two to
23 three minutes.
24 MS. TAPANES-LLAHUES: Absolutely. The goal
25 there. There are 15 parking spaces in the rear

1 area, just to deal with this, in addition to what
2 is for actual staff and teachers. So, the idea is
3 is that there is sufficient stacking in the rear
4 to ever deal with this eventuality. And, again,
5 the time periods of where the drop-off and arrival
6 begins is staggered for the under three
7 population. It is just something that we know
8 because we experience every day.
9 We've really thought this application
10 through. We wanted nothing more than to come to
11 you today with the support of these neighbors.
12 And I think it is clear to you, as they said, they
13 are not opposed to the school. They just are
14 worried, they have concerns. And our goal is to
15 address those concerns and make sure that they can
16 be partners with this proposed school in the
17 future.
18 COUNCILMAN VALDES: Mr. Chair, if I remember
19 right, from that meeting in December, we had asked
20 for the daycare to have met with the neighbors
21 from the -- the people living within the
22 neighborhood. And is that the meeting that you
23 mentioned that happened on February 8th?
24 MS. TAPANES-LLAHUES: We had two meetings in
25 person. We had many telephone conversations. The

first meeting was December 17th, following your meeting. It was a week after I was retained. We met with neighbors at the site. We took copious notes of all their concerns. We submitted to them a covenant to address their concerns, which is substantively what you have before you, and then we had a follow-up meeting on February 8th to discuss the covenant. I wanted to go through it line by line so that they would understand. They made more comments. We addressed those comments. And little did we know, at the time that -- I mean, it was unbeknownst to us that they had already retained counsel, and that counsel had been instructed not even to deal with us. Because I see Mr. Gibbs regularly. I saw him one time and spoke to him, in person, about, you know, getting back in touch with me about this application. And little did I know the instruction was, not even to deal with us. And that is my point of not acting in good faith.

I do have a petition that was summarized, that was resigned for people in the immediate area. I can submit this, as well.

Again, I think I made it clear, during my presentation in chief, that the 800, close to 900

1 signatures, were past parents, current parents,
2 and perspective parents, at both their locations.
3 They have a lot of people, not only that live in
4 the area, but work in the area. And as many of
5 you know, you chose a school, a daycare facility,
6 based on where you live and where you work. And
7 that is the case with those petitions.
8 COUNCILMAN VALDES: If I remember right, I
9 did look at that list that was 700-some-odd
10 people, and I did question -- because I noticed
11 there somebody that was living right next to where
12 I live, and yet he had -- he was signing a
13 petition of a daycare that is so far away from,
14 literally, from where I live. And it just
15 concerned me. Why would a person be in there?
16 And I was advised that the way they collected the
17 signatures, it was from the parents that had their
18 children at the different daycare facilities.
19 That, in itself, does not tell me that the
20 new facility is a concern to them or not. They
21 just like the facility, they like the daycare, and
22 they think it's a very good daycare.
23 So, I mean, that is it regardless, neither
24 here nor there. But, what concerns me was the
25 residents of the daycare that live, literally,

1 around the neighborhood.
2 MS. TAPANES-LLAHUES: Right. Well, we had
3 the four individuals that spoke to you today live
4 in that area. Again, I'll submit this, which was
5 given to me -- I just revised. Again, it was not
6 done with any mal intent. The goal was exactly as
7 I express it. And the intent, I think is
8 important, and that is you're reviewing this
9 application, you have a favorable recommendation
10 from your Staff. Obviously, there is competent
11 evidence in the record for you to approve it. The
12 question becomes this covenant. Will this owner
13 live by this covenant? That is the concern, I
14 think, if I were in your shoes. So, the intent
15 was to show that this owner is trusted by close to
16 900 people that signed these petitions based on
17 the two schools, past parents, perspective
18 parents, signed it and at least that says
19 something to her character. And that was the
20 intent. And anything else was not our -- I think
21 I tried to make it very clear, as part of my
22 presentation.
23 CHAIRMAN GOMEZ: We have to be out of here by
24 9:30, so we need to start picking this up a little
25 bit. I know everybody has a lot of questions. I

1 don't want any questions to go unasked or
2 unanswered, but we need to start speeding this up
3 a little bit, because, if not, we are not going to
4 be able to vote.
5 COUNCILMAN VALDES: The person at the
6 December meeting that we asked to be spoken with,
7 with who was supposed to be, like, representing
8 the neighbors of the community, do we have that
9 person's name?
10 MS. TAPANES-LLAHUES: I believe that was Mr.
11 Frye, who spoke to you today. That is who I have
12 been dealing with.
13 COUNCILMAN VALDES: That was you? Okay. I
14 just want to make sure that that person was
15 actually addressed and dealt with.
16 MS. TAPANES-LLAHUES: He is the person that I
17 contacted, and he is the person who put us
18 together at those meetings.
19 COUNCILMAN VALDES: I have no further
20 questions for now.
21 CHAIRMAN GOMEZ: Councilwoman Planas?
22 COUNCILWOMAN PLANAS: Thank you for your
23 presentation, Ms. Tapanes. Just a couple of quick
24 questions. You mentioned that there were 15
25 parking spots in rear.

1 MS. TAPANES-LLAHUES: Sixteen, I'm sorry, in
2 addition, 16, correct.
3 COUNCILWOMAN PLANAS: In the rear for
4 stacking -- for just people picking up and
5 dropping off their students. How many parking are
6 assigned to the staff, which is 20?
7 MS. TAPANES-LLAHUES: Twenty, correct.
8 COUNCILWOMAN PLANAS: You have exactly 20,
9 and then you have an additional --
10 MS. TAPANES-LLAHUES: An additional 16,
11 correct.
12 COUNCILWOMAN PLANAS: Also, my concern --
13 MS. TAPANES-LLAHUES: In addition to the
14 cueing and the stacking in the front on Southwest
15 15th, that's correct.
16 COUNCILWOMAN PLANAS: And, you know, my
17 concern also is -- you see, I live behind a school
18 and I drop off my son at a school. And even
19 though they say no parking, I've got to park. You
20 know, I have no choice, you know. So, I end up
21 parking on the outskirts of people's, you know,
22 corners, and stuff like that. I don't want to,
23 but, you know, my child, up until the age of five
24 and a half, I didn't just drop him off and take
25 off.

1 So, up know, I know that parents won't drop
2 their kids off at three years old and then leave.
3 You know, they will park, they will come down,
4 they get the kid, go back to their car. It is
5 not -- that is not a three-minute process.
6 MS. TAPANES-LLAHUES: I'll tell you that in
7 the new schools that is what is required, and this
8 is a private school. It is not a requirement to
9 send your child to the school. If you sign up for
10 the school, these are the rules that you need to
11 abide by. I know this firsthand because I have a
12 daughter, and the drop-off is less than sixty
13 seconds. And that is what is required. And it is
14 a charter school -- and the traffic engineer who
15 worked on that school is here, as well.
16 CHAIRMAN GOMEZ: Please keep your talking
17 down. Thank you.
18 MS. TAPANES-LLAHUES: It is what is required.
19 If you, as a parent, have a problem with the
20 school's procedure, very simply, you do not have
21 to have your child go to that school. And that is
22 what is required of these parents, because what is
23 most important is to be sensitive to the
24 surrounding area. Because if we can't get this
25 application approved, there is no school. So, it

1 is very common sense, bottom line, which any
2 business person can understand.
3 COUNCILWOMAN PLANAS: Can I ask somebody else
4 a question or just Ms. Tapanes?
5 CHAIRMAN GOMEZ: You can ask whoever you
6 want.
7 COUNCILWOMAN PLANAS: I wanted to ask a quick
8 question to Mr. Garcia. Mr. Garcia, can I ask you
9 a quick question?
10 MR. GARCIA: Sure.
11 COUNCILWOMAN PLANAS: So, everybody says that
12 you're a great traffic guy.
13 MR. GARCIA: Thanks.
14 COUNCILWOMAN PLANAS: And good, I'm glad, I'm
15 very happy. But I do have a question for you.
16 There is that park that is across from the way
17 there, where it's going to be a park.
18 MR. GARCIA: Right.
19 COUNCILWOMAN PLANAS: They are going to build
20 all kinds of stuff on it. Did you also take into
21 consideration the traffic flow in and out of that
22 park, or just the school?
23 MR. GARCIA: No, we didn't. But thinking
24 about it, you know, the operation of a park
25 usually doesn't have a traffic flow at the same

1 time that students are going to school.
2 Ordinarily, the peak for a park is weekends,
3 holidays. Some schools use parks, right, they
4 have -- maybe take students to the park, but
5 usually that is after the arrival, you know, once
6 they are already in class and they taken
7 attendance, things of that.
8 COUNCILWOMAN PLANAS: I'm concerned more of
9 the pick-up times. Parks, you're going to have
10 tennis lessons, softball, all that stuff, and
11 people are going to practice. I'm thinking about,
12 you know, the pick-ups as well, not just the
13 drop-off, but pick-ups as well.
14 MR. GARCIA: Understood. Our analysis, for
15 what is required by the County, is for Level Of
16 Service Analysis to be done in the a.m., because
17 traffic -- this has already been demonstrated time
18 and time again, traffic is the greatest that
19 coincides with the school during the a.m. In the
20 afternoon, the biggest concern is the
21 accumulation, the stacking, because the afternoon
22 peak doesn't occur until 5:00, 5:30. By then, as
23 you know, most schools there is virtually no
24 traffic by that time.
25 So, what we do is, the a.m. analysis is the

1 Level Of Service to see if there is enough
2 capacity on the road. Like it has been mentioned
3 over and over, Level Of Service is A. That is
4 with the two-lane road. Once the roadway is
5 widened -- they are, basically, building
6 infrastructure for the next 20 years of
7 development, is really what the County is doing.
8 It is a section line road. It is going to be like
9 87th Avenue, 107th Avenue, and so on.
10 COUNCILWOMAN PLANAS: Great. Thank you very
11 much.
12 MS. TAPANES-LLAHUES: If you look at the
13 master plan that I distributed for the park, you
14 will see that none of their entrances are on
15 Southwest 147th. They are actually to the north
16 on Southwest 10th Street and to the south west of
17 the park.
18 COUNCILWOMAN PLANAS: Thank you. I have no
19 more questions.
20 CHAIRMAN GOMEZ: Vice Chair Zakharia?
21 COUNCILMAN ZAKHARIA: Thank you. What is
22 the -- in terms of the square foot for an open
23 playground for kids, what is the minimum
24 requirement for K through second grade? Is it
25 21,000 square feet?

1 MS. TAPANES-LLAHUES: There is -- the County
2 Code provides 21,000 square feet if all children
3 are outside at the same time. The way that the
4 Public Works Department and Miami-Dade County
5 accepts and recommends approval on these non-use
6 variances is if they are scattered, which is what
7 we have done as part of this application.
8 I'll tell you that we are not -- that the
9 Department of Children and Family also has a
10 requirement, and we subscribe to that requirement
11 and will not require what they call an exception
12 from the State of Florida requirements.
13 COUNCILMAN ZAKHARIA: What is their
14 requirement?
15 MS. TAPANES-LLAHUES: Our project architect.
16 MR. HUMBES: Good evening. Carlos Humbes, VA
17 Associates. Basically, what is taking the
18 playground area to that number is the first and
19 second graders, which are only, like, 20 kids.
20 We have submitted a Childcare Checklist for
21 the project. Pre-K to kindergarten is not even
22 5,000 square feet required for playground. The
23 reason this school wants to have first and second
24 grade is because a lot of the kids that go to
25 their school, from infant to kindergarten, want to

1 stay for that early childhood education that
2 further improves their ability to perform well in
3 school. It is the only reason they have first and
4 second grade on there. They usually keep 10, to
5 15 to 20 kids max. And if you analyze the
6 Childcare Checklist, what happens is first grade
7 and up, they are requiring 300 square feet per
8 child. And as Ms. Tapanes said, playground
9 doesn't happen everybody at once. Our County Code
10 is still using the 1958 Code when we were very
11 rural County and we were using many acres for
12 playground. We specialize in schools. And every
13 single school that is designed in this County
14 today applies for playground variances because of
15 that issue. And charter schools are required to
16 provide zero playgrounds now because of all the
17 many different reasons that they are having to
18 find sites.
19 But this school, 11,000 square feet is almost
20 double of their comparable schools within the area
21 that have been approved before by this specific
22 Council. So, hopefully that answers your
23 question.
24 COUNCILMAN ZAKHARIA: This is a question for
25 our counsel. They have two parcels here. First

one was going to be the school, and the second one is going to be housing. Is there a possibility that that could be a school, too, parcel two?

MR. FITCH: Not with this application.

COUNCILMAN ZAKHARIA: Not with this application?

MS. CARRANZA: If I may, through the Chair. As you can see, we have a covenant, and the covenant is tying this property to two different sites. You have the parcel one, which is going to be tied to a school, and you have parcel two, which is going to be the six residential lots.

So, if the applicant in the future wanted to change any use on the properties, they would have to come back before you again.

COUNCILMAN ZAKHARIA: And when are you building parcel two?

MS. TAPANES-LLAHUES: We are going through the subdivision process right now. The rezoning application must be approved so that we can start with -- finish up the actual subdivision. Once the lots are created, then, they will most likely be custom homes, which is consistent with the surrounding area.

We intend to start as soon as possible. We,

1 in fact, have moved forward with construction
2 drawings and submitted permit application at
3 Miami-Dade County already.
4 COUNCILMAN ZAKHARIA: Okay. No further
5 questions. Thank you.
6 CHAIRMAN GOMEZ: Councilman Garrido?
7 COUNCILMAN GARRIDO: Real quick. They stated
8 a lot of facts. Counsel, you stated the fact that
9 they are going to come through 147th. They stated
10 to the fact that there is going to be 200 cars in
11 one minute, or three minutes. I think that is all
12 hearsay because, really, we can't guarantee they
13 are going to come in through 147th. We can't
14 guarantee that there is going to be 200 cars in
15 one minute.
16 My daughter goes to a school, which I take
17 her every morning, and there is 1,000 students,
18 and I get in and out pretty quick. All right.
19 So, in the same token, we don't know if they
20 are going to come through 147th. I don't even
21 believe in the covenant that they are going to
22 come through 147th and turn right. They are going
23 to find 142nd, on the other side, and they are
24 going to come in.
25 But with that said, what is more important

1 is, I mean, there is so much weight here on the
2 school, so much weight, nobody has talked about
3 the other lots. Why wasn't it, from the
4 beginning, just used all those lots for the
5 school? And I think if they would have used the
6 lots for the school, we would have gotten probably
7 only the unusual use, no other -- you wouldn't
8 need any other variances whatsoever. But, you
9 know what? You want more, you want more.
10 So, I ask the developer of those properties,
11 why don't you give lots to the school? Why
12 doesn't the architect sit back, have them do
13 something using those lots? You know what? It is
14 going to work. It is going to work. But, no, you
15 have got to push it to the end, because it is an
16 economic issue. You want to take -- you want to
17 take the porte cochere all the way to five feet.
18 I'm not agreeing with that. I'll give you the
19 school, but I'm not going to give you the porte
20 cochere to five feet. I'm not going to do that.
21 You know, you want -- you need 20,000 square
22 feet for playground area. No, you want 11,000.
23 No.
24 How can you give a child, even if it is
25 segregated in times, you know, a space of

1 five feet by ten feet for one child? No, that's
2 not right. You have got the space. How many
3 acres? How many acres do you have there now using
4 the school as it is now? One acre that you're
5 using?
6 MS. TAPANES-LLAHUES: The school is larger
7 than the six residential lots. You are correct.
8 COUNCILMAN GARRIDO: How much is the lot
9 using now the school there?
10 MS. TAPANES-LLAHUES: The school is
11 1.34 acres.
12 COUNCILMAN GARRIDO: And the total property,
13 both parcels are?
14 MS. TAPANES-LLAHUES: 2.34.
15 COUNCILMAN GARRIDO: Why didn't you, from the
16 outset, why didn't you use both of them? I don't
17 understand -- I don't understand the correlation
18 between -- you know, if you're going to do a
19 school because you're dealing with the owner, New
20 Horizons, how did this come about? Is New
21 Horizons involved in the single family? Are they
22 involved?
23 MS. TAPANES-LLAHUES: There has been a series
24 of questions. So --
25 COUNCILMAN GARRIDO: No, no, no. Is New

1 Horizons part owner of those single families?
2 MS. TAPANES-LLAHUES: No. We, just to be
3 clear, we had discussions with the neighbors,
4 offered them additional -- to make the school
5 larger, and that was something that they didn't
6 want either. The idea is --
7 COUNCILMAN GARRIDO: It is not a matter of --
8 ma'am, I'm sorry, counsel, it is not a matter of
9 larger. It is a matter of using more lots so you
10 wouldn't have to use the porte cochere and moving
11 it upfront, you wouldn't have to use only 11,000
12 square feet for playground area instead of 20,000.
13 I mean, but I guess the owner of the property
14 wants to take this, try to put it in, and I can
15 still build my residential units.
16 MS. TAPANES-LLAHUES: Again, the lot coverage
17 on this site is 21 percent. It is significantly
18 lower than what would be permitted in a
19 residential.
20 COUNCILMAN GARRIDO: Let me ask, if I can,
21 the architect quick questions.
22 Why was it that you put the porte cochere at
23 five feet from the property line?
24 MR. HUMBES: Well, for one, the porte cochere
25 is not necessary for the school. The school could

1 function without the porte cochere.
2 COUNCILMAN GARRIDO: Why was it that you put
3 the five feet porte cochere?
4 MR. HUMBES: Well, because the depth of the
5 lots, and we wanted to keep --
6 COUNCILMAN GARRIDO: Let me ask you this,
7 because I'm trying to be quick. Let me ask you
8 this way. Is it because there wasn't any more
9 space to put the porte cochere?
10 MR. HUMBES: Because we wanted to increase
11 the setback to the rear. We wanted to create a
12 buffer between the residential areas. And if you
13 look at the site plan, compared to any other
14 pre-school that this same Board has approved, this
15 site plan is creating a maximum buffer around the
16 perimeter of the school to both --
17 COUNCILMAN GARRIDO: I'm talking about the
18 porte cochere, sir. The porte cochere is at
19 five feet. Why? Because there wasn't any space?
20 MR. HUMBES: I can push the school back and
21 provide less of a setback in the rear, which will
22 create a higher burden on the residential. So, I
23 think this is a better design.
24 COUNCILMAN GARRIDO: So, in December, when we
25 left, was that addressed?

1 MR. HUMBES: There has never been a concern
2 for the five feet, from anybody.
3 COUNCILMAN GARRIDO: Sir, has there been a
4 concern for the five feet of the porte cochere?
5 MR. FRYE: Yes, there always has.
6 COUNCILMAN GARRIDO: All right. Thank you.
7 MS. TAPANES-LLAHUES: In any of the meetings
8 we've had, never have they raised the porte
9 cochere.
10 MR. HUMBES: The school building is 26 feet,
11 one foot larger than the setback required on the
12 project. And, again, there is no requirement in
13 the Code that requires a porte cochere to be a
14 part of the school. So, if the porte cochere was
15 the issue, I can remove the porte cochere from the
16 project and you would have the same project. The
17 porte cochere is a nice --
18 COUNCILMAN GARRIDO: Would you think that
19 your client would want that?
20 MR. HUMBES: Many schools function without a
21 porte cochere.
22 COUNCILMAN GARRIDO: Who is the owner? Who
23 is the director of New Horizons? Could you please
24 come forward?
25 MS. TAPANES-LLAHUES: I'll address the

1 questions to the owner.
2 COUNCILMAN GARRIDO: No, I like to ask her.
3 All right.
4 MS. TAPANES-LLAHUES: Through counsel,
5 please.
6 COUNCILMAN GARRIDO: Would you care to have
7 your school without a porte cochere? Without a
8 carport? Sin un techo? She says that the roof is
9 important.
10 MS. TAPANES-LLAHUES: Wait, wait. It is
11 important because it provides protection from the
12 elements, and it is --
13 COUNCILMAN GARRIDO: Remember, I'm not trying
14 to be a devil's advocate.
15 MS. TAPANES-LLAHUES: It is not necessary.
16 COUNCILMAN GARRIDO: I'm trying to find a
17 resolution.
18 MS. TAPANES-LLAHUES: If you don't want a
19 porte cochere --
20 COUNCILMAN GARRIDO: It is not a matter of
21 whether I want. I'm trying to bring both sides
22 together. And, you know what, you know what,
23 we've been out of here three months, and you guys
24 haven't really gotten any closer to this, any
25 closer.

1 MR. HUMBES: Not by lack of our efforts.
2 If you look at the rendering, if you look at
3 the rendering, which gives you a picture of how we
4 designed the school, there is an incredible amount
5 of sensitivity.
6 COUNCILMAN GARRIDO: I don't have a problem
7 with your design.
8 MR. HUMBES: I'm not saying that, but we
9 designed it in a way where the wings are one
10 story, so that anything that is near residential
11 is one story. We lifted the center and the porte
12 cochere.
13 COUNCILMAN GARRIDO: I have to give more time
14 to my colleagues.
15 The other question, why was it that you only
16 used 11,000 square feet of the 20,000 needed?
17 MS. TAPANES-LLAHUES: Again --
18 COUNCILMAN GARRIDO: No, I'm asking the
19 architect. Counsel, please.
20 MR. HUMBES: As an architect you're given --
21 COUNCILMAN GARRIDO: Why was it?
22 MR. HUMBES: Let me answer, please. As an
23 architect you are provided with a piece of land.
24 You are given a summary of things that are
25 requested. This project would have tripled the

1 required playground if we eliminated first and
2 second grades, and still have 200 kids, and meet
3 all Code.
4 COUNCILMAN GARRIDO: As it is now --
5 MR. HUMBES: As it is now.
6 COUNCILMAN GARRIDO: Sir, as it is now, was
7 it because you didn't have enough land to put that
8 additional recreation? Is that it? Yes or no?
9 MR. HUMBES: I have a piece of land, as you
10 can see in the site plan --
11 COUNCILMAN GARRIDO: Yes or no? Was it
12 because you didn't have -- after you had that
13 building designed, did you have any more space
14 leftover to put that additional 10,000 square
15 feet? Yes or no?
16 MR. HUMBES: No, it is about the grades. If
17 I remove --
18 COUNCILMAN GARRIDO: Yes or no?
19 MR. HUMBES: No, I don't believe that. I
20 think the Code is incorrect. It is a 1958 code.
21 COUNCILMAN GARRIDO: I don't want to take
22 down the students. You need the 200 students.
23 MR. HUMBES: I understand that.
24 COUNCILMAN GARRIDO: After you put the 200
25 students, why was it you didn't have enough space

1 to put the 20,000 square feet, right?
2 MR. HUMBES: It's a double answer. If I have
3 Pre-K to kindergarten --
4 COUNCILMAN GARRIDO: Listen.
5 MR. HUMBES: Let me answer that, please.
6 It's a double answer. I do not have enough land
7 if it's Pre-K through seconds grade. I have
8 enough land if it's Pre-K through K.
9 COUNCILMAN GARRIDO: I think that wouldn't be
10 your decision, it's your client's decision. If
11 she wants --
12 MR. HUMBES: Of course.
13 COUNCILMAN GARRIDO: -- if she wants 200
14 students, that is what I'm trying to give her.
15 MR. HUMBES: Pre-K to second grade, no, we do
16 not have enough land. If all the children play at
17 the same time, which will never happen --
18 COUNCILMAN GARRIDO: So, Mr. Tucker is right.
19 You brought in your non-use variance. Why?
20 Because it was too much density. You brought in
21 your other non-use variance of the school, of the
22 recreation, because it was too much density. At
23 the same token, the neighbors didn't want the
24 building to be moved back, which it can be, right?
25 Can it be moved back?

1 MR. HUMBES: Yes.
2 COUNCILMAN GARRIDO: Can we use additional
3 land to the east?
4 MR. HUMBES: Yes.
5 COUNCILMAN GARRIDO: All right. Now, can I
6 talk to the owner of that land? Where is he?
7 Sir, your name and address, for the record.
8 MR. CASTELLANOS: Mario Castellanos, 2732
9 Southwest 140th Avenue.
10 COUNCILMAN GARRIDO: Would you be willing to
11 give more land so that the school could be
12 redesigned in a way which, you know, these things
13 could be compatible? You know, the 20,000 square
14 feet, your five foot porte cochere? What is the
15 other one? The 25 feet official right-of-way?
16 MS. TAPANES-LLAHUES: The owner is willing to
17 give one additional lot to the school.
18 COUNCILMAN GARRIDO: That's a good start.
19 Now, I ask -- I don't know who can answer
20 this to me, and do justice. We need schools,
21 right? Now, all of a sudden -- a public school
22 stands close to my home, wherever I live. Is
23 government exempt? Is government exempt from
24 doing -- who can answer that for me?
25 MS. TAPANES-LLAHUES: Yes, yes.

1 MS. CARRANZA: What is the question?
2 COUNCILMAN GARRIDO: So, government is exempt
3 from a building for 1,500 students? Why?
4 Now, I have Everglades Elementary close to
5 me. I don't know -- it is a middle. I don't have
6 much problem, really.
7 So, in essence, we are saying that they can't
8 do it. And I'm talking to you neighbors, but at
9 the same time, the public schools can do it, and
10 they do it. And, you know, it works, because
11 America was born that way. Because we have
12 schools. You can't put schools -- I don't want
13 schools on Bird Road. I don't want schools on 8th
14 Street. I want schools in residential areas, you
15 know, if they are properly designed. If they are
16 properly designed, and if the neighborhood is
17 involved.
18 And when I tried to defer this, which I
19 think -- and all of my colleagues may attest to
20 this, I pushed to that deferment when
21 Mr. Olmedillo was here, I said, "Go to work."
22 You know what? None of you have worked. You
23 tried, but it is going to be a complete battle.
24 Hopefully, if I wasn't here on this Board, I would
25 be in your neighborhood and probably we'd come to

1 an agreement. It's a good school. They try to be
2 sensitive to the design.
3 I'm not too concerned about the LOS, really,
4 with all due respect to the engineer. People are
5 going to do what they are going to do, and you're
6 going to live with it. And it is going to be an
7 hour in the morning, an hour in the afternoon.
8 Now, another thing. What is going to happen
9 with their property? How do you value their
10 property, their highest and best use? Can they
11 sell that property years from now, even though we
12 have a school? Are properties sold close to
13 public schools?
14 MS. TAPANES-LLAHUES: Yes.
15 COUNCILMAN GARRIDO: Well, bring me that
16 information. Bring us that information. See,
17 these are the legworks that we can do.
18 How much (sic) properties have been sold
19 around public schools? And this is how it can
20 happen. You know, somewhere, somehow, you might
21 get closer, and these people tried to shed some
22 light and they say, "Well, you know, it is not
23 going to be that bad."
24 MS. TAPANES-LLAHUES: We've provided them
25 with evidence that another school that

1 Mr. Castellanos was involved in, despite the
2 current real estate conditions --
3 COUNCILMAN GARRIDO: I understand. This is
4 not -- you know, bring us somebody from, I don't
5 know, from, you know, real estate company that
6 does a study, a feasibility study, spend some
7 money, you know, these are the properties. Show
8 them, sit down. We have time. I mean, we have
9 time. We have the whole year. You can come back,
10 you know, we are not going to rush this, but we
11 need some proof. We need some things that they
12 can sit down and they say, "You know what? Our
13 property is not going to devalue because this
14 school is in front.
15 You know, you mention about an Operational
16 Manual. You know what? If I was a parent, I
17 would not sign that Operational Manual, because if
18 I signed it, I might be liable for something. So,
19 that is all hearsay. That is all hearsay,
20 seriously.
21 So, and I have one very important point. So,
22 when we get back to it -- guys, I want you guys to
23 get back to the table, personally. I don't know
24 what they think, what my colleagues think. Get
25 back to the table. Start putting your minds. You

1 have a civic duty, and you're doing it right. Are
2 you in a rush? No, you are not in a rush. They
3 can go back and appeal it at the BCC. Did you
4 know that?
5 MS. TAPANES-LLAHUES: Yes.
6 COUNCILMAN GARRIDO: They can go to the Board
7 of County Commissioners, they can go to the
8 courts. You can probably -- in the third round,
9 you can probably lose it. So, in the best
10 interest, try that little, you know, little bit
11 more to try working with them, especially if there
12 is new counsel on board. All right.
13 So I can finish up and my two colleagues can
14 finalize. Very important, and I almost ran out of
15 battery here trying to read the prescribed -- I
16 have a letter here from DERM. This doesn't say
17 anything to me. It really doesn't, in the sense
18 that if it is okay or if it's not okay. But it
19 says, "Such burning is performed once every three
20 years, and the subject property lies within the
21 potential smoke disbursement corridor.
22 Consequently, the subject property, which is a
23 school, and the school is going to have kids, may
24 be affected by the periodic smoke events from
25 these unexpected wild fires.

1 MS. TAPANES-LLAHUES: No, prescribed fires.
2 COUNCILMAN GARRIDO: It says that it may be
3 affected. And I asked last time to Mr. Olmedillo,
4 I don't want letters, bring me somebody who has
5 knowledge.
6 MS. TAPANES-LLAHUES: DERM is here.
7 COUNCILMAN GARRIDO: Bring me somebody that
8 can testify.
9 MS. TAPANES-LLAHUES: DERM is here.
10 MS. CARRANZA: If I may, through the Chair.
11 We do have a representative from DERM that can
12 answer any questions that you may have.
13 COUNCILMAN GARRIDO: All right. Okay.
14 MS. GUERRA: Good evening. My name is
15 Cynthia Guerra. I'm the Director of the
16 Environmentally Endangered Lands Program.
17 COUNCILMAN GARRIDO: Thank you.
18 Is it hazardous to have these prescribed
19 burnings if the person who does it does not follow
20 the proper procedures?
21 MS. GUERRA: No, because all of our
22 prescribed burns are done under the direction of
23 the Florida Forest Service. We have a written
24 prescription for our burns, and we are only
25 allowed to conduct them under conditions in which

1 those burns can be managed.
2 COUNCILMAN GARRIDO: The kids have to be
3 indoors when those burns --
4 MS. GUERRA: No. That recommendation was not
5 a recommendation of our Department. That is a
6 zoning recommendation. I can't speak to that.
7 COUNCILMAN GARRIDO: It is in our package.
8 MS. GUERRA: So, the Zoning Department needs
9 to respond to that.
10 MS. CARRANZA: That is correct. If I could,
11 that is a condition of the Zoning Department.
12 That has nothing to do with DERM. DERM has their
13 own memo. And on there memo, they state any
14 concerns or anything that they have to say
15 concerning this application. These conditions
16 are, specifically, from zoning.
17 COUNCILMAN GARRIDO: What other prescribed
18 burnings have been done here in Dade County?
19 MS. CARRANZA: Oh, we have been -- we have
20 20,000 acres across the County. We have
21 prescribed burns everywhere. But, more
22 frequently, and because we limited staff and
23 resources, they are wild fires. And the absence
24 of a prescribed burn can make a wild fire much
25 worse.

1 COUNCILMAN GARRIDO: So, a prescribed burning
2 is done across the street, there was a 25-foot
3 right-of-way. Where does the smoke go?
4 MS. GUERRA: It depends.
5 COUNCILMAN GARRIDO: 100 feet right-of-way,
6 where does the smoke go?
7 MS. GUERRA: The state of Florida would only
8 let us burn, if we were going to have good
9 dispersion, straight up into the air. They would
10 not let us burn under wind condition in which we
11 were throwing smoke into the neighborhood.
12 COUNCILMAN GARRIDO: But it's going to be a
13 fire, right?
14 MS. GUERRA: Oh, yes. And we have to have
15 appropriate fire breaks so that the fire stops
16 where we need it to stop.
17 COUNCILMAN GARRIDO: And there's going to be
18 ashes, and there is going to be smell, and --
19 MS. GUERRA: Yes.
20 COUNCILMAN GARRIDO: There is going to be all
21 those things?
22 MS. GUERRA: Sure.
23 COUNCILMAN GARRIDO: Because we get fires in
24 the Everglades and I smell them at my house.
25 MS. GUERRA: Yes.

1 COUNCILMAN GARRIDO: There is some nuisance
2 to it?
3 MS. GUERRA: Not under Florida State Law.
4 Under Florida State Law, prescribed fires are not
5 considered a nuisance. As a matter of fact, they
6 are property right.
7 COUNCILMAN GARRIDO: And based on your
8 professionalism and your knowledge that it would
9 not be hazardous for the children?
10 MS. GUERRA: I can't make a determination
11 about whether or not it is hazardous to the
12 children. All I can tell you is that under
13 Florida State Law we are not allowed to burn when
14 we are affecting air quality, when we are posing a
15 public safety risk. So, a prescribed burn would
16 not happen under those conditions.
17 COUNCILMAN GARRIDO: How far away from that
18 property will be the prescribed burn, more or
19 less?
20 MS. GUERRA: It could be right up to the
21 right-of-way. It depends on where we need to
22 burn.
23 COUNCILMAN GARRIDO: So, the right-of-way
24 might be that wall?
25 MS. GUERRA: Yes. But I have to tell you, we

had a prescribed burn on Friday at AD Barnes Park, which is on Bird Road and 77th Avenue. The prescribed burn area was four feet by four feet. And it didn't throw any smoke or any ash in the area that was affected.

COUNCILMAN GARRIDO: How big is this prescribed burning?

MS. GUERRA: It depends. We wouldn't burn -- the natural area of this park, this is the Tree Island Park.

COUNCILMAN GARRIDO: Sir, you know, your attitude, when I ask a question, it does not help a lot. I'm just doing it for the best interest here of the community, the people that are coming to the school.

You know, we are taking a vote. You understand when I ask this -- I'm personally taking a vote on this. And it does state that they have to put a disclaimer -- zoning states that they have to put a disclaimer to the children, that the children have to be inside when the prescribed burning. And you're telling me that that's zoning. And I'm taking that vote. And I might leave tomorrow, and that vote stays there. If there is a problem, and kids, for

1 whatever reason, and prescribed burnings --
2 because, you know, airplanes fall from the sky,
3 you know, you know, I could be liable. I took
4 that vote, and I gave that vote, and I think it is
5 an issue which is very important. And this is the
6 first time -- it is very rare that something like
7 this comes before a zoning board. And it is an
8 issue that I think should be taken into account.
9 And I understand your position, but I think you
10 should bring someone from the wild fire
11 department, and have them -- you guys are pushing
12 this, you know, the owners are pushing this to put
13 an approval. Personally, I'm not ready to give an
14 approval on this. Maybe next month I won't be
15 here, well, you're lucky.
16 MS. GUERRA: I just want to clarify one
17 thing. Florida State Law, a prescribed burn that
18 is conducted under a prescription releases
19 liability because it is conducted under
20 prescription. So, those rules, those issues are
21 dealt with. And I also just want to let you know
22 that the point of a prescribed burn is to manage
23 the fire department's ecosystem so that we don't
24 have catastrophic wild fires. It will be much
25 worse if there was a large-scaled wild fire on the

1 site. As a matter of fact, there has been wild
2 fires at this site.
3 So, for what it's worth, prescribed burning
4 is a management technique.
5 COUNCILMAN GARRIDO: Okay. I'll leave it at
6 that. And to finalize, so, the owner is willing
7 to sit down and give some more property so we can
8 work these things out. Was that --
9 MS. TAPANES-LLAHUES: We are willing to give
10 more property to this Board. The association has
11 made it clear, very clear, that they are not
12 dealing with us. They have not returned our phone
13 calls, they have not --
14 COUNCILMAN GARRIDO: Let me talk to
15 Mr. Gibbs. Quickly, quickly.
16 Mr. Gibbs, is it in your best opinion, or
17 recommendation, that you do not want to talk to
18 the owners of New Horizons?
19 MR. GIBBS: No. We are happy to talk to
20 them. As I told you all, our issue was we didn't
21 want the school. You are sending us a message.
22 COUNCILMAN GARRIDO: That's it, Mr. Chair.
23 CHAIRMAN GOMEZ: Councilman, go ahead.
24 COUNCILMAN RODRIGUEZ: I'll be quick.
25 You mentioned, on the December meeting, they

1 mentioned infants being accepted in the school.
2 MS. TAPANES-LLAHUES: Yes.
3 COUNCILMAN RODRIGUEZ: How many infants will
4 be accepted into the school?
5 MS. TAPANES-LLAHUES: By Florida law you are
6 required to have four infants per one classroom.
7 There is only 11 classrooms. We anticipate a very
8 small number of children, most likely limited to
9 four, one classroom.
10 COUNCILMAN RODRIGUEZ: My other question is,
11 the last time, also, it wasn't clear about the
12 lease. Is there a lease between New Horizons and
13 the owner? And for how long is that lease?
14 MS. TAPANES-LLAHUES: We apologize for that
15 confusion. I did see that in the record.
16 There was an option to purchase, and it was
17 lost in translation. There is a purchase
18 contract. New Horizons will purchase the
19 property, if the zoning application is approved.
20 It is contingent on zoning.
21 COUNCILMAN RODRIGUEZ: I have no more
22 questions.
23 MS. TAPANES-LLAHUES: Thank you for the
24 opportunity to clear that up.
25 CHAIRMAN GOMEZ: Councilman Caceres?

1 COUNCILMAN CACERES: I had a lot, but I'm
2 just going to try to make this brief.
3 First of all, I want to thank Ms. Tapanes and
4 the owners of this property, as well as the
5 neighbors. I know you did try to sit down and you
6 were at an impasse. The architect -- this is one
7 of the most difficult applications I have heard.
8 This is a beautiful building. It is clearly
9 wonderful people running the school, as evidence
10 by all the testimony from parents. You have
11 inspired a lot of love from your parents, and my
12 hat is off to you. And I think what makes this so
13 difficult is that we are trying to stick a square
14 peg in a round hole. And Councilwoman Planas said
15 it when she talked about taking her child to
16 school, and her, you know, common sense, you know,
17 of what we see.
18 We have 200 children. According to your
19 Childcare Checklist, we have 160 infants through
20 the age of five, which, by the way, are all
21 mandatory car seats, according to the law, through
22 the age of five you're in a car seat. We have 40
23 of grades one through sixth, which in this case it
24 is one through two, right?
25 MS. TAPANES-LLAHUES: Correct.

1 COUNCILMAN CACERES: We have 34 total parking
2 spaces; 20 teachers, administrative and clerical,
3 leaving 14 spaces, right?
4 I read the wording of your covenant. Your
5 covenant says that no children under three --
6 actually, let me -- it allows for children up
7 until the age of four, until the day they turn
8 four, to be dropped off. So, if I divide it, I
9 just did simple math, 160 kids from age infant to
10 five, and I divide that into five groups, all
11 right, just simple math, we still have 96 --
12 potentially, 96 people, who can drop-off children,
13 Ms. Tapanes, common sense, I know what you are
14 saying, and I know that you told me --
15 MS. TAPANES-LLAHUES: But it is regulated
16 by the Department of Children and Families. So,
17 that math doesn't work.
18 COUNCILMAN CACERES: And I hope, and
19 Councilmen in the past here said that we hope that
20 the man at the pearly gates is as forgiving as
21 county government, and state government, as far as
22 their requirements, because you are 60 percent --
23 you are offering 60 percent more parking than is
24 required. That is a designation that is done by
25 square foot. It is not looking at intensity.

1 MS. TAPANES-LLAHUES: It is.
2 COUNCILMAN CACERES: It is not. It is square
3 footage.
4 MS. TAPANES-LLAHUES: Not for schools. For
5 schools, the parking is required for
6 administrative staff, and it is not by square
7 feet, unlike commercial, industrial properties.
8 It is done by classrooms. And that is why that
9 math does not work, because the Department of
10 Children and Families, depending on the age of the
11 children, is depending how many children can be in
12 each classroom.
13 So, an infant classroom can only have four
14 infants per classroom, and it is the same thing as
15 they get older.
16 COUNCILMAN CACERES: Am I right in saying --
17 the day that it was presented here, it says there
18 is going to be 160 children ages infant through
19 five. Simple math. Divide that group by five, we
20 get 32. So, we have three groups, three age
21 groups, that could, according to your covenant, be
22 dropped off. The parents can park. And we are
23 looking at 96 of those children can be dropped
24 off. That is inaccurate?
25 MS. TAPANES-LLAHUES: That is inaccurate.

1 COUNCILMAN CACERES: How is that inaccurate?
2 MS. TAPANES-LLAHUES: Again, the Department
3 of Children and Families requires each a number of
4 children per classroom. There are only 11
5 classrooms. It is kind of like your land
6 development regulations. You can build BU-2
7 unlimited height, but then you are regulated by
8 setbacks. Same thing here. We have regulations
9 of not only the County but also superimposed with
10 that, state regulations.
11 COUNCILMAN CACERES: The state regulations
12 for three-year-olds. Could you get
13 three-year-olds -- is there a limit of number of
14 three-year-olds you can have in a classroom?
15 MS. TAPANES-LLAHUES: Yes.
16 COUNCILMAN CACERES: How many is that?
17 MS. TAPANES-LLAHUES: Fifteen.
18 COUNCILMAN CACERES: All right. So, let's
19 say it is the best case scenario. We are at 45,
20 potentially, 45, three classes that you are going
21 to offer, 45 minimum number, that is a very
22 conservative number, that can be dropped off, and
23 you are offering them 14 spaces.
24 MS. TAPANES-LLAHUES: Correct. Sixteen
25 spaces.

1 CHAIRMAN GOMEZ: Councilman, I'm sorry, but
2 we have four minutes. We need to --
3 COUNCILMAN CACERES: Mr. Chair, I am in favor
4 of a vote on this item. So, I'm ready for a
5 motion when you are, sir.
6 CHAIRMAN GOMEZ: I'm just going to be real
7 quick. I'm going to put it to a vote. Like
8 Councilman Caceres said, thank you all for your
9 patience and putting everything together. I don't
10 have any questions. I just have a couple of quick
11 statements.
12 First one goes to the residents. I'm always
13 of the philosophy of be careful what you wish for.
14 And right now you have a neighbor who, from
15 everything I could see, is very reputable, is
16 regulated by DCF who goes by regulations that are
17 above and beyond anything that any resident that
18 is going to be back there has to live by.
19 But that, again, that is just my opinion.
20 Now, on the applicant's side, you know, before I
21 move forward with something, the first thing I
22 always do is reach out to my neighbors. There
23 hasn't been an accord here. I don't think there
24 ever will be an accord. I disagree with some of
25 the other council members. I feel like this has

1 been beaten to death. They don't want a school.
2 And it's, basically, up to us right now, because
3 this is at an impasse.
4 So, with that being said, I'm going to skip
5 and put it to a vote.
6 COUNCILMAN GARRIDO: But Mr. Chair, I did
7 pose a question of both counsels, which are the
8 official representatives of both parties, and they
9 stated to the fact that they did want to meet.
10 So, there is some -- there is some validity to
11 that. There is some validity to that. And I
12 spoke to Mr. Gibbs, and he is saying, yes.
13 I mean, for whatever it is, you know, I mean,
14 you know, this can't be a nine inning game, you
15 know what I mean? It cannot be a nine inning
16 game. We've been here twice. I think the first
17 one was real quick. I think in December it was
18 real quick.
19 CHAIRMAN GOMEZ: Like I said, that was my
20 opinion. I don't see them reaching to an
21 agreement. That is my opinion. That is why I
22 want to -- Mr. Caceres said he was ready to put a
23 motion.
24 COUNCILMAN GARRIDO: Can I put a motion,
25 Mr. Caceres?

1 COUNCILMAN CACERES: Yes, sir, of course.
2 COUNCILMAN GARRIDO: I motion to defer so
3 that they could meet.
4 COUNCILMAN VALDES: I second. I second the
5 motion.
6 MR. JONES: Who seconded the motion?
7 COUNCILMAN VALDES: I did, to defer.
8 COUNCILMAN GARRIDO: And, again, just before
9 I finish, just to put on the record, you know, I
10 think, you know, they're a great school, New
11 Horizons. I think we need schools.
12 Number two, I think the design is right. I
13 think their sensitivity to the neighborhood is not
14 the typical modern school, and they are not far,
15 you know.
16 And, again, like I said, I mean 200 students,
17 you know, it is an hour in the morning, an hour in
18 the afternoon. It is not like you're going to
19 have traffic the whole -- and then you're going to
20 have, I think you're going to have a very passive
21 property there during the day. So, these are the
22 things that you have to look. And, hopefully, it
23 could be worked out. Hopefully, it could be
24 worked out.
25 MS. TAPANES-LLAHUES: We've tried.

1 COUNCILMAN GARRIDO: I've tried.
2 MS. TAPANES-LLAHUES: We could negotiate with
3 this Board. You tell us what you want.
4 COUNCILMAN GARRIDO: I could sit back and
5 give it to a vote. I'm giving you life, in a way,
6 for whatever reason I'm giving them life.
7 CHAIRMAN GOMEZ: Are you okay with the
8 deferral or --
9 MS. TAPANES-LLAHUES: With all due respect,
10 we have offered everything that we've mentioned
11 today. We have offered to the neighbors. We have
12 done everything in our power; the numbers of
13 students, the additional space. We have done
14 everything. I haven't been able to get a call
15 back from their attorney because of strict
16 instructions. They did not want to negotiate. We
17 find out that, in fact, they had already given
18 those instructions at the time that we were
19 meeting with them. So, we don't know what to
20 believe.
21 We are here -- we believe we have a good
22 application. We ask for your support in approving
23 this application. If you give them strict
24 instructions to negotiate, and perhaps give us --
25 mediate more than last time, which I did hear you

1 did last time, and they just got us with the
2 facade of meeting and wasted time and resources.
3 So, we want to negotiate. We are willing to
4 negotiate with this Board.
5 You have a proffered covenant. We'll take
6 whatever conditions you see fit.
7 COUNCILMAN GARRIDO: Mr. Chair, just real
8 quick. Mr. Gibbs, come up front here. And, you
9 know, I don't think -- I don't think you finalized
10 your resources. You have got 200 kids. They got
11 all their life ahead of them. You know what I
12 mean? And you are saying that you finalized your
13 resources in two meetings? I don't believe in
14 that. I'm trying to give everybody a chance. I
15 could vote in favor and say I'm done, but that is
16 not my civic duty, really. It isn't. I could sit
17 back here not even speak five minutes, just hear
18 everybody out, but that is not why I'm here in
19 this position, you know.
20 Mr. Gibbs, why is it that you think that --
21 or that your clients have told you that you are
22 willing to sit down and talk with New Horizons?
23 MR. GIBBS: Right now the questions that have
24 come from the Board illustrate that there are
25 problems with their presentation that they made

1 tonight. With that, we understand that there may
2 be some leeway for us to go in.
3 COUNCILMAN GARRIDO: Leeway for what?
4 MR. GIBBS: For a negotiation. For a
5 negotiation that will respond to my client's
6 concerns. My clients are concerned with the size
7 and location of this, they are concerned with the
8 buffers, they are concerned with the size of the
9 open space. They are concerned with all of that.
10 There was no opportunity to negotiate on any of
11 that.
12 COUNCILMAN GARRIDO: When you say, concerned
13 with the size of the open space for the 11,000
14 additional --
15 MR. GIBBS: You'd better believe it.
16 COUNCILMAN GARRIDO: Can you find the 11,000
17 additional square feet?
18 MR. GIBBS: Pardon me?
19 COUNCILMAN GARRIDO: Can you find the
20 additional 11,000 square feet, sir? Can we? It
21 can't be done, right?
22 MS. TAPANES-LLAHUES: We will provide them
23 with an additional lot.
24 COUNCILMAN GARRIDO: What is the other thing,
25 the porte cochere?

1 MR. GIBBS: I can't speak to it because my
2 clients told me from their meeting with --
3 COUNCILMAN GARRIDO: Now I ask a question
4 real quick. Your clients, off the hand, where do
5 your kids go to school? Right off the bat, what
6 school? Joe Hall Elementary? Where is that
7 located? Is there residents around? Yes. How
8 many students? And you drop them off there every
9 morning?
10 CHAIRMAN GOMEZ: Councilman, we are running
11 out of time.
12 COUNCILMAN GARRIDO: I'm sorry, Mr. Chair.
13 CHAIRMAN GOMEZ: There's a motion and a
14 second for deferral.
15 MS. CARRANZA: If I may add, though, if this
16 application is being deferred with leave to amend,
17 we would have to defer it for two months.
18 MS. TAPANES-LLAHUES: No.
19 MS. CARRANZA: If they were going to make any
20 changes.
21 MS. TAPANES-LLAHUES: Again, we have
22 negotiated in good faith and offered everything
23 that we've talked about here today; number of
24 students have been on the line, additional space.
25 We are willing to add another lot for a condition.

1 We are willing to reduce the number of students.
2 They have just said no school, no negotiation for
3 the last month. They are just wasting our time.
4 COUNCILMAN GARRIDO: I should get off this
5 Board and meet with you in private. Probably in
6 two weeks we would have all this settled.
7 MS. TAPANES-LLAHUES: I would love that. I
8 would love that, but you're barred for doing that.
9 CHAIRMAN GOMEZ: If they don't agree -- if
10 they don't agree, we can't defer for more than two
11 months.
12 COUNCILMAN GARRIDO: No, Mr. Gibbs says that
13 they are willing to sit down. I don't know.
14 Counsel says that they are not willing to sit
15 down.
16 MS. TAPANES-LLAHUES: We are willing.
17 COUNCILMAN RODRIGUEZ: Mr. Chair, I have a
18 question. Is there a way to monitor the
19 proceedings between both counsels? Is there a way
20 to be advised when they are supposed to meet and
21 so forth?
22 CHAIRMAN GOMEZ: We are not allowed to meet
23 with them outside.
24 COUNCILMAN RODRIGUEZ: Not us, but they will
25 notify us, we coordinated a meeting on X date at X

1 time, we will be there and let us knew if it
2 happens or not.
3 CHAIRMAN GOMEZ: I don't think so.
4 MS. TAPANES-LLAHUES: We are willing to
5 reduce the number of students, add an additional
6 lot, but we will respectfully ask for a vote
7 today, because we have not had any luck in our
8 negotiations. We have already given them
9 everything that they asked for. We gave it to
10 them.
11 COUNCILMAN GARRIDO: Through the Chair, how
12 many students are you willing to come down?
13 MS. TAPANES-LLAHUES: 175, and an additional
14 lot.
15 COUNCILMAN CACERES: Mr. Chair, I think we
16 need to vote. I don't think at the 11th hour --
17 we need to move forward or vote up or down, but I
18 don't think --
19 MR. FITCH: If the deferral motion is going
20 to be more than the next meeting, we need consent
21 from the party, and we are not going to get that,
22 from what these she's saying.
23 MS. TAPANES-LLAHUES: We just think we are
24 wasting your time.
25 COUNCILMAN CACERES: Procedurally, does that

1 motion die?
2 MR. FITCH: Yes.
3 COUNCILMAN CACERES: We have no motion on the
4 table right now?
5 MR. FITCH: Correct.
6 COUNCILMAN CACERES: I'm ready, if no one
7 else is ready --
8 COUNCILWOMAN PLANAS: I would like to make a
9 motion to put it to vote, please.
10 CHAIRMAN GOMEZ: You need to make a motion in
11 one direction or another.
12 COUNCILWOMAN PLANAS: I'm sorry. I would
13 like to make a motion that we put this to a vote.
14 You want me to -- my vote?
15 You know, that was a fantastic presentation.
16 I know you guys tried to work with the people --
17 CHAIRMAN GOMEZ: Yes or no?
18 COUNCILWOMAN PLANAS: But, you know,
19 everybody has been talking for half an hour and I
20 haven't been able to say the two things that I
21 need to say. And one of the things is that the
22 community is the most affected by this project.
23 And, you know, in lieu of all the parking issues,
24 the traffic, the disruption that, potentially,
25 could happen, I vote in favor of, no, not passing

1 this.
2 COUNCILMAN RODRIGUEZ: I second.
3 CHAIRMAN GOMEZ: I need a motion.
4 COUNCILWOMAN PLANAS: Motion not to pass.
5 MR. JONES: With or without prejudice, if
6 you're denying it?
7 COUNCILWOMAN PLANAS: Without prejudice.
8 MR. JONES: And who made the second?
9 COUNCILMAN RODRIGUEZ: I did, I seconded.
10 COUNCILMAN GARRIDO: The motion is not to
11 pass?
12 CHAIRMAN GOMEZ: Yes, to deny.
13 MR. JONES: To deny the application without
14 prejudice. Motion to deny the application without
15 prejudice, Councilman Caceres?
16 COUNCILMAN CACERES: Yes.
17 MR. JONES: Councilman Garrido?
18 COUNCILMAN GARRIDO: No.
19 MR. JONES: Councilwoman Planas?
20 COUNCILWOMAN PLANAS: Yes.
21 MR. JONES: Councilman Rodriguez?
22 COUNCILMAN RODRIGUEZ: Yes.
23 MR. JONES: Councilman Valdez?
24 COUNCILMAN VALDES: No.
25 MR. JONES: Vice Chairman Zakharia?

1 COUNCILMAN ZAKHARIA: No.
2 MR. JONES: Chairman Gomez?
3 CHAIRMAN GOMEZ: No.
4 MR. JONES: Motion fails.
5 COUNCILMAN GARRIDO: I'm saying -- I mean,
6 Mr. Chair --
7 MS. TAPANES-LLAHUES: We'll reduce the number
8 of students --
9 COUNCILMAN GARRIDO: I put a motion for
10 defer. Do I hear a --
11 CHAIRMAN GOMEZ: We can't defer it. They are
12 not willing to accept it.
13 MR. FITCH: Unless it is beyond one month, or
14 the next period.
15 MS. TAPANES-LLAHUES: We will add an
16 additional lot, as a condition. We will reduce
17 the number of students to 175. We will not be
18 back before you ever again.
19 COUNCILMAN GARRIDO: Mr. Chair, could they
20 have a sidebar and give us ten, fifteen minutes?
21 CHAIRMAN GOMEZ: We can't. We have to be out
22 of here.
23 COUNCILMAN CACERES: We need it on a covenant
24 anyway. We would need to have proof. And if we
25 are not going to have our department --

1 MS. TAPANES-LLAHUES: We've already
2 submitted.
3 COUNCILMAN GARRIDO: These people, they pay
4 taxes for this school. Everybody. They pay taxes
5 for this school, you know. And, you know,
6 personally, if they come to shut us down, they are
7 going to have to wait.
8 Mr. Chair, I ask that, please, if they can
9 have ten minutes, Tucker Gibbs and counsel sit
10 down.
11 MS. TAPANES-LLAHUES: The conditions do not
12 have to be part of the covenant, or you can
13 condition that we submit it --
14 COUNCILMAN GARRIDO: You are wasting time.
15 Do you want to sit down with Mr. Gibbs, real
16 quick?
17 MS. TAPANES-LLAHUES: We've always been
18 willing to sit down with Mr. Gibbs.
19 COUNCILMAN GARRIDO: Mr. Chair, is that
20 possible?
21 CHAIRMAN GOMEZ: The motion failed right now.
22 COUNCILMAN GARRIDO: But they are going to
23 sit down and probably come up with a quick
24 agreement; 175 kids, you know, I don't know.
25 MS. TAPANES-LLAHUES: They are saying, no.

1 They are saying, no.
2 MS. CARRANZA: Is there a new motion?
3 CHAIRMAN GOMEZ: Excuse me, we need a motion.
4 MS. CARRANZA: Through the Chair, is there a
5 new motion on the floor or no?
6 MR. FITCH: No, but there was a motion to
7 deny the application, which failed. Now we need a
8 new motion.
9 COUNCILMAN GARRIDO: Mr. Chair, I would like
10 a motion for ten minutes so they can sit down.
11 COUNCILMAN VALDES: I second the motion.
12 MR. GIBBS: Mr. Chairman, can I speak to
13 that, as one of the parties?
14 CHAIRMAN GOMEZ: Speak to what?
15 MR. GIBBS: Speak to the motion, because I
16 just want to say something very quickly. We have
17 no problem sitting down and talking to them, given
18 what you all have said, but the idea, and this is
19 the problem, the idea that the two of us can sit
20 down and hammer out an agreement that our
21 constituents, her clients, my clients can agree
22 on, in ten minutes, I'm sorry, it is not a used
23 car lot. I just can't do it.
24 COUNCILMAN GARRIDO: You're right, you're
25 right.

1 COUNCILMAN CACERES: Mr. Chair, I think that
2 you can adjourn the meeting and this automatically
3 carries over anyways. It would be, in effect, a
4 deferral, but because we are already past time on
5 the school, so you are within your right to
6 adjourn this meeting and it automatically carries
7 over.
8 CHAIRMAN GOMEZ: My problem with that is that
9 we are deferring something that is going to come
10 back exactly the same way it is because they
11 cannot change the application, and we are got
12 going to vote -- we are going to be back here
13 again next month.
14 COUNCILMAN GARRIDO: My deferment should have
15 gone through. All right.
16 COUNCILMAN VALDES: Is there a way we can
17 stipulate that a meeting must happen and we must
18 be advised of the meeting after the fact?
19 CHAIRMAN GOMEZ: All it is going to lead to
20 is another deferral, which they are not willing to
21 accept for two months. So, we are right back to
22 square one.
23 COUNCILMAN VALDES: No, not two months. I
24 mean, being that this session has ended,
25 therefore, it will be deferred just one month or

1 it will be deferred two months?
2 CHAIRMAN GOMEZ: Again, we are just deferring
3 it to come back to the exact same place we are at.
4 Either someone makes another motion, or we are
5 going to be standing here doing the exact same
6 thing in a month.
7 COUNCILMAN VALDES: We stipulate to the fact
8 that they have to meet and information of that
9 meeting, date and time, be advised to us, to the
10 Board, that the meeting was held, and yet we came
11 to a conclusion, a conclusion must be achieved at
12 that meeting.
13 MS. TAPANES-LLAHUES: We have offered an
14 additional lot, a reduction of students, that
15 reduces -- eliminates the need for a variance of
16 the outdoor space. We, respectfully, request
17 motion to approve this evening. We have a good
18 application. We have put together substantive
19 competent evidence --
20 COUNCILMAN GARRIDO: Mr. Gibbs, could you
21 come up front real quick? Now, they are acting in
22 good faith. They are giving you an additional
23 lot, which that will cover the 20,000 square feet,
24 all right? They design is sensitive because it is
25 residential. They are giving you 20,000 square

1 feet more, and what about the porte cochere?
2 Now, that is what they have on the table.
3 Are you willing to take it or not?
4 MR. GIBBS: I would never advise a client in
5 a public meeting to accept or reject something
6 like that.
7 COUNCILMAN GARRIDO: Mr. Chair --
8 MR. GIBBS: I can't do that.
9 MR. FITCH: Another motion is in order or we
10 are going to have to --
11 COUNCILMAN CACERES: Adjourn the meeting. I
12 mean, I understand. I don't think -- there are
13 people that -- the difficulty that we are having
14 here is some people voted no because they want to
15 give a chance to make things works. But,
16 obviously, we can -- if somebody wants to make a
17 motion for approval, we can entertain that, too.
18 I think that we are in a difficult situation. We
19 have a wonderful applicant, we have wonderful
20 neighbors, we have great council, but I think we
21 are trying to stick a square peg in a round hole
22 by trying to get a resolution on this right now.
23 COUNCILMAN GARRIDO: Mr. Chair, I put a
24 motion to adjourn the meeting.
25 COUNCILMAN CACERES: I'll second.

1 MS. TAPANES-LLAHUES: Please, we've
2 offered --
3 CHAIRMAN GOMEZ: My problem is that, one way
4 or another we are forcing an owner of a property
5 here to spend another month of an attorney's cost.
6 MS. TAPANES-LLAHUES: The County screwed up
7 at the last meeting and we had to reschedule.
8 CHAIRMAN GOMEZ: We are going to be talking
9 about the same exact thing because they can't
10 change anything between now and next month.
11 Is there another motion?
12 COUNCILMAN GARRIDO: Mr. Chair, I've been on
13 this Board for over six years. We had an
14 application on Home Depot, which takes us -- and
15 Belen, which took us over six, seven months. But,
16 you know what, at the end, at the end, we meet the
17 meeting of the minds. I swear we did. And we
18 deferred it, and we kept it, and that is my civic
19 duty. I think there might be -- there might be,
20 you know, some doors opening up. And if there is
21 not next time, well, you know, you can tell me I
22 was wrong.
23 CHAIRMAN GOMEZ: I understand what you're
24 saying, but we put a motion for deferral, if the
25 application changes it has to be two months, the

1 applicant has refused to accept that. So, we
2 will --
3 COUNCILMAN CACERES: What about deferral for
4 one month?
5 COUNCILMAN GARRIDO: I put a no vote.
6 COUNCILMAN CACERES: We can't be fishing for
7 votes. If there is no motion --
8 COUNCILMAN GARRIDO: I have a motion to
9 adjourn the meeting, and Mr. Caceres had a second.
10 CHAIRMAN GOMEZ: That's it. I just made my
11 statement before the roll call. Go ahead and put
12 it to vote.
13 MR. JONES: Before I do, for the other three
14 applications --
15 CHAIRMAN GOMEZ: They are going to have to be
16 deferred.
17 MR. JONES: To April 23rd. I just want to
18 put that on the record, with no readvertisement.
19 CHAIRMAN GOMEZ: Do we have to put that to
20 vote also?
21 MR. JONES: Automatic because we ran out of
22 time.
23 Now, for this one you want to --
24 CHAIRMAN GOMEZ: There's a motion and a
25 second to adjourn.

1 COUNCILMAN CACERES: Or you can adjourn.
2 MR. FITCH: Right now that's the motion.
3 CHAIRMAN GOMEZ: Let's take a vote.
4 MR. JONES: Who made the motion?
5 COUNCILMAN GARRIDO: I did.
6 COUNCILMAN CACERES: And I seconded it.
7 MR. JONES: Motion to adjourn the meeting.
8 Councilman Caceres?
9 COUNCILMAN CACERES: Yes.
10 MR. JONES: Councilman Garrido?
11 COUNCILMAN GARRIDO: Yes.
12 MR. JONES: Councilwoman Planas?
13 COUNCILWOMAN PLANAS: No.
14 MR. JONES: Councilman Rodriguez?
15 COUNCILMAN RODRIGUEZ: No.
16 MR. JONES: Councilman Valdes?
17 COUNCILMAN VALDES: Yes.
18 MR. JONES: Vice Chairman Zakharia?
19 COUNCILMAN ZAKHARIA: Yes.
20 MR. JONES: Chairman Gomez?
21 CHAIRMAN GOMEZ: No.
22 MR. JONES: Motion passes four to three. And
23 the meeting has been adjourned, due to lack of
24 time.
25 (Meeting adjourned at 9:47 a.m.)

1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE

4

5 I, Janice Aguirre, Registered Professional

6 Reporter, Notary Public, State of Florida, certify that

7 the following witnesses personally appeared before me

8 on March 19, 2013 and were duly sworn.

9 WITNESS my hand and official seal this 1st

10 day of June, 2013.

11

12

13

14

15 JANICE AGUIRRE

16 Registered Professional Reporter

17 Notary Public, State of Florida

18

19 JANICE AGUIRRE

20 MY COMMISSION # DD 945053
EXPIRES: December 8, 2013
Bonded Thru Notary Public Underwriters

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF DADE)

4

5 I, JANICE AGUIRRE, Registered Professional

6 Reporter, do hereby certify that I was authorized to

7 and did stenographically report the CZAB BOARD 10

8 MEETING of March 19, 2013; that a review of the

9 transcript WAS requested; and that the foregoing

10 transcript, pages 1 through 141, is a true record of my

11 stenographic notes.

12 I FURTHER CERTIFY that I am not a relative,

13 employee, or attorney, or counsel of any of the

14 parties; nor am I a relative or employee of any of the

15 parties' attorney or counsel connected with the action,

16 nor am I financially interested in the action.

17 DATED this 2ND day of June, 2013 at Miami,

18 Dade County, Florida.

19

20

21 JANICE AGUIRRE,
Registered Professional Reporter

22

23

24

25

1 COMMUNITY ZONING APPEALS BOARD - AREA 10

2 RUBEN DARIO MIDDLE SCHOOL

3 350 NW 97 AVENUE, MIAMI

4 Wednesday, December 5, 2012

5 6:30 p.m.

6

7

8 ITEM NO:

9 JULMAR 147 INVESTMENT, LLC.
12-85

10

11

12

13 BOARD MEMBERS

14 Present:

15 Jose Garrido, Chairman
Julio Caceres
16 Richard M. Gomez
Miriam Planas
17 Gerardo Rodriguez
Manuel Valdes

18

19

20 STAFF PRESENT:

21

Jackie Carranza
22 Earl Jones
David Hope, Assistant County Attorney

23

24

25

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Chairman Garrido	5,6,7,9,15,21,30,39,42,48 55,56,78,81,93,95,96-108,111-116,119,120,122,124,125, 126
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Ms. Carranza	5,14,60,78,79,98,101
Mr. Hope	15,68,78,79,89,90,119, 120,122,123,124

APPLICANT

Mr. Olmedillo 6,7-11,14,15,16,22,24,25, 27,30,51-55,58,59,60,61,65,77,79,82,86,88,90,91,92,93, 98,99,100,101,102,118,121,122

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Mr. Valdes 40-42
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Mr. Pino 43-48
Mr. Quinones 48-49
Mr. Alvarez 49-50

1 * * * * *

2 MR. JONES: In accordance with the Code of
3 Miami-Dade County, all items to be heard this
4 evening have been legally advertised in the
5 newspaper, notices have been mailed and the
6 properties have been posted. Additional copies of
7 the agenda are available here at the meeting.
8 Items will be called up to be heard by agenda
9 number and name of applicant. The record of the
10 hearing on each application will include the
11 records of the Department of Regulatory and
12 Economic Resources. All these items are
13 physically present this evening, available to all
14 interested parties, and available to the Members
15 of the Board who examine items from the record
16 during the hearing. Parties have the right of
17 Cross-Examination.
18 This statement, along with the fact that all
19 witnesses have been sworn, should be included in
20 any transcript of all or any part of these
21 proceedings.
22 In addition, the following departments have
23 representatives present here at the meeting to
24 address any questions: The Department of
25 Regulatory and Economic Resources, the County

Attorney's Office.

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

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Community Zoning 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.

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 date will be deferred to the next available zoning hearing meeting date for this Board.

* * * * *

CHAIRMAN GARRIDO: Please call the item.

MS. CARRANZA: Item No. 1, Julmar 147 Investment, Zoning Hearing application 12-85, 43 protests, zero waivers.

1 CHAIRMAN GARRIDO: And, again -- Mr.
2 Olmedillo, I'm sorry. This is the way that it is
3 done. Who are the people that are going to be --
4 is there anybody here that is going to be speaking
5 against this application? Can you please raise
6 your hands?
7 All right. Okay. This is the way that we're
8 going to do it. Mr. Olmedillo, the representative
9 of the applicant, will present his case. And,
10 then, once he is done, then, I will have those
11 people, and I said a maximum of five to eight, no
12 more, and I'm sure you have a leader, or
13 something, will come up here to present your case.
14 After that, Mr. Olmedillo will have time for
15 rebuttal. And, then, once the public hearing is
16 closed, that's it, you didn't have any other time
17 to put your testimony. And, then, we'll put it
18 to the Board, and then we'll see what happens,
19 okay? Everything has got to be done in order.
20 Mr. Olmedillo, how much time do you need?
21 MR. OLMEDILLO: Mr. Chairman, if I may,
22 probably 30 to 35 minutes.
23 CHAIRMAN GARRIDO: No problem.
24 COUNCILMAN CACERES: Mr. Chair, I would like
25 to acknowledge that there are a number of people

1 in the audience that I know, none of which present
2 a conflict for me, and I do not feel I need to
3 recuse myself.
4 CHAIRMAN GARRIDO: Okay. Go ahead, sir.
5 MR. OLMEDILLO: Thank you, Mr. Chairman,
6 Members of the Board. For the record, Guillermo
7 Olmedillo, 1450 Madruga Avenue, Suite 407, Coral
8 Gables, Florida. I'm representing Julmar, the
9 applicant for the school and the rezoning.
10 As you can see in your packets, the property
11 is being rezoned to a zoning district which is
12 exactly the same that is on the north side, the
13 east side, and the south side of the property.
14 So, obviously, that is one of the reasons why the
15 Department has found it is consistent with the
16 Master Plan and it is compatible with the area.
17 There are a number of other issues in the
18 application, which includes the creation of a
19 school for a kinder, first and second grade, up to
20 200 children.
21 The Department has provided you with a
22 recommendation of approval with certain
23 conditions. We agree to all the conditions
24 proposed by the Department.
25 Had it not been by the fact that the County

1 registered 48 protest, this would have been a very
2 short meeting. Obviously, we have the support,
3 the technical support, of the staff from the
4 County. But, I, for the record, I need to have a
5 clear record, and that is why I'm going to have a
6 presentation which may be longer than we all would
7 like to hear.
8 First of all, consistent with the
9 Comprehensive Plan, the CDMP, requires consistency
10 and compatibility for any application, any
11 Development Order that has to be issued. So, the
12 County is telling you Members, that it is
13 consistent and it is compatible. And all the
14 elements of the application have been found to be
15 consistent and compatible with the Comprehensive
16 Development Master Plan.
17 We have provided a covenant, which the County
18 makes reference of, and I will expand on it a
19 little bit, but I would like to, also, inform you
20 that --
21 COUNCILMAN CACERES: I'm sorry,
22 Mr. Olmedillo. I'm having a hard time
23 concentrating. I didn't take my Ritalin this
24 morning and I'm having a really hard time. If we
25 can close those doors and maybe come in, or maybe

1 the kids that are out there playing, I'm sorry,
2 Mr. Chair, can go outside. It is just really
3 hard. Thank you, Paul.
4 CHAIRMAN GARRIDO: And, again, it is very
5 important that we hear every single word, because
6 sometimes, you know, it can go against, or it can
7 go in favor. We need to hear every single word.
8 So, if you have kids, again, please, if you can
9 take them out, bring them in, that is no problem.
10 At least we can have each person, the ones that
11 are in favor or against, be able to state their
12 case. Thank you.
13 MR. OLMEDILLO: Thank you, Mr. Chairman.
14 The operator and the applicant have collected
15 in excess of 700 signatures of people who feel
16 affected, either because they have been served by
17 this organization, by the school operator, or are
18 close enough to the property to feel affected.
19 I will like to submit to the clerk, for the
20 record, in excess of 700 signatures.
21 What we suspect is the opposition of some of
22 the neighbors is the fact that there is a school
23 involved in this application. Obviously, the
24 rezoning of the property is something that is
25 almost automatically, simply because if you look

1 at the map, the zoning map, this is like a finger
2 of an area that is excluded from the zoning
3 district boundary. And that is almost a
4 correction to the zoning maps.
5 The school, in itself, like I said, is
6 limited to 200 children. It has limitation on
7 hours of operation. It is for the grades of
8 kinder, first grade, and second grade.
9 What it is, in fact, is a relocation of an
10 existing facility which doesn't provide the
11 installation and the building -- the type of
12 building which is adequate for the education of
13 these children. So, in fact, within this
14 neighborhood, there is a school operated by the
15 same group of people who is going to move that
16 operation to this location.
17 So, in itself, it is not a change in the
18 neighborhood, but it is a change of location of
19 the facility.
20 I would like to let you know a little bit
21 about the neighborhood, also. We found that there
22 was certain opposition of the fact that the school
23 was not segregated -- was not really separated, or
24 had enough buffer with the residences just to the
25 south of here. We approached the residents, and

1 you will hear from the representative of the
2 residents, and we have added, as part of a
3 covenant to the neighbors, that there will be a
4 6-foot wall erected on the south side of the
5 property, in addition to the lavish landscaping
6 that the architect will show you in a few minutes.
7 I will like for you to hear a little bit from
8 the architect so that you know the quality of the
9 building and the design that he has provided so
10 that he can create sufficient buffers, sufficient
11 separation, from the residential areas so that
12 they make that compatible -- the use compatible
13 with the residential area.
14 So, if I may --
15 MR. HUEMBES: Good evening, Members of the
16 Board. Carlos Huembes with Villa & Associates,
17 address at 7344 Southwest 48 Street, Suite 201,
18 Miami, Florida. Thank you for your service and
19 thank you for being here tonight.
20 Basically, the project sits on 147th Avenue,
21 as the package shows, and 16th Street. As Mr.
22 Olmedillo mentioned, the school will be relocating
23 from Coral Way and 147th Avenue to 16th Street and
24 147th Avenue.
25 The school sits on a parcel of land that

1 will, pretty much, be on the main thoroughfare of
2 147 Avenue in front of a park, a large park, that
3 the County is going to be building.
4 In the design of the project, and I'll go
5 to the blow-up, in order to design a site plan
6 that will function very well and also create a
7 buffer between the residential area and the houses
8 behind, and the actual school, it was designed in
9 a very slim form and, at the same time, will
10 create a large playground area, larger than most
11 normal schools of this size, and previous
12 precedents that have been set in this area.
13 In order to create the ability to plant
14 larger trees, and a bigger buffer, I will show you
15 the landscape plan.
16 We are planting -- in addition to the wall
17 that has been added to the covenant, the whole
18 length of the property, we are planting trees the
19 whole perimeter, and a hedge, around the whole
20 perimeter. And, at the same time, the school was
21 designed in a one-story concept with only the
22 center portion of the building as two stories.
23 I will show you a rendering of the project.
24 You will see that it has also been designed in a
25 very residential language of architecture in order

1 to fit within the community. And, as you can see,
2 very low scale. The eaves are only 12 feet. And
3 only the center portion, where the drop-off was
4 at, is designed as two-stories.
5 Working together with Staff, both Public
6 Works and the Zoning Department, we came up -- and
7 the traffic engineer, we came up with the proper
8 drop-off pattern, and the proper times of
9 drop-off. It is not all at one time. Being a
10 daycare and preschool, you're going to have
11 staggered drop-offs.
12 So, you have a vehicular drop-off through a
13 circular drive. And, at the same time, you have
14 three times the amount of parking in order to
15 provide the ability for parents to park, drop-off
16 and leave. And the entry to that parking lot was
17 created on 147th Avenue to keep traffic off a
18 residential street. 147th Avenue is currently
19 being expanded to being a four-lane, two lanes
20 each way, road. And, pretty much, those are the
21 aspects of the project. I'll reserve some time
22 later for any questions that you may have.
23 But, as you can see, in addition to the
24 architecture of the school, it is also going to be
25 provided with a picket fence around the front,

similar to the one that has been built within a 5-mile distance of the location that has been functioning for about three years and works very well.

MR. OLMEDILLO: Thank you.

And, if I may, Mr. Chairman, to continue with the presentation, we would like to --

MS. CARRANZA: Excuse me. I'm sorry, Mr. Olmedillo. I have a question about Mr. Huembes. I think he just referred to a wall. Where is the wall, because we don't have any information concerning the wall.

MR. OLMEDILLO: I made the reference to the wall. I will explain to you.

MR. HUEMBES: The project was designed, as per Zoning requirement, and Staff recommended approval, based on drawings, with a fence and a hedge. The owner and their representative met with the neighbors this past week, and the neighbors requested that a covenant be provided where a wall would be built along the rear. And, Mr. Olmedillo referred to a covenant that he is going to be providing today offering that wall, and it would met all the standards of the Code.

MS. CARRANZA: So, that would be a new

1 covenant. Because the covenant that we have right
2 now does not discuss a wall.
3 MR. HUEMBES: Correct. He mentioned
4 submitting a new covenant tonight.
5 MR. HOPE: Did Staff know about a new
6 covenant that was going to be submitted tonight?
7 Because I know our office was going back and forth
8 with Staff about the existing covenant. They've
9 approved the existing covenant, but they have no
10 knowledge about the new covenant. That's point
11 one.
12 MR. OLMEDILLO: If I may, Mr. Chairman. If I
13 may, Mr. Chairman. We found -- we found out about
14 the neighborhood opposition recently. We have
15 added, with the neighbors -- we have added, in
16 cooperation with the neighbors, we have added the
17 wall as a covenant to the neighbors.
18 Now, we can always -- and the only difference
19 between this covenant and the one that the County
20 Attorney's Office reviewed was that, the wall.
21 Now, the wall is not provided in the plans.
22 However, it can be placed as a condition by you,
23 since we are proffering that, voluntarily, that we
24 will put a 6-foot wall, in addition to the
25 existing covenant. And, that way, the covenant --

1 CHAIRMAN GARRIDO: You made your statement
2 that the wall -- that somehow you have gotten
3 together with neighbors and they want a wall
4 there. So, let's continue with the presentation.
5 And, then, once we finish, then, we will go
6 into the legality of the covenant, so we can move
7 this forward, and we'll see what Mr. Hope has to
8 say, and he'll give us some legal advice, and
9 we'll go from there.
10 MR. OLMEDILLO: Thank you. Thank you very
11 much.
12 I will like for you to hear from the
13 representative from the neighborhood, the
14 association -- the neighborhood association. And,
15 if I may --
16 MR. REYES: Good evening, Members of the
17 Counsel. My name is Jorge Reyes. I reside at
18 2424 Southwest 142 Place. I belong to a
19 neighborhood group called Concerned Citizens of
20 West Dade, Inc. We have been pretty active in
21 these councils for years, close to a decade. We
22 try to take care of the neighborhood. We try to
23 see that things are running in a smooth and
24 orderly fashion.
25 I would like to tell you that the Chairman

1 said that this Council has done many nice things
2 in the past years. It probably has. I can tell
3 you that one of the nice things that it did was a
4 school operated by this gentleman at 144 and 26th
5 Street. That school was built three years ago.
6 There has been no complaints. It is a wonderful
7 thing. I drove by it last night. It is lit up
8 with Christmas lights. They maintain it well.
9 There is traffic -- there is very seldom traffic
10 problems there. It flows well. It flows well
11 because it is well-designed. It is
12 well-maintained. It has a good operator. And
13 what we are asking here is that, basically, you
14 replicate the same thing all over again.
15 There is a need in the community for
16 daycares. People work. There is a need in the
17 community for quality daycare, where people
18 have -- there is actually a yard for children to
19 play, and so forth.
20 Most daycares in the area, particularly the
21 one that may replace, if my understanding is
22 correct, within a shopping center. I don't think
23 a shopping center is a good area and conducive for
24 children to be in the daycare. They are,
25 basically, it is confined, it is indoor lights.

1 There is no opportunity for them to do much of
2 anything.
3 Basically, we met with the applicant, and we
4 asked them to replicate exactly what he did on
5 26th Street, on Coral Way, and he agreed to do so.
6 Integral to that, and what he did on 26th Street,
7 which there is very little problems, because of
8 the wall in the back, which we hear so much about.
9 These walls are very important when you have a
10 difference in use, because they prevent, for
11 example, a vehicle that parks, if it's dusk, the
12 light doesn't shine on the neighbor's yard. If
13 it's at dawn, the same thing. Also, it also
14 prevents any fumes from the cars from spilling
15 over on the adjacent property. And it also
16 mitigates in this case, the case of the 6-foot
17 setback for the parking.
18 So, this particular wall is very integral to
19 this application's success. It, also, will be
20 landscaped. The front of this daycare will also
21 have its aluminum fence, which is the same as you
22 can see on 26th Street, which is to maintain the
23 children, and so forth. You landscape the swale
24 area as well.
25 This site, in my view, is perfect for this

1 daycare as the one on 26th Street. It borders
2 147th Avenue, which is expanded to a four-lane
3 highway. 147th Avenue now may have very little
4 traffic, but it will have lots of traffic in the
5 next few months when people go up. It's going to
6 go from 8th Street to Kendall Drive, probably that
7 road will be rated C, if not less, because of the
8 amount of traffic.
9 Assuming that you will permit, what this
10 zoning will permit, which will be a house in an
11 RU-1 district, RU-1M(A) District, this is not an
12 RU-1, you will end up with a house within -- maybe
13 six to seven feet within the site area. That is
14 way too little for a house. Not only that, you
15 would end up with four houses in this particular
16 lot. You would not end up with four to five
17 houses. You wouldn't end up in a situation where
18 you would have a vacant lot.
19 I suggest to you that in this particular
20 case, a daycare only operates during the day.
21 In this particular covenant, the application
22 has agreed to limit his operations between seven
23 a.m., I think, if I'm reading right, and 7:00 p.m.
24 After that, the building is -- the building is
25 shut down. So, therefore, on the weekends there

1 is no one there. The school that they are
2 operating now has very few activities in the
3 auditorium, and whatnot. They also limit that.
4 And, if you look at this covenant, and I'll walk
5 you through, they give what we propose. They
6 propose the wall, they propose the front picket
7 fence, they propose that they will propose a
8 particular driveway which will match the
9 residences.
10 Very important. This covenant is tied to
11 that particular plan. That's a very nice
12 building. It is going to be a nicer building, I
13 submit to you, than some homes after a while. It
14 has got a nice barrel tile roof, which matches the
15 residences, it is not a shingle roof. The
16 covenant allows for pavers, concrete -- stamped
17 concrete. They are also agreeing to limit their
18 outdoor -- their outdoor recreation ten feet from
19 the west property line so as to not to bother that
20 particular neighbor. They are going to add a
21 hedge to the front. The lighting will also be him
22 limited in the covenant. And the owner will,
23 also, as part of the covenant, the owner shall
24 monitor and direct outside vehicle traffic during
25 drop-off and pick-up times to facilitate the flow

1 of traffic.
2 And, further, to further be compatible with
3 the neighbors, which is something that is unusual
4 for applicants to do, he also agrees, on number
5 three, the building shall be painted with earth
6 tone hue colors to ensure compatibility to the
7 residential characters. That happens nowhere but
8 in Coral Gables.
9 I submit to you that this applicant is going
10 way beyond what he needs to. I submit that this
11 is a quality product. There is an old saying that
12 I heard. You build a house, you give four people
13 a house for one year. I know, there is more than
14 four people building a house, because you have
15 your plumbers, your electricians, but it averages
16 to about four people for one year. You build this
17 daycare, it is going to take care children and
18 give jobs to people who are daycare professionals,
19 and it is actually giving them a job and service
20 in the community.
21 I submit to you it is a win-win situation. I
22 will ask you to approve this. Thank you.
23 CHAIRMAN GARRIDO: Please, there is no
24 clapping. There can be no clapping. I know, as
25 much as you want to say, "hooray", there is no

1 clapping, so there won't be no tilt of the balance
2 either way, all right?
3 MR. OLMEDILLO: If I may, Mr. Chairman, to
4 continue with the application -- with the
5 presentation. I would like to present to you two
6 people from the operator side, to explain to you
7 the type of operation that they have run in the
8 past, in the neighboring school, which they are
9 moving to this location.
10 MS. AMPUDIA: Good evening, Commission. My
11 name is Sandra Ampudia. I live at 14723 - 11th
12 Street. I'm representing the operator of this
13 project, this New Horizons Preschool and private
14 school. And we're going to give you an overview
15 on who we are and the services that we provide.
16 So, allow me to read this: New Horizons
17 Preschool is a family business established in 1996
18 pursuing a dream to offer an excellent and quality
19 care in a comfortable setting. Since then, our
20 program has been growing with the community,
21 providing not only a save and nurturing
22 environment, but quality of children in a
23 partnership with families to educate the leaders
24 of the future in our communities. New Horizons
25 has been offering exceptional academic programs

1 designed to implement the best educational
2 practices to enrich children's abilities and to
3 foster their desire to strive to be better every
4 day.
5 We offer a safe, nurturing environment in an
6 excellent educational program that promotes
7 physical, social and cognitive development of
8 children. Our programs focus is to accomplish the
9 needs for the fusion of cultures that exist in our
10 community, by providing a quality of current
11 education and family support for the past 16
12 years.
13 New Horizons is now looking to relocate their
14 home to better serve the community. This location
15 change will provide a richer and safer environment
16 for the children, as well as the opportunity to
17 keep providing educational services to more
18 families in our local area.
19 Over our 16 years of serving, we have been
20 inspired by the parents who we serve, to continue
21 growing with their children. We hope to seek the
22 support we need to continue with this passions of
23 educating children in our community with higher
24 standards and quality of education. Thank you.
25 COUNCILMAN CACERES: Can I get your last name

1 again, please?
2 MS. AMPUDIA: Ampudia, A-M-P-U-D-I-A.
3 COUNCILMAN CACERES: Thank you very much,
4 Ms. Ampudia.
5 MR. OLMEDILLO: Now, if I may, Mr. Chairman.
6 Two people who have children in the school, in the
7 present school, would like to address you, to give
8 you an overview of what they have received as a
9 service by this organization.
10 MR. DOMINGUEZ: Good evening, Chairman. My
11 name is Omar Dominguez. I live at 16122 Southwest
12 63rd Terrace. My daughter went to New Horizons,
13 you know, back in 2006. She graduated from there,
14 from VPK. And if you had attended the ceremony,
15 after their graduation, you will see that all the
16 parents, from the beginning, for all the parents
17 is to have, you know, a Pre-K, and first grade,
18 and second grade, so that they teach the children
19 who attend, you know, and they could receive the
20 same care, you know, education, that they got in
21 VPK.
22 New Horizons is a place where you can leave
23 your kids, go to work and handle, you know, your
24 business without worrying about your child at all.
25 I will highly recommend for you guys to approve

1 this zoning to New Horizons. They are great
2 people. They love what they do. They are not in
3 for the money, you know, they really love to
4 educate the children and provide the foundation
5 for the future. Thank you.
6 COUNCILMAN CACERES: Thank you. Can I have
7 your name again? I'm sorry, I didn't get your
8 name.
9 MR. DOMINGUEZ: Omar Dominguez.
10 COUNCILMAN CACERES: Thank you very much,
11 Mr. Dominguez.
12 MR. OLMEDILLO: Bear with us. I'm getting
13 somebody from the back of the room and she's
14 making her way down.
15 MS. MORALES: Hello. My name is Beatrice
16 Morales. I live at 8309 Southwest 158 Avenue.
17 Miami, Florida 33193. I have been asked to speak
18 to you tonight about my experience with New
19 Horizons. Although I am not a public speaker, I
20 will do my best to share my story with you. I
21 will be telling it from a mother's perspective and
22 I'll speak from the heart.
23 For a parent leaving their child to be cared
24 for by total strangers is one of the most
25 difficult and heart wrenching experiences. There

1 are many sleepless nights thinking who will you
2 entrust the care of your child to. I was very
3 fortunate to find New Horizons when my first
4 daughter was born. She began school at fifteen
5 months. I was afraid of what to expect, since I
6 had always benefited from the help of family
7 members to care for my children. But, at that
8 time, I didn't have any. To my surprise, my
9 daughter learned wonderful social skills, which
10 she would never have learned at home, such as
11 sharing, taking turns, waiting, listening,
12 respecting, potting training. She learned songs,
13 colors, numbers, words. And, little by little,
14 she began to expand her vocabulary. The teachers
15 worked with us to help Rebecca, my first daughter,
16 reach her highest potential. And she is now in
17 their VPK program. When I gave birth to my second
18 daughter, Emma, I had to go back to work when she
19 was four months old, so that was even more
20 difficult because my other one was over one. I
21 was blessed, again, to have the opportunity that
22 they did provide an infant class, and it was very
23 comfortable, and I can't begin to tell you the
24 piece of mind I had knowing the love and care that
25 she was receiving there, was very similar to the

one that she would be receiving at home.

I believe that to a parent, safety and cleanliness is of the utmost importance. And this school receives an A+, not only for this, but for their loving hearts for a job that requires so much and is often little appreciated. I know I speak on behalf of all the parents here when I say that we love the teachers, and the administration of this school, as they love our children on a daily basis. Thank you.

COUNCILMAN CACERES: You did great.

MR. OLMEDILLO: She can take over.

Mr. Ray Garcia would also like to address you. And the way that I would like to finish the presentation, I ran into an old acquaintance, and old friend, who is very active in the community, and she expressed that maybe she wants to make a statement on the record. But, Mr. Garcia if you can come in and address the board.

MR. GARCIA: Good evening, Board. My name is Ramon Garcia, and I reside at 14431 Southwest 10th Street. I moved into that house in May of 2004. It was built by Shoma Homes. And, you know, I've seen this community just take shape. It was one of the first houses they built in that area. I'm

1 literally about eight blocks from that project. I
2 live there with my wife and my daughter, who is
3 seven years old, Isabella, and, Joshua, who is
4 five.
5 When we started looking for a school, or
6 daycare, for Isabella, the only one that was there
7 was Lincoln Marti, which is about four blocks.
8 I'm, basically, in the middle between Lincoln
9 Marti and were this project is going to be at.
10 They had a waiting list. So, I, then, went across
11 the street, and I didn't like the place across the
12 street, which was a daycare. It is in a shopping
13 center. Those are the only two that are anywhere
14 near it. We wound up taking our kids, or at least
15 Isabella, to High Point, which was on 30-something
16 and -- it is, literally, a long distance a way.
17 And, that is where they went to, you know,
18 eventually went to school. We figured, if they
19 don't get to school there, we'll take them there.
20 The area really needs this daycare. 147th,
21 someone was talking about it. It is going to be
22 open. It is two-ways. Someone said it's going to
23 Kendall drive. This thing goes all the way to the
24 airport. It is a main street. There is no reason
25 why a daycare shouldn't be there. I really wish

there would have been, you know, this daycare, especially private school, at the time that my daughter -- we were looking for a school.

I saw the drawing, and it looks beautiful. Those homes there are good size homes. 2,500 square foot homes to 4,000 square foot homes. So, there is no traffic. It can handle, I guess, the density. It can handle it because they aren't condo, they aren't townhouses. They are big homes, very little traffic, and that is beautiful. I mean, if I'm ever -- I've got to get that guy's card. If I'm ever going to build a house, I mean, that is beautiful, because I just want to chair my story. I really wish this daycare would have been there, you know, the school for my kids, because it is within walking distance. It would have been awesome. Thank you very much. Thank you for your time.

CHAIRMAN GARRIDO: Thank you.

MS. LUGO-MORALES: Good evening. My name is Moraima Lugo-Morales. I'm the speaker for Concerned Citizens of West Dade. We usually come not on behalf of the builder, but, on the contrary. We do make our suggestions. And the reason for the back wall was our suggestion. And

1 they have proved to us that they are quality
2 people. And that is why we are backing them
3 tonight thank you for your time.
4 MR. OLMEDILLO: Thank you, Mr. Chairman.
5 And, at the appropriate time, we will address the
6 issue of the covenant. But if you would like to
7 hear from the opponents of the application, and
8 then we reserve a moment for rebuttal after the
9 presentation.
10 CHAIRMAN GARRIDO: No problem.
11 MR. OLMEDILLO: Thank you.
12 CHAIRMAN GARRIDO: All right. Those who are
13 here against this application? Have you gotten
14 together and who is going to speak? About eight
15 people. And, I mean, you can start, or it can be
16 one, if you would like. It is up to you. Take
17 your time. Mr. Olmedillo had, like, thirty
18 minutes. I'll give you some time, all right?
19 MR. FRYE: Thank you. Thank you. I'll start
20 off, my name is Ernesto Frye. I'm a community
21 member who lives directly in the community. With
22 me, I brought some other community members who,
23 again, live a mile. Actually, we did the survey
24 between 13th Street up to 16th Street, which is
25 what is going to be directly affected by the

1 daycare.
2 So, I wanted to get started by also showing,
3 for the record, I know that we sent some
4 signatures for you guys, but we have more
5 signatures, and I wanted to show for the record,
6 and put it in exhibition for you.
7 MR. HOPE: Before you get going, we need your
8 address.
9 MR. FRYE: I'm sorry. My address is 14611
10 Southwest 16th Street.
11 CHAIRMAN GARRIDO: Thank you, Mr. Hope.
12 MR. FRYE: Now, can I show this for the
13 exhibition, please?
14 CHAIRMAN GARRIDO: Yes, pass it to Staff.
15 Go ahead.
16 MR. FRYE: I'm sorry, one more thing I would
17 have to add. I made a copy for each one of you
18 because I wasn't sure if only one person could
19 see. This is not an organized community or an
20 organized association. So, this is our first time
21 at this as well.
22 CHAIRMAN GARRIDO: You were sworn in, sir?
23 MR. FRYE: Yes, I was sworn in. Thank you.
24 In the back of that, that I gave you, the
25 first thing you want to see is the bullet points

1 that we wanted to address. I didn't want to take
2 up too much time. I figured this would be a very
3 time-consuming hearing, so I wanted to make it as
4 brief as possible. So, that just, basically,
5 highlights the letter and some of our concerns,
6 along with the continuation of the signatures that
7 are in the back. And I wanted to bring up the
8 topics now starting with the bullet points.
9 Now, I wrote in some bullet points myself, as
10 the gentlemen were speaking, and with all due
11 respect to the daycare, this does not, in any way,
12 discredit the daycare, on their values, on how
13 well they maintain it, or their members, or staff.
14 We have full confidence that you guys are the best
15 staff, you are great in everything that you do.
16 But, this is just speaking from a community member
17 who will be the backyard facing the daycare.
18 And, the homeowners over there, as I said I
19 got these signature from 13th to 16th Street. And
20 I didn't go any further than that because, like I
21 said, these are the people that are going to be
22 heavily stuck in this traffic while we are trying
23 to get out of work and come home from work.
24 Now, we all know that Miami is a hustle and
25 bustle city. So, you know, with this limited time

1 that they gave us from 7:00 a.m. to 7:00 p.m., you
2 know, it is something that would normally be a
3 justifiable time because we will drop off our kids
4 seven a.m. to eight o'clock a.m. when we do go to
5 work and we'll be coming back five to seven p.m.
6 However, seven a.m., coming into a neighborhood, I
7 don't know if they know about it also, but 144th
8 Avenue is also being opened up all the way into
9 our neighborhoods, 10th Street, I believe. So,
10 that started on Coral Way, along with 147th Avenue
11 started in 17th Street, I believe, 18th Street.
12 So, on 144th Avenue opening up, we are also going
13 to have heavy traffic cutting into a completely
14 residential area. We have over 80 homes in that
15 area and we are still building more homes over
16 there.
17 Now, with these homeowners trying to get out
18 of traffic, they were able to accommodate some of
19 the traffic going into the school, but we have to
20 also remember that when we are all trying to get
21 into that little area to got into the school,
22 there is going to be back-up lines into 147th
23 Avenue, which is where the main entrance is going
24 to be. There is also going to be people coming in
25 and I wish I would have brought the picture that I

1 took yesterday, actually, at their school now,
2 because what happens is, that there is traffic
3 coming out of the people who live in the
4 residences. It is one way going in and one way
5 coming out into the residences. So, the traffic
6 coming out is going to be lining up as people are
7 coming in, and we have people going around, trying
8 to get out, as well as people going in and
9 crossing from the other side of 147th Avenue, also
10 trying to go in. It becomes a very cluttered,
11 very congested and high accident prone area, in
12 front of the daycare.
13 Now, also being a corner unit, there has been
14 several places -- I also lived in other areas, in
15 Kendall, 88th Street, 157 Avenue, where, you know,
16 drivers are coming along and they race on the
17 street, on the main avenue, on the main
18 expressway, and they end up crashing into a wall,
19 or into a home, or into a fence.
20 Now, with the daycare being a corner unit
21 like this, that would question my safety, as well,
22 for the school, the kids, and the people in the
23 area.
24 Now, the first thing I have in the bullet
25 point is safety of our children, guardians or

1 parents, and residents in the neighborhood. That
2 is, basically, what I just touched point on there.
3 It is, you know, the neighbors coming in,
4 everybody is trying to get out. The parking in
5 the back is going to be great, but backing up into
6 147th Avenue, I don't know how that is going to
7 work too well with the place that they are trying
8 to make a main highway by the City of Miami-Dade.
9 I wasn't aware that this was an original
10 Master Plan for the residents. This would seem,
11 to me, more of a commercial thing. It would be
12 better fitted in a commercial area, which we
13 stated in our letter, or in another area, like
14 they are building another school now on 152nd
15 Avenue, to 154th Place, I believe it is, and on
16 8th Street, which is a business zoned area,
17 business and retail zoned area. That school is
18 going to accommodate 3,000 students. These
19 students are going to be from kindergarten to 12th
20 grade. It is a charter school. And there is no
21 reason why we should be building a small school,
22 like this, of 200 kids, behind our homes, next to
23 our homes, when there is going to be another one
24 just within blocks away to accommodate those same
25 students. Give me a second, please.

1 There are also plazas on 142nd Avenue. I
2 took the liberty of driving around, along with
3 some of the members in the community. Again,
4 these are members directly in the community from
5 13th to 16th Street. We drove around and we took
6 pictures of places who have available leases
7 for -- who would be able to accommodate a daycare.
8 These plazas will also accommodate traffic, you
9 know, we wouldn't have traffic backing out onto
10 147th or bottlenecking our neighborhoods. And,
11 overall, it would be just more of a safer place
12 for our kids to be dropped off. Parents dropping
13 off over here would cause a lot of them to just
14 get out of their cars, park in common areas,
15 because parking will be -- I'm sorry, the entrance
16 will be in the front, but the parking will be in
17 the back. It will be a lot more convenient
18 for the parents to just park in a common area,
19 drop off their kids, cross the street, or whatever
20 it may be, while people are trying to get out.
21 And, you know, a few other things is that we
22 really didn't want to take esthetics from our
23 residents. We have what is to be a beautiful
24 neighborhood. It is already a very nice
25 neighborhood. We all invested a lot of money in

1 our properties over there, and one of the main
2 things that attracted myself, and a lot of the
3 people here, is that this was a resident only
4 area, and we feel the community. Most of us know
5 each other. I went around -- several of us went
6 around, got the signatures. We are all on the
7 same page. There wasn't one house that we knocked
8 on, to get these signatures, that they were for
9 the school. They were all on the same page
10 against it. And, again, we are not against a
11 school. We want a school in the area. I plan on
12 having kids very soon. I want a family. But I
13 know that my family will be accommodated just as
14 easy on 152nd on the charter school, from Pre-K to
15 12th grade, which will probably give them more of
16 a social atmosphere that they are going to grow up
17 with the kids that they are first attending
18 school, they are going to grow up with them from
19 kindergarten all the way until they get ready to
20 go to college, and who knows where it goes from
21 there. You form a better bond that way as well, I
22 believe.
23 You know, it is something that it is
24 unnecessary. We appreciate the school. We want a
25 school, but just not, necessarily, behind our

1 houses.
2 We have, also, I don't mean to just ramble
3 on, but we also have a couple of neighbors,
4 directly next to me, who have -- who his wife has
5 Alzheimer. He is very sick. He couldn't make it
6 today. He wanted to make it today. But, you
7 know, his family is very sick. And all he does
8 all day is stay in his backyard and relax with his
9 wife because he can't take his wife anywhere. He
10 can't do anything.
11 Now, a wall is a great idea. Just the same
12 thing that we have going on over here now, the
13 kids are being kids. Kiss are going to scream.
14 Keys are going to have fun, it is what they do.
15 And for them to be directly behind a gentleman
16 whose wife, and not only him, but other neighbors
17 who have that same problem, it is an
18 inconvenience. And it takes away, again, from the
19 communities that we were looking to have.
20 Again, this is something that we also took
21 the liberty of doing. There are nine other
22 schools within a two-miles radius of 15th
23 Street -- of exactly where they are building the
24 school, there are nine other schools in the radius
25 that accommodate kindergarten up to -- actually

1 some of them are from Pre-K to kindergarten, some
2 of them are daycare, some of them are both. And I
3 understand that this wants to go all the way up to
4 second grade. Then, again, that is why we have a
5 charter school being built. They just put in the
6 Letter of Intent in October. And, you know, we
7 are hoping for that school to come along because
8 it will accommodate all of us in that area and in
9 the neighborhood.
10 So, I also included a plan on that so you
11 guys can go ahead and see. It's 152nd up to 153rd
12 Place. And they do accommodate traffic very well.
13 They make a stand place of 67 cars, to just stand
14 and drop-off. They accommodate the traffic going
15 in and out. For 3,000 students, they have the
16 parking for it. So, that's where I want to leave
17 off. Again, I do not want to discredit the school
18 in any way. We appreciate them wanting to build
19 the school, but the same issues that they had in
20 Coral Way off 26th Street, that people get backed
21 up on 26th Street, turning into the school, is the
22 same issues that we are going to have, and that we
23 are trying to prevent and keep it a residential
24 community. Thank you.
25 CHAIRMAN GARRIDO: Is there any other person

1 wishing to speak against? You have been sworn in,
2 sir?
3 MR. VALDES: Yes, I was.
4 CHAIRMAN GARRIDO: Name and address.
5 MR. VALDES: My name is Sergio Valdes. My
6 address is 14661 Southwest 16th Street.
7 First of all, congratulations to the new
8 Board and to you guys for doing an excellent sell
9 job.
10 CHAIRMAN GARRIDO: Thank you.
11 MR. VALDES: I have heard many people talking
12 today here. I just would like to say that, first
13 of all, most of the people that have spoken in
14 favor of the school, do not even live around the
15 area, which is kind of surprising, why they are
16 speaking for the school if they don't even live
17 there. We are not against the school, as he has
18 mentioned. The only thing that we are against is
19 the location of the school. I recently bought a
20 new home in the area, which, actually, is going to
21 be right behind the school. I bought this house
22 about nine months ago, not ever knowing that there
23 was going to be a school built there. Not to
24 correct the engineer. He is a whole lot smarter
25 and I am, but the school is going to be on 15th

1 Street, not on 16th Street, because my house is on
2 16th Street, and they are going to be behind the
3 school.
4 But, another thing that I wanted to mention
5 was, this gentleman has said that the owner had
6 met with the concerned residents in the area, and
7 the concern that they had was a wall. I have
8 never been contacted by anybody, and I live right
9 behind the property where the school is going to
10 be built. In fact, some of my neighbors are here,
11 which is right behind the school, and they have
12 never met with us. I don't know who they met
13 with.
14 There is also another gentleman that spoke
15 about the homeowner's concerns, or homeowner's
16 association. We don't have an association in our
17 area. I don't know who they are speaking on
18 behalf, but it is, certainly, not us, because no
19 one has contacted us, and there is no homeowner's
20 association where we live. I think if someone
21 should be concerned, it should be the homeowners
22 around. As he mentioned, we went from 13th Street
23 all the way to about 17th Street, which is right
24 where we took all the signatures. As you can see,
25 not one was in favor of the school. So, I ask the

1 Board to reconsider and see, you know, which way
2 this should go and please take close
3 consideration, as far as what is really going
4 to do. And, if the school was built three years
5 ago, why are they moving it again? Was it poor
6 planning? I mean, obviously, it doesn't make any
7 sense moving it three years later. What is it
8 really doing to the area if they are now leaving.
9 These are all things that have to be considered at
10 this point. Thank you very much.
11 CHAIRMAN GARRIDO: Thank you, sir.
12 Is there anybody else wishing to speak
13 against this application? Come on.
14 MR. RODRIGUEZ: Good evening. My name is
15 Ramon Rodriguez. I live at 1461 Southwest 145
16 Avenue. I buy my house in this year, the same
17 many neighbor. I buy in the residential area.
18 Now I buy, they want to construction their
19 business in that area. Please, I am against that
20 project, okay? My neighbor on both sides is also
21 against. Here, this is a good show. This is a
22 beautiful show, okay? But the people is not live
23 in this area, okay? Close to the construction.
24 Thank you. I think you think about that.
25 CHAIRMAN GARRIDO: Thank you, sir.

1 MR. PINO: Good evening. My name is Raul
2 Pino. My address is 14502 Southwest 13th Terrace,
3 which places me just about two and a half blocks
4 away from the location in question. And I ask for
5 forgiveness of the group in that I'm going to be
6 referring to simply some notes, not that I'm being
7 disrespectful to your voluntary efforts.
8 First and foremost, I am a business leader.
9 By profession I am a hotel General Manager and I
10 also have a Community Association Manager's
11 License, from the State of Florida, that
12 authorizes me to manage associations. So, I want
13 just to reference that.
14 First and foremost, I have three children of
15 my own, two of which are old enough to attend the
16 school. So, if anything, I would certainly have a
17 vested interest in this community. And,
18 certainly, in the school that is being proposed
19 here today.
20 But, needless to say, I'm speaking not in
21 favor of it, but against it.
22 First and foremost, I have been a six-year
23 homeowner. One of the reasons why I bought
24 preconstruction, three years prior to that,
25 literally it took me 33 months to move into my

house, and I've lived there six years, is because when you look at number one, and please allow me to use the presentation you brought here today, when you look at the number one, and you look immediately south of it, is residential homes. When you look immediately east of it, is residential homes. When you look immediately north of it, is residential homes. And it isn't residential homes directly west because that's the protected land, national wildlife, and it is never going to be built on.

But, I assure it, it is probably going to be single family homes, if that was an opportunity, as well.

There is no association where we live. I invested in that area because I refused to have an association tell me how to paint my house, when to trim my trees, whether my kids are too loud, what fence to put in, so on, so on, so on. I think that proves my point. There is no association. While I do have full respect for everybody who had spoken before, and may speak after, I want the information that you receive to be factual. I trust, as a volunteer on this Board, that you will do your best interest. I have volunteered on a

1 Board. I know what it is to be a volunteer and
2 give your time for zero pay. When you get a
3 raise, you just get another zero. I'm sensitive
4 to that. I'm certainly sensitive to the parents
5 with small children that are here tonight. I have
6 children myself. Trust me, I know what it is to
7 be out in the morning, and take them to a
8 stranger's hand. I'm sensitive to that, and I
9 want them to please understand that. But, not in
10 my neighborhood. Not in my neighborhood. You
11 know why? My wife has a Master's degree, is an
12 elementary school teacher, graduated from
13 Miami-Dade, recently, and a certificate for us to
14 own a daycare. I understand the numbers, okay? I
15 manage a hotel, millions of dollars way more than
16 this business is ever going to produce, out of due
17 respect. You know what happens in a daycare?
18 They make money when they take your kids'
19 pictures, when they do an evening event. Why?
20 Because Abuelito and Abuelita come and they charge
21 you for that, and then they hire a photographer
22 and they charge you for that. I respect that
23 there may be an accommodation for daily parking,
24 but if you have 200 kids, and let's say every
25 parent that is going to go there is going to have

1 two kids there, you and I know it is going to be a
2 lower number than that, where do you put the
3 100-plus vehicles, or 200 vehicles that are going
4 to come that evening to see that facility. You
5 know where you're going to put it? In my yard.
6 In my yard. I didn't buy a starter home. I
7 bought a home to raise my kids for a long time,
8 and when they move out, to stay there with my
9 wife. That is what I bought. I didn't buy a
10 condo, not a studio unit, I bought a long-term
11 home. And you're going to park those cars. And
12 there is nobody here that has kids, that has gone
13 to an after-hour event at a daycare that doesn't
14 know you have to park in people's lawns. That is
15 what you're going to do to my house, that is what
16 you're going to do to my neighbor's house. I
17 respect the architect. I have an Associate's in
18 architectural engineering. I respect it. It's a
19 beautiful, beautiful design. But when you have an
20 event at night, and you will, because that is how
21 you make extra money, you're going to park it in
22 my yard, and you're going to park it in my
23 neighbor's yard. And you're not going to be
24 accommodating. And you can't do it in the natural
25 preserve because there is no access to that. So,

1 you are going to park in people's yards. Mine
2 included. And when you leave, I pick up the
3 pieces of the damage sod that I need to maintain.
4 And, then, my sprinkler system, that I paid out of
5 my hard earned money maintains. So, please, let's
6 understand it for what it is. This is a
7 residential area. If you want a commercial
8 business, you have Tamiami Trail, which is full of
9 commercial businesses. You are coming out of
10 Coral Way that is full of commercial businesses.
11 This is a residential area for single family
12 homes. This is not multi-dwelling. This is
13 nothing else but single family homes, pretty
14 expensive, at least for my pocket, and I don't
15 appreciate the amount of additional traffic --
16 listen, it takes me long enough to travel in Miami
17 every day, in the morning and at night, and I
18 think whether you are against this or for this,
19 you deal with the same traffic that I deal with
20 every day. I am sorry for the parents that would
21 benefit from this, but you would, adversely,
22 affect the quality of life for me and my family,
23 and I already spend enough time from my family to
24 add to that, in traffic, to accommodate a
25 commercial business in a residential area.

1 I commit to the Board that I will support
2 whatever the outcome is, but I ask you to please,
3 please, understand you are considering a
4 commercial business in a residential area.
5 Thank you very much.
6 CHAIRMAN GARRIDO: Is there anybody here
7 wishing to speak against this application?
8 All right.
9 MR. OLMEDILLO: If I may, Mr. Chairman,
10 again, for the record, Guillermo Olmedillo --
11 sorry.
12 CHAIRMAN GARRIDO: Okay.
13 MS. QUINONES: Hi. Good evening. My name is
14 Cristina Quinones. 989 Southwest 149th Court.
15 How are you? I just wanted to say I don't live
16 directly close, and I wish you guys would have
17 expanded out for signatures because I definitely
18 would have signed. But I live in the townhomes
19 that are off of 8th Street -- between 8th Street
20 and 10th Street, and 149th and 152nd. And the
21 only way to get out of our townhouse is to go --
22 at least for me, is to go out 10th, which the main
23 intersection that you have to get to is 147th. As
24 it stands now, it is just one road for everyone
25 from that area, that is further west, trying to

1 get down that road. And, there is already
2 traffic. So, I can't even imagine if they put
3 this school here and people are trying to come
4 from 147th going north, that it is going to
5 affect -- adversely affect those people who are
6 trying to get to 147th from my neighborhood, aside
7 from that.
8 And I do understand -- I'm sorry, I do
9 understand -- I'm sorry, I don't public speak so
10 I'm really nervous, but I do understand the
11 concerns of families, that they need a place for
12 their children. But I agree with the gentleman
13 who just so eloquently put it that it is not in
14 our neighborhood. It should be in a residential
15 neighborhood. There are plenty of commercial
16 spaces available. I do question why three years
17 ago there was a school built on Coral Way, and
18 now, all of a sudden, it has to be moved because
19 of some sort of accommodation issues. And I just
20 think the Board should vote against this, and
21 thank you for your time.
22 CHAIRMAN GARRIDO: Thank you. Anybody here
23 wishing to speak against this application?
24 All right. This will be the last one. Okay.
25 MR. ALVAREZ: Hi. Good evening. Julio

1 Alvarez. I live at 14483 Southwest 13th Terrace,
2 two blocks from this project.
3 It is funny, sometimes I give the impression
4 that I don't speak English.
5 Basically, I have to say the same thing all
6 the other gentlemen and the lady said. I have
7 never been contacted to sign, one way or the
8 other. I live two blocks away. I have my two
9 daughters in a private school. When there is an
10 event, yes, cars have to be almost, like, one on
11 top of the other. It is chaotic. Why do they
12 have to build a school from Pre-K to second grade.
13 And, then, we have another school around 152nd
14 Avenue, from Pre-K to 12th grade. Those kids, who
15 come to your school, after second grade, what,
16 they have to move to another school? They have to
17 have new buddies? They do not follow the
18 sequence. If I have my daughter after second
19 grade, then I have to put her in another school to
20 begin third grade. The peers are not going to be
21 the same.
22 Like Mr. Pino said, I don't want cars in my
23 area either. Basically, everything they said.
24 Thanks a lot.
25 CHAIRMAN GARRIDO: Thank you.

1 All right. I think -- nobody else, right,
2 wishing to speak against the application? Okay,
3 Mr. Olmedillo.
4 MR. OLMEDILLO: Thank you, Mr. Chairman,
5 Members of the Board.
6 Recap a little bit. Traffic is one of the
7 issues. We have Richard Garcia, who is the
8 traffic consultant, who has prepared the traffic
9 study submitted to the County. Public Works is
10 represented here. The County reviewed, from the
11 traffic impact perspective, what a 200-kid school
12 will do to the area. Being factual, as was
13 requested by one of the opponents, those are
14 facts. They are there. The report is there.
15 They analyzed it. They approved it. They placed
16 certain conditions. There is a drop-off so that
17 it can facilitate the circulation of traffic.
18 There is a person who is going to be directing the
19 drop-off activities so there is no traffic backing
20 up. Backing up, when you have a parking area
21 which is sufficiently large to accommodate this
22 facility, it is there, it is part of the plans
23 that has been submitted to Miami-Dade County.
24 Public Works has analyzed those aspects of the
25 application, and they concur that the application

1 is acceptable by all the standards of traffic and
2 traffic circulation.
3 The issue of need. These operators have a
4 waiting list. That reflects the need. If there
5 was no waiting list, obviously, there was no need
6 for a school like this. The other thing is that,
7 and I'm going to go into a little bit into
8 planning theory, is that the schools are the
9 center of a neighborhood. That is what the
10 neighborhood grows around, the educational
11 facilities. Some people have said, well, let's
12 put it out where the flow of traffic is, where the
13 heavy traffic is. That is not where you want to
14 have your kids being educated at, a facility that
15 is on the major thoroughfares, a facility of this
16 type, which is small-scale facility, and that is
17 not like a large campus where you can isolate the
18 buildings and the classrooms, and the class
19 activities, and the extracurricular activities
20 from the original traffic that goes on the main
21 roads.
22 They spoke about the evening hours that these
23 people are going to have. As you know, one of the
24 conditions is that it is limited to hours of
25 operation. That has been suggested and

1 recommended to you, by the Zoning Staff from the
2 Planning and Zoning Department. So, those
3 extracurricular activities cannot occur there in
4 the night, they cannot occur, as it was expressed
5 at the nilly-willy expectation of the operator of
6 the school. It is limited.
7 The fact that this is a commercial
8 activity -- a school is a service. Yes, it is
9 commercial activity because it is conducted by
10 private individuals because, as you know, by
11 serving -- those of you who have served on this
12 Board for many years, and those that are coming
13 in, you know that you're active in the community.
14 One of the biggest deficiencies that we have is
15 educational facilities. The School Board just
16 went out for a bond -- for a bond issue, which is
17 pretty large, pretty substantial, because we are
18 lagging behind on school facilities throughout the
19 County.
20 So, obviously, there is not only a need that
21 has been expressed to these folks by the waiting
22 list, but there is a need, throughout the County,
23 to provide education for children.
24 Again, this is a small-scale operation. It
25 is a service to the community. You have heard

1 from organized associations in the community.
2 I am sorry to hear that these folks are not
3 organized as a community organization, or a
4 neighborhood association, because they don't want
5 certain rules to be imposed upon them. But, as
6 you have been privy to, those veterans who are
7 here, you have heard many times from the
8 representatives of the neighborhood associations
9 and organizations that spoke to you today. That
10 is what I can tell you. This is an operation,
11 which is a small-scale operation. It is
12 relocating a present facility, facilitating a
13 better building and better environment for the
14 children who will use this, and the parents who
15 are going to be served by the education of their
16 children.
17 Anything that you may have, as a question, as
18 I said, Richard Garcia is the traffic consultant,
19 he is in the back of the room, he is available for
20 any questions. The architect, the operators,
21 myself, any questions that you may want to ask.
22 And, then, we can -- and just to conclude. One of
23 the things that I would like to do, before I allow
24 the architect to speak, again, those people who --
25 just raise your hands if you are -- may I ask the

1 question?
2 MR. HOPE: Folks, stop that. Let him speak,
3 please.
4 MR. OLMEDILLO: Those people who are here who
5 are affected one way or another, whether they live
6 or don't live in the community, that are affected
7 by this facility, to raise their hands in their
8 seat so that we don't make any commotion here.
9 CHAIRMAN GARRIDO: All right. Is that it,
10 Mr. Olmedillo?
11 MR. OLMEDILLO: The architect wanted to add a
12 closing statement, if I may.
13 CHAIRMAN GARRIDO: All right. Real quick.
14 MR. HUEMBES: Just real quick. A couple of
15 clarifications that were misunderstood probably by
16 the original presentation. The school wasn't open
17 three years ago and is relocating. Another
18 similar facility was opened three years ago and it
19 is working fantastically, and it is in the similar
20 concept and design. And that is why this one was
21 asked to be replicated like that.
22 This specific school that is moving is in a
23 shopping center, and it has been open for some 14
24 years. And there has been some mention that
25 shopping centers are ideal locations for schools.

1 They are not. Kids don't get the proper education
2 in those types of facility, which is why they are
3 looking for their home, which is why they
4 approached architects that design schools. I have
5 been before this Board many times for schools.
6 The opposition is always to churches --
7 CHAIRMAN GARRIDO: We've got to close.
8 MR. HUEMBES: Twenty seconds. The opposition
9 to churches and schools is always, nobody wants it
10 in the neighborhood, but we need it throughout the
11 city. There is a precedence throughout the City.
12 That is why Planning is important. That is why we
13 go through the process. This school was planned
14 and is designed for preschool to second grade on
15 purpose for the type of education that is needed
16 in the area.
17 CHAIRMAN GARRIDO: Thank you, sir.
18 MR. HUEMBES: I'm available for any
19 questions.
20 CHAIRMAN GARRIDO: Mr. Olmedillo, there is
21 one more person that wants to speak. Real quick.
22 I mean --
23 MR. OLMEDILLO: Mr. Chairman, it's up to you.
24 It's up to the Board.
25 CHAIRMAN GARRIDO: Name and address for the

1 record, please. Are you in favor or against this
2 application?
3 MS. HERRERA: I'm in favor. 12302 Southwest
4 123rd Street. My name is Barbara Herrera. Thank
5 you all for your time and, everybody, for your
6 patience. He actually did say two of the things
7 that I wanted to clarify, the third one is the
8 most important. Being a parent and having two
9 kids myself, this school does not start from Pre-K
10 to second. It starts at infancy. You have a baby
11 that is a month old, you have somewhere to take
12 that baby. You have a baby that is -- most
13 schools, being a parent, looking for a school,
14 myself, when I had my girls, they don't take kids
15 under a year old, and this is a huge part of why
16 you have so many supporters here for this school.
17 Because there is not -- there could be nine
18 schools in the area, and that is wonderful.
19 You're, obviously, not a parent yet. But when you
20 are a parent, you're going to be looking for a
21 school where you can drop off your child that is a
22 month old. So, that is the most important thing
23 that I think that we needed to clarify. A lot of
24 people are saying, "Why have a school, Pre-K
25 through second grade?" It is not Pre-K through

1 second grade. You can drop off -- there are kids
2 there that were there when they were weeks old.
3 So, that is the biggest thing that I wanted to
4 clarify. Thank you very much.
5 CHAIRMAN GARRIDO: All right. Okay,
6 Mr. Olmedillo. State your case and that's it.
7 MR. OLMEDILLO: It's in your hands.
8 CHAIRMAN GARRIDO: All right. Thank you very
9 much. Public hearing is closed. I'll put it
10 to the Board. I'll start on my right.
11 Mr. Rodriguez? Councilman Rodriguez? You
12 are free to -- let me just express that you are
13 free to ask any questions, you know, based on the
14 application that would help you in deciding on
15 your vote. All right? And take your time. When
16 you are done, let me know and we'll go forward.
17 And, then, again, if you feel that you have
18 the time and later on you can come and ask other
19 questions, you can come back and ask. You can
20 start. Take your time. Go ahead.
21 COUNCILMAN RODRIGUEZ: One of my questions
22 was, why weren't the immediate surrounding
23 neighbors not contacted?
24 MR. OLMEDILLO: The applicant contacted a
25 number of the people. Now, we became aware of the

1 opponents by the record that is kept at the
2 Planning and Zoning Department. After we became
3 aware of that, that is why we approached the
4 Association, which, usually and typically, and the
5 veterans here will tell you, that is the
6 appropriate way of doing it, you go through the
7 Association, and go to the representatives of the
8 Association. And, then, they convey to you what
9 the concerns are.
10 The main concern, after they saw the project,
11 the way it was laid out and designed, it was
12 restricted by the limitations of the Planning and
13 Zoning Department, they concluded that in addition
14 to that, they would like to see a 6-foot wall,
15 which will buffer any noise to the properties
16 to the south. We thought it was appropriate. We
17 thought it was acceptable. But, like the veterans
18 will tell you, those people who stood up in front
19 of you today saying that they are from the
20 community, and they represent the community
21 because they are part of an association, they are
22 so, they have stated to you so, and those are the
23 ones that we approached. It is the way that,
24 typically, we conduct the hearing so that we
25 approach the larger community any time that there

1 is an application filed in any area.
2 MS. CARRANZA: If I may, through the Chair,
3 right now that the lady spoke about infancy
4 through second grade, I'm looking at the Letter of
5 Intent provided to us by the applicant. The
6 Letter of Intent does say through two. I just
7 wanted to --
8 CHAIRMAN GARRIDO: Thank you. Everyone heard
9 that, right? Okay. Go ahead, Mr. Rodriguez.
10 COUNCILMAN RODRIGUEZ: My last question is
11 with reference to the wall. Is the wall going to
12 be around the playground area also, or just on the
13 south side of the building?
14 MR. OLMEDILLO: It is proposed to be on the
15 south. The applicant owns the properties to the
16 east of the proposed school. So, obviously, he's
17 got control of that area.
18 COUNCILMAN RODRIGUEZ: Okay. Thank you.
19 MS. CARRANZA: Excuse me, Mr. Chair. I would
20 still like clarification, then, as to what this
21 application is, whether it is --
22 COUNCILMAN CACERES: I'm going to ask. I'm
23 going to get into it.
24 MS. CARRANZA: Thank you.
25 CHAIRMAN GARRIDO: Mr. Rodriguez?

1 COUNCILMAN RODRIGUEZ: That's it. Thank you.
2 CHAIRMAN GARRIDO: You can come back later if
3 you have anything that comes up.
4 Go ahead, Mr. Caceres.
5 COUNCILMAN CACERES: Okay. Here goes.
6 The owner, Mr. Batista and Mr. Castellanos,
7 the owners of Julmar 147 Investment. Are they the
8 owner of the school?
9 MR. OLMEDILLO: No. They will have an
10 operator, who is a separate entity, who is the
11 operator for the other school that is being
12 relocated.
13 Mario Castellanos is here, who represents
14 Julmar. And that's the ownership.
15 COUNCILMAN CACERES: So, it is not pending
16 sale. They are going to -- Julmar is going to
17 continue to own this property and it's going to be
18 leased to the school; is that correct, to the
19 owner of the school?
20 MR. CASTELLANOS: Yes.
21 COUNCILMAN CACERES: You know what? Since
22 you answered the question, come up and tell us
23 your name and address so we are real clear on
24 everything. So, your answer is, yes. Tell us
25 your name and address.

1 MR. CASTELLANOS: Mario Castellanos, 2732
2 Southwest 140 Avenue.
3 COUNCILMAN CACERES: Thank you very much,
4 Mr. Castellanos.
5 Who is Jorge Villavicencio? What is his
6 capacity --
7 MR. HUEMBES: That is my partner. He is the
8 other architect.
9 COUNCILMAN CACERES: He is the one who signed
10 the checklist?
11 MR. HUEMBES: Yes, Villa and Associates.
12 The checklist does say infants, Pre-K and
13 second grade.
14 COUNCILMAN CACERES: We'll get there now.
15 Going back to Mr. Castellanos. Is there a lease
16 that we can see on this property? How long is the
17 lease? Can we see the lease? Is there a proposed
18 lease for the use of this property?
19 MR. CASTELLANOS: I don't have it with me
20 right now.
21 CHAIRMAN GARRIDO: Your name and address
22 for the record, sir. Did you already state your
23 name?
24 MR. CASTELLANOS: Mario Castellanos, 2732
25 Southwest 140 Avenue.

1 COUNCILMAN CACERES: Before we close, just to
2 keep things neat, were you sworn in at the
3 beginning. Did you raise your right hand and were
4 you swear in?
5 MR. CASTELLANOS: Yes.
6 COUNCILMAN CACERES: You were, at the
7 beginning of the meeting?
8 MR. CASTELLANOS: No.
9 COUNCILMAN CACERES: Let's do that.
10 CHAIRMAN GARRIDO: Mr. Olmedillo, if you need
11 a sidebar, please go that way. Thank you.
12 (Witness was sworn in by the Court Reporter.)
13 MR. CASTELLANOS: I do.
14 COUNCILMAN CACERES: All your answers stand,
15 that you don't have -- that you own the property,
16 you are going to be leasing the property to the
17 school and you don't have that contract -- that
18 Lease Agreement here today; is that right?
19 MR. CASTELLANOS: No. We are going to lease
20 the property. We have a contract to lease the
21 property.
22 COUNCILMAN CACERES: Okay. And you don't
23 have that here today?
24 MR. CASTELLANOS: No.
25 COUNCILMAN CACERES: Okay. Okay.

1 MR. CASTELLANOS: We are going to make the
2 lease to rent the property.
3 COUNCILMAN CACERES: It hasn't been executed
4 yet?
5 MR. CASTELLANOS: No.
6 COUNCILMAN CACERES: Thank you very much,
7 Mr. Castellanos.
8 Mr. Olmedillo --
9 COUNCILMAN GOMEZ: Councilman, if I may. I'm
10 thoroughly confused now. I'm looking at the
11 paperwork here and it says the owner of the
12 property is Oscar Castillo Trustee, not Julmar
13 Investments. So, I'm thoroughly confused right
14 now.
15 COUNCILMAN CACERES: The applicant is Julmar
16 147 Investment, LLC.
17 COUNCILMAN GOMEZ: If you go to handwritten
18 page 10 it says the owner of the property is Oscar
19 Castillo Trustee, which is one of the questions
20 that I had. And now that you're talking about
21 it --
22 COUNCILMAN CACERES: I was looking at the
23 disclosure. Mr. Hope, the Disclosure of Interest,
24 on page 26, shows something different. Can you
25 help us? Just so we are clear.

1 MR. OLMEDILLO: If I might clarify.
2 COUNCILMAN CACERES: Go ahead, sir.
3 MR. OLMEDILLO: When the application was
4 filed, he was in the process of the transaction.
5 He closed the transaction before this hearing.
6 So, he owns the property. It is not subject to
7 anything. He owns the property. So, now he is
8 the property owner. But the applicant, at the
9 time, had to be -- the applications were assigned
10 by Castillo, and the other person, for the
11 previous owner, which was at the time of the
12 application.
13 COUNCILMAN CACERES: Okay. I have a question
14 for the architect. Your partner -- you said your
15 partner is the one who filled out this checklist.
16 MR. HUEMBES: Well, myself.
17 COUNCILMAN CACERES: Both of you, you said,
18 filled it out.
19 MR. HUEMBES: Do you have any questions
20 towards it?
21 COUNCILMAN CACERES: I do. It says -- the
22 application -- the Letter of Intent says that it
23 is Pre-K through grade two. Now,
24 Mr. Villavicencio, in the Child Care Checklist put
25 that it's infants through eighth, and Mrs. Herrera

1 here, today, told us that it is infants --
2 MR. HUEMBES: Correct. Through the process
3 of application, a Letter of Intent you submit at
4 the beginning. The applicant submits a Letter of
5 Intent. Through the design process, you go back
6 and forth with staff, through an application, and
7 they review the Letter Child Care Checklist, it is
8 a six to eight month process, you know, and until
9 all those plans, and all those, you know,
10 different factors and Public Works, and Zoning,
11 and Child Care Checklist, all the different
12 things, as a matter of fact, it is an exhibit in
13 your thing, and they make us print it in 24 by 36
14 are checked and cross checked, the application
15 doesn't proceed.
16 The design of the building is for infants
17 through Pre-K and through second grade. All the
18 factors of the specifics of the building, corridor
19 widths, classroom sizes, calculations towards
20 accomplishing the 200 kids are calculated in that
21 Child Care Checklist, accordingly.
22 COUNCILMAN CACERES: In the interest of
23 time -- what is the name of the school again?
24 MR. HUEMBES: New Horizons.
25 COUNCILMAN CACERES: Is New Horizons going to

1 have infants through age eight?
2 MR. HUEMBES: Through second grade.
3 COUNCILMAN CACERES: Age eight?
4 MR. HUEMBES: Through second grade.
5 COUNCILMAN CACERES: It is? It's going to be
6 infants? So, it isn't going to be Pre-K, K and 2.
7 It is not going to be four grades. It is going to
8 be infants.
9 MR. HUEMBES: If there is a discrepancy with
10 the Letter of Intent, we can certainly put the
11 correct --
12 COUNCILMAN CACERES: The correct one is that
13 it is infants --
14 MR. HUEMBES: Right. The Child Care
15 Checklist, all the documents after the Letter of
16 Intent will be the only thing going through.
17 COUNCILMAN CACERES: I just want to get
18 clarification.
19 MR. HUEMBES: Right, right.
20 COUNCILMAN CACERES: Because there is two
21 sets of information that we have. I just want to
22 know.
23 MR. HUEMBES: Well, our produced design
24 documents with the Child Care Checklist with the
25 plans and with everything that got reviewed, with

1 the traffic study, with our drop-off plan are
2 infants through second grade.
3 COUNCILMAN CACERES: Great. Okay.
4 Question for Staff: We were -- the County's
5 recommendation for approval was based on a Letter
6 of Intent that said Pre-K through grade two.
7 MR. HOPE: It says K through two. And it
8 does affect this application because if the
9 applicant is saying, which I now heard twice,
10 through someone, a proponent of the application,
11 and now the architect who has confirmed it is
12 saying that it's really infancy through two, that
13 makes what they are proposing more intense than
14 what the County has analyzed.
15 Now, what can save this, at this juncture,
16 conceivably, is, you still have a ceiling on the
17 number of children. So, because it is limited to
18 two hundred children, conceivably you can get
19 around that by saying, as long as it is two
20 hundred children, it doesn't matter if it's
21 infants through two or K through two because your
22 count is 200. That is if the Board agreed to the
23 capping of 200. But for that 200, though, you now
24 have a proposed use that is being spoken of and
25 presented today that is more intense because of

1 the additional range of age than what Staff has
2 analyzed.
3 COUNCILMAN CACERES: Thank you. I have other
4 questions. On the Child Care Checklist it says
5 the number of teachers is 16, and the number of
6 administrative and clerical personnel is four; is
7 that accurate?
8 MR. HUEMBES: Yes. All the numbers in the
9 child Care Checklist are accurate. We checked
10 them back and forth. I mean, 200 -- the classroom
11 sizes, infants through kindergarten, are
12 calculated at 25 square feet per student, whether
13 it is -- no matter what age. When you go to first
14 and second grade it goes to 30 square feet per
15 student.
16 COUNCILMAN CACERES: Perfect. All right.
17 Now, either of you can answer this. Your staff,
18 the staff at New Horizons, is going to take up 22
19 parking spaces, because there are 16 teachers, and
20 I'm assuming they have their own car, maybe they
21 carpool. Let's go on the facts that we have here.
22 We have 16 teachers, we have four clerical
23 personnel. That is 20. Number eight on that
24 checklist says there are two vehicles that are
25 associated with the use of this school. All

1 right. So, that is 22 parking spaces.
2 So, when I just do the simple math, looking
3 at the plans, there are 34 total parking spaces.
4 MR. HUEMBES: Plus six drop-off. So, there's
5 40 vehicles.
6 COUNCILMAN CACERES: There is 34 total,
7 leaving 12 for people who want to park. Okay.
8 Now, I'm allowed to use my personal experience up
9 here, and my common sense. I'm a father. I have
10 three children myself. And I'm going to tell you,
11 almost certainty -- with a great deal of
12 certainty, that a drop-off of infants in a
13 driveway doesn't happen. Drop-off of infants with
14 car seats with Abuelos, grandparents picking up
15 and installing car seats in driveways does not
16 happen. It doesn't happen. I have a kindergarten
17 and a third grader that I walk to the door of the
18 school. And the parents -- everybody here, the
19 parents look so loving that I'm sure that a lot of
20 them will do the same thing.
21 So, I don't believe in drop-offs. The school
22 I have has one, and the kids who are dropped off
23 in the school my children go, tend to be sixth,
24 seventh, eighth graders. They are overwhelmingly
25 the far older ones.

1 So, my experience tells me, and having been
2 on this Board and seen these drop-offs and
3 auto-stacking, it doesn't work. Some people may.
4 Overwhelmingly, it is going to be -- people are
5 going to be parking in the neighbor's houses. I
6 don't doubt that for the slightest -- for one
7 second. I don't doubt that at all.
8 You know, you have a beautiful plan. I don't
9 doubt -- I saw the emotion with which the parents
10 spoke. You know, I don't doubt for a second that
11 the owners of New Horizons are stellar people,
12 like Mr. Fray and Mr. Pino said. I don't doubt
13 that. I believe -- it is my opinion, and, again,
14 I'm one voice on this Board, I'm one vote, that we
15 are trying to stick a square peg in a round hole
16 in this neighborhood. It is 200 kids.
17 Now, I am willing -- I'm willing to ask for a
18 deferral. We are going to hear what everyone else
19 has to say. We're going to go one-by-one. And I
20 am willing to defer it, to ask for a deferral, or
21 to grant you a deferral, if you wanted to go back
22 to the drawing board and try to make this fit.
23 But the reality is, it is 12 parking spaces for
24 200 kids. I'm not even giving too much credence
25 to the things that Mr. Pino said about the evening

1 events, because I've had children in Pre-K, and
2 we've had those types of events with grandparents
3 and they were during the day.
4 Drop-off. I know that you can have plans,
5 and I know you can suggest things to parents, but
6 at the end of the day, parents are going to do
7 what they want to do. And I have had a lot of
8 schools come before me, in my capacity on this
9 Board, and I've sat in the mornings watching these
10 schools.
11 MR. HUEMBES: May I respond to that a little?
12 COUNCILMAN CACERES: Yes. I do want you to
13 respond, but I have something else. And this is
14 an important one. Mr. Reyes and Mrs. Moraima
15 Morales. Listen, you guys have been before this
16 Board on a number of occasions. I have so much
17 respect for you, and I'm sure your organization,
18 Concerned Citizens of West Dade is fantastic. But
19 the bottom line is, it doesn't represent all of
20 the concerned citizens of West Dade. I understand
21 why the applicants went to you. They needed a
22 place to start. But, the applicants had another
23 place to start, which was a list of names and
24 addresses that were provided to the County. So,
25 there was another option to look and see who

1 really were the concerned neighbors, not no the
2 association that is run by wonderful people, but
3 that is not a mandatory organization.
4 So, even though, as individuals, I have a
5 great deal of respect for them, I don't put an
6 enormous amount of weight on the association as it
7 stands. We've talked about this before, you and
8 I, I've asked you this before. How many members
9 do you have? How many people pay? Is it
10 mandatory? We've gone through this. You have
11 been here for other applications. I'm sure it is
12 great and wonderful. I'm just -- I'm realizing
13 that there's 84 signatures of people who live in
14 the immediate area of this property. 84. Okay.
15 MR. HUEMBES: Can I respond? Can I respond
16 to a couple of things?
17 COUNCILMAN CACERES: Please do.
18 MR. HUEMBES: I'll start with the signatures.
19 I reviewed those signatures. There is about eight
20 homes. They are repetitive. If you go to the
21 next page, the same person is signing again, over
22 and over. You can look at it.
23 COUNCILMAN CACERES: Show me where that is.
24 Thank you. I'm glad, because if we need to call
25 somebody on the carpet, we should. Show me where

1 that is. Thank you.
2 MR. HUEMBES: 14651. 14651 again.
3 COUNCILWOMAN PLANAS: That's husband and
4 wife, in the same home.
5 MR. HUEMBES: In answer to your question, I
6 want to get into -- I really don't like to do
7 that, but you can look at that yourself.
8 COUNCILMAN CACERES: I appreciate that.
9 MR. HUEMBES: I'll get into that. Let me
10 answer three questions that you asked.
11 Traffic wise, this school has a traffic
12 engineer who is here present that can respond.
13 Public Works is here present also. We designed
14 it -- I don't know if you have a staff member from
15 Public Works here today which we worked very
16 closely with Mr. Bernstein, Harvey Bernstein, and
17 Ricardo Gavilan, many meetings back and forth.
18 This school was modeled after the school that was
19 mentioned, that has been opened for three years.
20 That doesn't have those traffic -- has less
21 parking. We provided more parking than that
22 school does.
23 As far as neighbors in the area, I've been
24 told by the applicant and the school operator that
25 a lot of these members are here from the area.

1 You can ask them whoever lives within a two-mile
2 radius, they can stand up, they did not speak in
3 order for us to limit the amount of people.
4 COUNCILMAN CACERES: I don't want to put you
5 on the spot. You made an allegation that there
6 was repeated names.
7 MR. HUEMBES: Addresses.
8 COUNCILMAN CACERES: That's okay, right?
9 Multiple people can live in one house. So, you
10 don't know of any fraud that --
11 MR. HUEMBES: No, no, no, I don't want to
12 talk to that.
13 COUNCILMAN CACERES: If there was, I would
14 just rip this up and throw it away, in my mind.
15 We are here to review an application for the
16 zoning. I'll leave it up to Olmedillo to respond
17 to questions about architecture. We are here for
18 zoning merits and design merits.
19 MR. HUEMBES: We've designed an application
20 that we worked together with Staff to make it
21 better than the already prior approved application
22 on Coral Way and 144th, I believe it is, and that
23 has been functioning very well.
24 So, the model was carried over again. It is
25 a model that you have throughout the City.

1 Throughout the City you have preschools within
2 residential areas. Throughout the City they
3 function well. They are preschools.
4 COUNCILMAN CACERES: Sir, listen, you've been
5 here before. Mr. Olmedillo has an incredible
6 history with the County and private practice.
7 Sir, I don't doubt you. I don't doubt the
8 architects. It is not about that. It is about
9 reality. There is one thing that all the planning
10 books and all the textbooks dictate one thing, and
11 I've seen a level of intensity and traffic roads,
12 and now I'm going to use my common sense as a dad
13 of kids that I drop-off every single day in
14 school. I have a high schooler that backs up
15 traffic all over 87th Avenue, and I have kids
16 in -- see, that is interesting stuff right there.
17 So, no amount of data is going to tell me what I
18 see every day, and what I have seen sitting on
19 this Board for the last six years. It's not true.
20 I want to hear you, sir, because of the
21 immense amount of respect that I have for you, but
22 I don't see it. I don't see it. I love it. I
23 wish that it was different. Because with the
24 amount of love there is for this school, I want to
25 approve this. I don't think this is the right

1 place for it. But, again, I respect you so
2 greatly that I want to hear what you have to say.
3 MR. OLMEDILLO: Thank you for that,
4 Mr. Caceres.
5 Mr. Chairman, if I may. One of the things
6 that I spoke to the applicant is the parking
7 concern that you have. They are willing, like you
8 are willing, to drop the number -- the maximum
9 number of kids allowed -- of children allowed to
10 150, which will alleviate, obviously, the need for
11 additional parking. That may allay your concerns,
12 it may not. I'm just proffering it as a proffer
13 from the property owner, seeing that the parking
14 is a concern to you.
15 COUNCILMAN CACERES: I appreciate that,
16 Mr. Olmedillo, and I will almost rather the
17 applicant have 500 kids in a different site.
18 Because, you know what I'm saying, yes, and I know
19 that the number of Staff that you have is
20 dictated. And I believe the state dictates the
21 number of staff per children, depending on the age
22 groups. So, yeah, I appreciate it and I applaud
23 the effort, I really do. And, please, do not take
24 this personally. I just don't -- I still don't
25 see it at 150. I apologize. Again, let's hear

1 what the other Board Members have to stay. I'm
2 willing to motion or vote for a deferral, if you
3 want to relook at this. And, again, it is because
4 of how highly I think of all of you.
5 CHAIRMAN GARRIDO: Thank you, Mr. Caceres.
6 Councilman Gomez?
7 COUNCILMAN GOMEZ: I got a couple of
8 questions. First, for the attorney, Mr. Hope.
9 The issue with the ownership, there is no -- that
10 is clear? There is no issue with that?
11 MR. HOPE: The issue has been resolved.
12 Staff has checked the property appraiser and the
13 property was sold, or at some point in time --
14 there was some transaction that went on. And, as
15 of this date, the property owner is the applicant
16 of record.
17 COUNCILMAN GOMEZ: Okay. My next question is
18 for Staff. Right now this is currently zoned AU,
19 correct?
20 MS. CARRANZA: That is correct.
21 COUNCILMAN GOMEZ: Which means if we don't
22 approve the application, the zoning stays the way
23 it is, what could be built on this site? Nothing?
24 It is agricultural?
25 MS. CARRANZA: Any agricultural uses is what

1 it could be used for, if it remains with the
2 zoning.
3 MR. OLMEDILLO: If I may, Mr. Chairman. The
4 Comprehensive Development Master Plan reads that
5 no new architectural agricultural use can be
6 brought in within the Urban Development Boundary.
7 So, I believe we need to look at that as it
8 pertains to this property.
9 COUNCILMAN GOMEZ: So, eventually, if it
10 stays the way it is, it stays as an empty plot of
11 grass?
12 MS. CARRANZA: I think it also has to do with
13 the trend in the area. I would have to look at
14 that further and get back to you. I'm trying to
15 see why you are asking the question.
16 COUNCILMAN GOMEZ: Just curious. If we don't
17 approve it, what can be built there?
18 MS. CARRANZA: Well, even if this isn't
19 approved, I mean -- well --
20 MR. HOPE: Let me just say this. One, you
21 can't have a daycare center. That is number one.
22 Number two, it will be up to the owner to look at
23 the Code and determine, pursuant to the Code, what
24 they could do there, but they bought the property
25 pursuant to the current zoning. So, honestly,

1 that is not your concern.
2 COUNCILMAN GOMEZ: Okay.
3 COUNCILMAN CACERES: Well, Mr. Gomez, request
4 number one is a district boundary change from AU
5 to RU-1M(a). I'm assuming, and I believe a lot of
6 the other properties in the area are RU-1M(a).
7 That is one that could be approved, if the Board
8 was to go in that route, then they could have
9 RU-1M(a) approved structures there. I'm assuming.
10 The private school, the unusual use to permit
11 daycare, all of those other four requests, are in
12 keeping with the school. We would be able to, if
13 the Board was so inclined to approve a district
14 boundary change, is that correct, to RU-1M(a), get
15 rid of the agricultural, because, really, it is
16 worthless, but not do everything else, if the
17 Board went that route.
18 MR. HOPE: Absolutely.
19 CHAIRMAN GARRIDO: Continue, Mr. Gomez.
20 COUNCILMAN GOMEZ: I don't see any -- this
21 question is for the architect. I didn't see any
22 parking lot lighting on the plan. Is there any --
23 was it left off because it is in a residential
24 neighborhood?
25 MR. HUEMBES: No. The zoning application

1 doesn't require us to submit lighting plans at
2 this process. The project would have to comply
3 with the Florid Building Code which would require
4 one foot candle and half a foot candle after dawn.
5 There is an ordinance from Miami-Dade County to
6 protect -- for safety at any type of property, so
7 that is why you see the lights go to a lighter
8 level after a certain hour throughout the City in
9 the commercial areas, and in the different private
10 properties. So, it would have the required
11 lighting and it cannot overspill outside the
12 property line. You have to light within the
13 property.
14 COUNCILMAN GOMEZ: Councilman Caceres
15 addressed my traffic concerns. I have the same
16 concerns as far as parking and Councilman Caceres
17 and my kids used to go to the same school. I had
18 the same concerns.
19 COUNCILMAN CACERES: You almost ran me over
20 one time. That's a separate story.
21 COUNCILMAN GOMEZ: That's about it. That's
22 all I got.
23 CHAIRMAN GARRIDO: Councilman Valdes?
24 COUNCILMAN VALDES: I have a couple of
25 questions. Is there any plans for overflow,

1 because it is going to happen no matter what,
2 Councilman Caceres brought up. Are there any
3 plans, or has that been thought out at all, as far
4 as overflow parking, that is, being that there are
5 34 spots and 24 are being used. Are there more
6 spots? At one point or another you will have a
7 parent that needs to address an issue, or
8 whatever, needs to address an issue that needs to
9 park.
10 So, therefore, has that been thought out?
11 And, also, in addition, like you stated, a
12 drop-off of an infant takes more than just opening
13 the door, go out, and close the door and drive
14 off. How would that be dealt with?
15 MR. OLMEDILLO: Thank you for the question.
16 If I may, Mr. Chairman, yes, the traffic study was
17 prepared by Richard Garcia. I will call Richard
18 to explain to you. Also, remember there is a code
19 for the parking requirement. Obviously,
20 Councilman Caceres does not believe that the Code
21 addresses all the issues, particularly in the
22 school where he had the experience of the school
23 for his children. But, obviously, there is a
24 standard that is applicable throughout the
25 unincorporated area of Miami-Dade County. The

application meets all the standards, as I stated in the record before, and the architect, in the follow-up argument was saying, the Public Works Department reviewed this for compliance, and Zoning reviewed this for compliance with the Zoning Code, and also with all the requirements for traffic circulation with Public Works.

But, I will ask Richard Garcia, the traffic consultant, to address your questions.

MR. GARCIA: Hi. Good evening. Richard Garcia, 13117 Northwest 107th Avenue. As has been discussed here tonight, we've met with Public Works. We laid out a methodology to prepare the study, which is consistent with all schools and daycares. We proceeded with the study --

MR. JONES: Have you been sworn in?

MR. GARCIA: Yes, I was. I was sitting in the back of the room.

MR. HOPE: State your name.

MR. GARCIA: Richard Garcia, 13117 Northwest 107th Avenue. The Public Works Department reviewed our study, they provided comments. We had several iterations of technical reviews with them, and we met their criteria.

What I would really like to point out is that

1 with a daycare, the difference with a daycare and
2 a regular school is that the daycare doesn't have
3 a fixed schedule for when the student has to begin
4 class, because they are not students. They are
5 children that are being taken care of.
6 What you see with a daycare operation is that
7 you don't have that intensity, like a class. Once
8 they start kindergarten, they have to be in the
9 room, the bell ring, class starts, so you have a
10 much more intense time.
11 With the daycare, different parents have
12 different schedules. Some drop-off really early,
13 some drop-off a little later. It is spread out.
14 You don't have such an intensity.
15 Public Works Department looks at not just our
16 study, but a lot of other studies. The way we do
17 these studies is, the Public Works Department
18 selects a surrogate school. They get real-world
19 numbers. They pick a school this year. Walk
20 they, tell us which school to look at. We don't
21 get to pick it. They pick a school, a daycare,
22 they tell us, "Go out there, measure the traffic."
23 And then we use that and apply that to the school
24 you are proposing.
25 And, so, next year where I go to do another

1 school, they make me pike a different surrogate.
2 It is constantly being evolved. It is like the
3 process of lessons learned. A lot of the old
4 schools you see, the chaos with the traffic
5 because they weren't designed the way they are
6 today. Daycares in schools are designed where
7 everything has to be contained within the site, so
8 as to minimize any impact to the adjacent
9 roadways, as to minimize any impact to the
10 neighborhood, so on so forth.
11 And, so, when we start comparing, "Oh, look
12 what happened to this school, that school," you
13 have to understand, when was the school designed?
14 Most of the time you'll see they don't have much
15 of a drop-off area. And so, I mean, there are
16 schools of hundreds of children. That have a
17 fixed schedule. They don't have drop-off areas,
18 so everything is occurring on the street.
19 Your Staff has looked at this. They don't
20 give us the green lights to go forward unless they
21 feel confident that it is going to work
22 appropriate. That is where we are.
23 CHAIRMAN GARRIDO: Councilman Valdes?
24 COUNCILMAN VALDES: I understand that Zoning
25 reviewed and everything -- I know that the

1 incidentals always happens because no matter what
2 because, "Oh, this guy, he is dropping off his
3 child inside there, while, in the meantime,
4 everybody is waiting out there." And the first
5 person to move out, and there is nothing you can
6 do because the car is empty.
7 MR. GARCIA: You are absolutely right. We
8 can't design any facility for an incident, just
9 like I-95, or the Palmetto, when there is a
10 fatality, you know, all bets are off. I have to
11 agree with you. But, we have to design it so that
12 under normal circumstances, the site is going to
13 operate properly. When you have an incident at
14 any facility, you know, that changes things. But
15 those things are far and few between. We don't
16 design for that type of situation.
17 MR. HUEMBES: The design of the parking area,
18 working together with Public Works staff, which is
19 really the ones that get most into parking. They
20 require that, and it is typical in most schools,
21 that the staff parking is away from the school.
22 You see them, and they have to be marked. Staff
23 parking spaces are on the outer border. The
24 drop-off for infants, or Pre-K, that the parent
25 wants to walk them, that is why you have them

1 right up against the school, and you have
2 T-turnaround design. So, the stacking could
3 happen within the parking lot. You have to turn
4 around and come back out. They account for that
5 lengths also.
6 The drop-off through the cul-de-sac is meant
7 for the older ages. Now, the width of the 14-foot
8 drive was also requested by Public Works, so you
9 could have some sort of pass by. If there is a
10 requirement, they have the width of a vehicle.
11 You have parking spaces only eight feet wide.
12 Those different factors all work together with
13 public works. Again, this school has 14 required
14 parking spaces beyond the required amount. So, it
15 is surplus.
16 MR. OLMEDILLO: If I may compliment that
17 presentation. If you look at condition nine, in
18 the recommendation of staff, you will see that it
19 says, "The school shall assign a staff to monitor
20 and direct on site vehicular traffic during
21 drop-off and pick up times to facilitate the flow
22 of traffic and prevent accumulation on the public
23 right-of-way." That is a condition which is
24 presented to you, and suggested to you by your
25 professional staff, to alleviate any -- to allay

1 some of the concerns that you have about the
2 traffic.
3 COUNCILMAN VALDES: I got that point, that
4 Staff will be there in providing assistance and
5 guiding through. But, I was wondering, on the
6 ones that have infants, now that the subject was
7 brought up, as far as infants, infants, you have
8 to stop, get in the backseat, unbuckled the seat,
9 a minute, two minutes, maybe three minutes, give
10 or take, just to generate that, to get the child
11 out. And, then, what would be the next step out
12 of that? Would you hand it to a staff member,
13 here is my child, and the staff member will take
14 the child in and the person can get back in the
15 car, or that person will have to walk the child
16 into the facility and say, here is the child?
17 Because that, alone, takes a couple of minutes.
18 MR. OLMEDILLO: If I may, Mr. Chairman. The
19 issue -- the applicant will be willing to
20 accept -- obviously, you have the ability because
21 it's a reasonable limitation you can place. You
22 can place a condition to limit the number of
23 infants. Right now they serve four infants. If
24 you limit it to the number of infants to five
25 infants, then, that way that potential -- what we

1 are trying to do is allay your concerns by
2 creating some limitations so that the potential is
3 not created.
4 If you only have five infants, then,
5 obviously, like Richard Garcia was explaining to
6 you, the drop-off hours are different for
7 different parents. And that way you spread out
8 the peak impact on the area by having the
9 operation that way. And if you limit -- further
10 limit, as a condition, the number of infants that
11 can be served by the facility, then that may
12 address your concern.
13 MR. HOPE: If I may. So, are you saying --
14 are you proffering right now, and, obviously, it
15 is up to the Board, but a limitation of a total of
16 five infants, and is that still with the
17 additional limitation of 150 children total?
18 MR. OLMEDILLO: Correct.
19 COUNCILMAN CACERES: Say that again, sir. I
20 just want to be clear.
21 MR. HOPE: Earlier on, as part of the
22 discussion when you were talking about the more
23 intense use, and really being from infant to grade
24 two, not K through two, you talked about 200
25 ceiling. Guillermo had said they would be willing

1 to reduce that number, that was a concern, to 150.
2 So, I asked now, talking about just the infants,
3 if they are also talking about the five infants.
4 Is that in addition to still agreeing to 150
5 children total, and he said, yes.
6 COUNCILMAN CACERES: So, you're saying five
7 infants --
8 MR. OLMEDILLO: Five and 145, max.
9 MR. HOPE: Right, a total of 150.
10 COUNCILMAN CACERES: How do you define
11 infant?
12 UNIDENTIFIED SPEAKER: Zero to 12 months.
13 Department of Children and Families --
14 COUNCILMAN CACERES: Hold on one second.
15 You are not up here. And if you're going to give
16 testimony --
17 MR. OLMEDILLO: If I may, so I can be on the
18 public record. It's zero to 12 months. I've got
19 to go to the experts.
20 COUNCILMAN CACERES: Thank you.
21 MR. OLMEDILLO: I'm not an educator.
22 CHAIRMAN GARRIDO: Go ahead, Mr. Valdes.
23 COUNCILMAN VALDES: Taking that into
24 consideration, I have a question. You mentioned
25 700 signatures that were obtained for it. How

1 were they obtained? Was the neighborhood
2 canvassed, or was it a centralized location and
3 everybody filled in, or how were they generated?
4 MR. OLMEDILLO: Let me ask the compiler so
5 you have factual information.
6 COUNCILMAN VALDES: Thank you.
7 COUNCILMAN CACERES: Staff, do we have those
8 700 signatures? Can you pass them on?
9 MR. OLMEDILLO: What happened is, the people
10 who presently use the facility were approached
11 about the construction of the new facility. And,
12 those are the signatures of the people; users and
13 people related to the present users of the
14 existing facility, which is on Coral Way. There
15 are people from the area, and there are people
16 from outside the area.
17 COUNCILMAN CACERES: And some from Hialeah.
18 CHAIRMAN GARRIDO: Is that it, Mr. Valdes?
19 COUNCILMAN VALDES: I've got one more
20 question, if I may.
21 You mentioned the owner also owns the
22 property to the east of the land.
23 MR. OLMEDILLO: Yes. The application, as it
24 was explained before, covers a piece of property
25 that goes from 147th Avenue all the way to the

1 next street on the east. The application, when
2 you read it, has two components, actually. The
3 rezoning of the property, that Mr. Caceres was
4 referring to, which is the rezoning of the
5 property. Now, if you agree to rezone the
6 property, within that rezoning, you may file an
7 application for an unusual use to have a school
8 within that rezoned property. So, he owns the six
9 remaining lots that are to the east of this
10 particular property.
11 COUNCILMAN VALDES: I was just wondering, is
12 there any future plans for that, or is it just
13 still right now standby?
14 MR. OLMEDILLO: I would have to ask, since
15 everybody here is under oath, I would ask the
16 applicant, the owner, to state that for the
17 record, if he has any plans for the six lots.
18 MR. CASTELLANOS: The plan is six single
19 family homes.
20 COUNCILMAN VALDES: I'm sorry?
21 MR. CASTELLANOS: The plan is six single
22 family homes.
23 COUNCILMAN VALDES: To build single family
24 homes?
25 MR. CASTELLANOS: Yes.

1 COUNCILMAN VALDES: All right. Thank you.
2 CHAIRMAN GARRIDO: Ms. Planas?
3 COUNCILWOMAN PLANAS: Thank you. I've got to
4 tell you, there's really a nice show of support
5 for this facility. I'm sure it's a great
6 organization. I'm the mother of a six-year old
7 son, too, and my first daycare that I dropped him
8 off at, I picked him up two days later and said,
9 never again. I ran him back to his grandmother's
10 house. But, I know that it's a difficult thing to
11 find a good facility.
12 But I've got to ask, you know, you guys keep
13 talking about this wall that you spoke to the
14 residents about, and the residents say they didn't
15 speak to anybody about a wall. So, I'm curious to
16 find out what residents did you speak to about
17 this famous wall?
18 MR. OLMEDILLO: Again, if I may,
19 Mr. Chairman. It was the associations that were
20 identified by us at the -- since the beginning of
21 the process. The association that typically shows
22 up at this Community Council hearing to tell you
23 and to let you know what the feeling of the
24 community is.
25 COUNCILWOMAN PLANAS: I understand that. But

1 it wasn't directly from the residents within the
2 immediate community. The guy who is going to be
3 living behind the wall, in other words?
4 MR. OLMEDILLO: No.
5 COUNCILWOMAN PLANAS: Okay. You Know, I'm
6 looking at the signatures here, collected by the
7 opponents, and, you know, just at first glance I
8 see, you know, over 50 separate addresses, you
9 know, with more than that in signatures collected.
10 And, you know, I look at the map and in the
11 immediate surrounding area there are many
12 signatures here directly affected by this, within
13 a block or two, behind, on the side, you know.
14 And these are the people that are going forward.
15 This is a direct community. And, you know, I
16 guess, you know, I just wanted to -- and, you
17 know, I also had the same question that my partner
18 here had about the traffic flow.
19 Now, I do see here where the Public Works and
20 everybody signed off on it and says it will be no
21 problem, you know, it wouldn't hurt the traffic
22 even further. Here it says it will have no -- it
23 will not have negative noise, traffic impacts or
24 unduly burden upon the County and County services.
25 And, although, that technically is correct, I also

1 live behind a school. And I drop off my son, and
2 I go to his school, and I park on lawns. I don't
3 mean to, but there is nowhere else to park. I
4 don't mean to park in your yard, but I park in
5 that little piece out there by the street, you
6 know. And I don't like to, but I have to. So, I
7 understand how it affects the property owners and
8 the direct community. I understand this is a
9 great -- a great facility, too, and I wish I had
10 one -- they spoke great things like this -- I
11 really do, in my neighborhood.
12 But what is important to me is how it affects
13 the direct community that is going to be affected
14 by on a daily basis. And those are the people
15 that we have signatures here, who are showing up,
16 and against it. You know, I'm still open to
17 hearing other discussions. But, you know, thank
18 you very much for your time. I appreciate it.
19 CHAIRMAN GARRIDO: Thank you, Ms. Planas.
20 As always, you know, we get these difficult
21 applications once in a while. That is why we are
22 here. And it is what it is. It's like being a
23 marriage counselor. You get two different people
24 and you see what you do. Hopefully, we'll work it
25 out. All right.

1 My first concern, and to me it is very
2 important, and, in fact, it is at the first part
3 of the analysis, and it is very important. I like
4 concise explanation of liability or the future
5 repercussions that this can bring.
6 There is an environmentally endangered land
7 that is right beside it, which goes through a
8 burning process, right? And there is a condition,
9 by Staff, stating to the fact that if the land
10 burns, that they would have to put the children
11 inside.
12 Now, this is very important, because, you
13 know what, this outweighs -- to me this outweighs
14 everything and anything, whether it is
15 residential, whether there is a wall, whether
16 there is 18 parking spaces. I want to know, and I
17 understand you are a professional, Mr. Olmedillo,
18 I want to know from an expert, from DERM, from
19 this, to come before us and state to the fact one
20 of the future repercussions. Let's say, if I were
21 to take -- you know, I'm not a child, I'm not that
22 young, but to take, maybe, a nephew of mine, or
23 somebody there. Do you understand what I'm
24 saying? And let me just read it out so the people
25 will know.

1 "The property abuts an environmentally
2 endangered land, the property to the west, which
3 is part of the Tree Island Governmental Facility.
4 Approval to pursue resolution," blah-blah-blah.
5 There is some legality. "The Florida legislature
6 passed a prescribed Fire Act in 1990 to promote
7 prescribed fires and to provide liability
8 protection."
9 I want an explanation. I'm not an expert on
10 this.
11 "As stated in the Environmental Resource
12 Management Division, Department of Regulatory and
13 Economic Resources Memorandum, such burning is,
14 generally, performed once every three years. The
15 subject property lies within the potential smoke
16 dispersion corridor." And, however, the site plan
17 provides that the school site has been designed
18 with sensitivity to the abutting -- I don't know
19 how you can have any sensitivity abutting smoke
20 coming to you. At any rate, Staff recommends, as
21 a condition for approval, that the proposed
22 private school and daycare keep the children
23 indoors on the days that the prescribed burns
24 occurs."
25 What is this? And how is this -- who is an

1 expert on this? I mean, who controls this, DERM?
2 MS. CARRANZA: DERM is not present tonight.
3 They would be the one that is able to address this
4 issue.
5 CHAIRMAN GARRIDO: And, to the architect, I
6 understand -- to me, that is a person that I want
7 to see here. I want an explanation. You know,
8 what is this? We are putting a school for
9 children -- I'm putting my vote, whether it is for
10 it or against it, for children that could
11 probably -- I'm not saying it could happen, but
12 could probably be in the Herald, front column, you
13 know, two years from now, and they'll go back into
14 the record and Jose Garrido voted yes on this
15 project.
16 Seriously, and don't laugh, Mr. Olmedillo,
17 this is very important.
18 MR. OLMEDILLO: I'm very serious about it,
19 too.
20 CHAIRMAN GARRIDO: I'm sure you have an
21 answer. Once you have it, I don't have a problem.
22 DERM is not here today. So, I'm willing, you
23 know, also to go with Mr -- I'm going to leave
24 some question, with Mr. Caceres deferral, all
25 right? Put that in the back burner, and I'll

1 give -- you can answer for me if you would like
2 now, but I'm still going to need somebody from
3 DERM to be here.
4 MR. OLMEDILLO: I believe that it's
5 appropriate, Mr. Chairman, that you have somebody
6 from DERM addressing this issue.
7 CHAIRMAN GARRIDO: You can shed some light,
8 something you may know.
9 MR. OLMEDILLO: The prevailing breezes,
10 obviously, in Miami-Dade County, are from the
11 southeast, and that is 90 percent of the time.
12 Obviously, if there is an uncontrolled -- we
13 suffer from the Everglades, if there is a fire, we
14 feel it.
15 CHAIRMAN GARRIDO: Yeah, I feel it where I
16 live in Westchester, on 12th Street, and I feel
17 it, it is way west, and this is right beside a
18 prescribed burning area.
19 MR. OLMEDILLO: So, I will suggest to you
20 that --
21 CHAIRMAN GARRIDO: Let me just ask you: When
22 it is burning, let's say it is burning tomorrow,
23 how much smoke -- forget the prevailing winds. I
24 know the prevailing winds are southeast, but they
25 come from the north, you know, when you get the

1 north. So, how much smoke? I mean, is it like a
2 cigarette? Is it a smoke? Do you have to go in
3 the houses? And I'd like to ask the people, the
4 neighbors, that live there, how is the smoke?
5 Because they've probably experienced it.
6 MR. OLMEDILLO: To assist the process,
7 because the architect is asking me to address the
8 issue. But, in all due respect to the architect,
9 and the applicant, we are not experts on that
10 field. DERM has to allay your concerns how these
11 two functions are going to operate side-by-side,
12 whether they notify, whether they -- once they are
13 next to an urban developed area, they have to
14 restrict that further than the three-year cycle.
15 That has to be a DERM concern that has to be
16 addressed to you. To profess that I will be here
17 as an expert, or bring an expert, which we don't
18 have today here, to explain to you what effect
19 this --
20 CHAIRMAN GARRIDO: This is very important.
21 MR. OLMEDILLO: And I hear that it is
22 important to you, and I believe that the best way
23 to handle this hearing --
24 CHAIRMAN GARRIDO: I am very concerned about
25 this, let me tell you. You can smile, but it is

1 my vote, it is not yours. And, you know, if they
2 tell me something that they can certify to the
3 fact and this is -- they are recommending to us
4 you can put this there, because that is there,
5 but, you know, what it says here, basically, Staff
6 is saying, "You'd better put your children
7 inside." That is what they are saying. Is that
8 right, Staff, in a nutshell?
9 MS. CARRANZA: We did say that.
10 CHAIRMAN GARRIDO: Put them inside because of
11 why? Why? It is hazardous.
12 MS. CARRANZA: Well, we would have to have
13 DERM here in order to really answer that.
14 CHAIRMAN GARRIDO: That's good. All right.
15 Because I really want to move forward. I
16 understand, you're not a professional, and we'll
17 get that time. So, that was an important point.
18 Now, AU is designated -- you mentioned it is
19 not -- why is it not in the Comprehensive
20 Development Master Plan now? Why does it still
21 stand as AU if you cannot develop new AU land at
22 this point? And why do they have to come for this
23 change?
24 MR. OLMEDILLO: That I can claim I'm an
25 expert in.

1 CHAIRMAN GARRIDO: But isn't it
2 contradictory?
3 MR. OLMEDILLO: It is. What happens is that
4 there are two layers that affect the use of the
5 land and the utilization by Zoning. The first
6 layer is the Comprehensive Development Master
7 Plan, which one of the elements is the future land
8 use map. The future land use map you will see
9 that this is residential. It is painted some type
10 of yellow. So, it is residential. So, the
11 Comprehensive Development Master Plan says, yes,
12 this should be developed as residential land.
13 Then, when you go to the zoning layer and you
14 pull up the section maps, and you look at the
15 zoning, and this property has not been rezoned, it
16 hasn't been trended, which is a way that the
17 Department has -- the Director of the department
18 has the ability to trend a property, because if he
19 sees that three sides, or four sides of the
20 property are zoned a certain way, he can,
21 administratively, say that he trends the property
22 to the same zoning category that is abutting on
23 the three sides. But, that's not the case here.
24 CHAIRMAN GARRIDO: I'm sorry, the gentlemen,
25 the owner of the property, the owner of the

1 property. Castellanos, I'm sorry. How long ago
2 have you had this property?
3 MR. CASTELLANOS: About five months.
4 CHAIRMAN GARRIDO: Five months?
5 MR. CASTELLANOS: Yes.
6 CHAIRMAN GARRIDO: And you are not going to
7 develop it. You saw it was AU, or you saw it was
8 RU-1? Or you bought it, you know, because you
9 were in contractual agreement with them verbally?
10 MR. CASTELLANOS: Yes, yes.
11 CHAIRMAN GARRIDO: Okay. Thank you, sir.
12 We have the number of students. It is 200.
13 Who is the principal of the school, or the
14 director?
15 MR. OLMEDILLO: The operator.
16 CHAIRMAN GARRIDO: You can come forward.
17 Come forward. That's all right.
18 Now, Mr. Olmedillo, these folks, are they the
19 owners of the New Horizon? Are they, like,
20 management per se, like the hotel gentleman that
21 came here, they manage hotels for developers; is
22 that it?
23 MR. OLMEDILLO: I'll allow them to explain
24 what their operation is like.
25 CHAIRMAN GARRIDO: In a nutshell, basically,

1 what you do is you manage properties and others
2 develop? Are you going to build the property?
3 MS. ANGULA: Helen Angula -- 7350 --
4 CHAIRMAN GARRIDO: Are we going to need a
5 translator?
6 MS. ANGULA: Yes, please.
7 MR. JONES: Mr. Chair, was she sworn in?
8 CHAIRMAN GARRIDO: Were you sworn in, ma'am?
9 (Witness was sworn in by the Court Reporter.)
10 MS. ANGULA: I do.
11 CHAIRMAN GARRIDO: Are you the developer of
12 the property, of the structure? You will build
13 the structure?
14 MS. ANGULA: No, Mr. Castellanos.
15 CHAIRMAN GARRIDO: Mr. Castellanos. And,
16 then, you will manage the property?
17 MS. ANGULA: Correct.
18 CHAIRMAN GARRIDO: All right. And how long
19 is the lease for?
20 MS. ANGULA: It is not a lease. It is a
21 purchase, and we bought it from Mr. Castellanos.
22 She will buy it from Mr. Castellanos.
23 CHAIRMAN GARRIDO: He'll have his time. Real
24 quick because we have to go. So, you will buy the
25 property from Mr. Castellanos.

1 Let me ask you: These beautiful kids, and
2 you have kids that are students, I'm sure you have
3 some extracurricular activities that are performed
4 during periodic times of the years; Christmas,
5 Easter, Thanksgiving. What do you do? What do
6 you have in those times?
7 MS. ANGULA: They take place, when there is a
8 party, and the kids usually share a moment --
9 CHAIRMAN GARRIDO: No, no, no. What I'm
10 saying is special activities, like I think
11 Mr. Caceres mentioned to the fact on Christmas, do
12 you have Christmas events? In the school, do you
13 have any Christmas events? Do you have night
14 events? In the school, yes or no? In the school?
15 On the property?
16 MS. ANGULA: Yes, of course.
17 CHAIRMAN GARRIDO: What events do you have at
18 night?
19 MS. ANGULA: During the regular operation
20 hours, we have Santa that comes in for Christmas
21 and give gifts.
22 CHAIRMAN GARRIDO: That is a condition that
23 you cannot have anything after 6:00 p.m. Are you
24 aware of that?
25 MS. ANGULA: I have never had any activities

1 after the hours of operation. The insurance does
2 not allow it.
3 CHAIRMAN GARRIDO: Just to let you know, that
4 is a condition that you cannot perform after
5 6:00 p.m., all right? You know that.
6 MS. ANGULA: We haven't done it in over 16
7 years.
8 CHAIRMAN GARRIDO: You have a kitchen? There
9 is a kitchen in the plans.
10 MS. ANGULA: I have a plan that --
11 CHAIRMAN GARRIDO: Kids have to be fed. But
12 you are feeding 200 children, all right. What
13 type of deliveries do you get there? What times?
14 And these are important things, folks. I ask
15 these questions because these are things that
16 people are going to be, you know, it is going to
17 be a nuisance. I won't say a nuisance, but it is
18 going to be something continuously in the
19 neighborhood. Whoever brings the milk, whoever
20 brings the food, whoever brings the toilet paper.
21 All these little things. And, really, you know,
22 whoever delivers, people who work, truck drivers,
23 they are in a hurry, they will come in through any
24 corner, you know, there are children living there,
25 so this is important. What deliveries do you

1 have? How many deliveries? What types?
2 MS. ANGULA: Just one delivery.
3 CHAIRMAN GARRIDO: From who?
4 MS. ANGULA: The food.
5 CHAIRMAN GARRIDO: But everything else; the
6 milk, the toilet paper, whatever you have for the
7 kids, all that delivery, which is non-essential
8 to the educational part.
9 MS. ANGULA: We purchase everything at
10 Costco.
11 CHAIRMAN GARRIDO: All right. Okay.
12 To the architect. That trash -- and I'm
13 getting now to the detail of it. Some details
14 real quick. The trash container, is there a
15 possibility that it can be moved in and enclosed?
16 MR. HUEMBES: It is enclosed.
17 CHAIRMAN GARRIDO: Well, it is open. In an
18 enclosed room being that it is close to children.
19 MR. HUEMBES: It is surrounded with a wall.
20 CHAIRMAN GARRIDO: But it is not enclosed,
21 completely enclosed.
22 MR. HUEMBES: Like a building?
23 CHAIRMAN GARRIDO: Like part of the -- maybe
24 part of the -- enclosed with, like, a garage
25 overhead door.

1 MR. HUEMBES: Well, that is totally different
2 type of doing it. The type of trash bins that you
3 have in this location are different. It really
4 isn't -- the way we've designed it, we do have
5 a --
6 CHAIRMAN GARRIDO: I'm not saying how to
7 design the project. I'm saying can it be a
8 possibility?
9 MR. HUEMBES: You can build -- anything is a
10 possibility. I mean, a skyscraper -- I mean, but
11 if the requirement would be -- if the requirement
12 would be to build a structure, yes, we could do
13 it, to build it with a roof, and it would have to
14 have ventilation. It adds other factors, when you
15 have an enclosed trash facility. But, yes, it
16 could be done, if it would be a requirement. We
17 could easily design it that way. But the way it
18 is designed now, it is an 8-foot wall, with the
19 proper drainage and the proper hedging around it.
20 CHAIRMAN GARRIDO: Okay. Thank you, ma'am.
21 That's enough.
22 COUNCILWOMAN PLANAS: Just a quick question
23 for you. In the event that the Board does pass
24 and it gets approved, are you moving your complete
25 staff, as it is now, to the new location?

1 MS. ANGULA: Yes.
2 COUNCILWOMAN PLANAS: Thank you.
3 COUNCILMAN VALDES: One more question. Are
4 there any events during the daytime that parents
5 are required to attend?
6 MS. ANGULA: No, unless there is a parent,
7 who is a volunteer and who wants to attend, but
8 there are no regular activities that they would
9 have to attend.
10 COUNCILMAN VALDES: In other words, just to
11 make sure I understand correctly, all events are
12 held mostly internal without the participation of
13 parents? And if a parent, for whatever reason, is
14 able to volunteer his time, he is able to do it,
15 and they would park, and that will be it, there
16 will be no more additional parents coming in, or
17 something like that, to attend such an event?
18 MS. ANGULA: Occasionally, parents will come
19 and volunteer, if there is a plan made with the
20 classroom ahead of time. But, otherwise, parents
21 come to drop-off or pick-up the kids, and that's
22 it.
23 COUNCILMAN VALDES: One of the concerns is
24 the overflow of parents if they attend an event,
25 or volunteer, so forth. Where are they going to

1 park? Are they going to start parking in
2 neighborhood, in the yards of common areas, or is
3 that something that is thought out by the
4 architect, and so forth, to address those issues,
5 so, therefore, there is no overflow from within
6 the school outward into the neighborhood?
7 MS. ANGULA: No.
8 COUNCILMAN VALDES: One last question for the
9 architect.
10 The Chairman mentioned, in closing, the trash
11 bin. Would a door or something --
12 MR. HUEMBES: Right now, the way -- I will
13 say the way we have it, and then I'll respond how
14 it can be done. We currently designed it the way
15 trash facilities throughout Miami-Dade County, at
16 the higher levels, are designed, which is with a
17 concrete block wall all the around, not a fence, a
18 concrete block wall, with gates that are non
19 see-through and with proper drainage inside the
20 trash dumpster. And the walls are taken higher
21 than the trash dumpster, and that is the standard
22 in Pinecrest, Coral Gables, City of Miami,
23 throughout.
24 In more urban areas, we do design interior
25 trash facilities in buildings, because you don't

1 have land to do it. So, yes, could we put a roof?
2 Yes, we could put a roof, and walls higher than
3 ten feet, yes, we can.
4 In response to your parking for overflow,
5 throughout the day parents come to do things and
6 stuff. We have 12 additional parking spaces
7 beyond the required for any -- usually in these
8 type of facilities, you know, it is more than
9 ample. The drop-off and pick-up of different
10 times is really, you know, the concern, not at
11 11:00 o'clock, a parent coming to help out.
12 There, all the parking spaces are usually open.
13 CHAIRMAN GARRIDO: Thank you, Mr. Valdes.
14 Let me just finish, because we need to move
15 forward and, hopefully, put it for some type of
16 vote. I'll tell you, this, again, like I said, is
17 a very, very difficult application, and,
18 seriously, I won't think I can put a vote for it
19 or backwards, right now, without that DERM
20 explanation. And, at the same time, looking at
21 the process, the following process, which, how are
22 we going to work with the neighbors, seriously, we
23 cannot, or I, myself, I cannot look at this
24 property and say, "Well, here is the property,
25 such and such an amount of square footage, and we

1 are going to put a school here because we want a
2 school here."
3 And, you know, we have to be sensitive to the
4 people who live close to us, and maybe, just
5 maybe, after you move with that process, very
6 diligent process, sitting down with these people,
7 with the other people, really looking at it in
8 detail, maybe you come into an agreement. I think
9 schools are great. I have a school close to my
10 house, Everglades.
11 See, like I think this gentleman -- somebody
12 said, well, schools in 2000, they are not like,
13 you know, it was different. When Everglades was
14 done, when all these schools were done here in
15 Dade County, you know, we had 800,000 people
16 living here. Now we've got over 2 million. That
17 is why you have big schools; Coral Park, Braddock,
18 Everglades. And they are right in the middle of
19 an enclave. Nobody complains. Nobody goes to the
20 School Board because it was done at a time when,
21 you know, each household had one car, you know,
22 two cars. Now we've got four cars because it is
23 what it is. People have come from other
24 countries. They want to live in a better place.
25 And we have to work together, all right. And I

1 wish I could -- I've got good ideas. My wife
2 tells me, "You should do it." I should do it.
3 How do I do it? I see that land, let's put that
4 there. No, it doesn't work that way. There is a
5 bigger process. And in my eight years, you know,
6 I've been here, hopefully, I think, like a priest.
7 I always try to bring in both sides together and
8 see. Why? Because you have a vision. They have
9 a vision, the applicants. They have a vision
10 which they want to teach children. And that is a
11 great vision. They want to spend their time
12 promoting. I don't believe in what somebody else
13 said. Well, they are here because of a business.
14 Of course, it's a business. You have got to make
15 money, if not, you can't continue with that. All
16 right.
17 But, at the same token, you have the other
18 people, the ones that are sensitive. Most of the
19 signatures -- I'm not going to worry about that --
20 most of the signatures that were in that packet --
21 not most, but a good percentage were people from
22 Doral, Sweetwater. What in the bleep do they
23 know, you know, how that is going to work? If I
24 were living across this land, I would be
25 concerned, all right. But I'm sure, and I'm in

1 favor of what Mr. Caceres said in deferring this,
2 and I am sure, and most of the time, after my
3 years here I've seen it, it has worked out,
4 because it's a good community. I'm sure, after
5 you sit down and give these people a hand, give
6 these people their ear, give them your ear,
7 something good is going to come out of it, all
8 right. Something good is going to come out of it.
9 Now, in the other token, I tell them, what is
10 going to be done in that property? The property
11 is -- it goes overgrown, it is empty, it is dark
12 at night, it is ugly. You open your front door,
13 what do you see, vacant land? Right. So, who is
14 going -- Mr. Castellanos, you're going to develop
15 it? No, he's not going to develop it. He
16 probably won't, all right, because of the real
17 estate, the way it is now, the economics, the
18 banks don't give loans. So, the design, I think,
19 looks great. The architect has done something
20 that looks like a residential building. And, at
21 the long run, maybe, you know, it might be good
22 for the neighborhood. It will give you some
23 security, you know. It is not vacant anymore,
24 people don't come around, look at this, you know.
25 You leave for work in the morning, somebody is

1 going to be looking out for your house. Make
2 friends with them. But that doesn't mean we are
3 going to approve it or disapprove it. It means
4 that you have to work. That is what I want for
5 you to do, when you come back. Hey, this is what
6 Mr. Olmedillo said, or the owners, and this is
7 what we want.
8 And you know what, if it is approved -- I'm
9 not saying it will be approved. But if it's
10 approved, after you have come to an agreement, you
11 still have the County. You still have the
12 Resolution which states all the conditions. And
13 if any day they have an event at 6:01 p.m. you
14 call, they will fine them, they will fine them.
15 And they'll go on liens. And before you know it,
16 they will have a lot of problems. But that is not
17 the way to work, neighbors, because we need
18 schools, you know. I think, you know, they've got
19 a good entity, you know. And I don't have a
20 problem with Everglades being in the corner. Cars
21 come in the morning, like anything. I think the
22 only thing is people take the stop signs. But I
23 know -- I see the kids going in. I say, you know
24 what, they are the future of this land. You know
25 why, because I don't want a school? No. I

1 protect my house. And at night when I go by a
2 school, I look at the school to see if there is
3 somebody going in; do you understand, Mr. Frye?
4 So, Mr. Frye, you are going to sit with
5 Mr. Olmedillo and, hopefully -- I think you guys
6 can work it out. I really do think you can work
7 it out. If you look at it wisely, whatever they
8 are going to build there now is much better than
9 that vacant land. But, I still remain firmly on
10 that DERM explanation, Mr. Olmedillo.
11 All right. I think I've said enough. We
12 have got to go. Hopefully, let's start again real
13 quick and see if anybody else has any quick
14 comments. We have to put a vote. It doesn't say
15 deferred or anything, we'll see what happens.
16 Mr. Caceres?
17 COUNCILMAN CACERES: A couple of comments.
18 One, real quick, the traffic engineer said that a
19 daycare is different than a school. But a part of
20 this is a school that is going to have set
21 drop-off times.
22 Number two, I think it was the architect and
23 a number of people who kept eluding to staff.
24 Yes, there is a code, and that code can be very
25 good, but it is not infallible, which is why there

1 is a Board, for us to sit here and use our common
2 sense and ask ourselves, is there any school that
3 we drive by, regardless of the length of their it
4 driveway, that works smoothly and that operates?
5 Is there any school? Have we ever seen a baby
6 being dropped off at a driveway? I haven't. I
7 have never seen it. I have three kids. My oldest
8 is 15, my youngest is five. I have never seen it.
9 So, we are allowed to use our common sense and our
10 experience.
11 I was counting the schools that have come
12 before this Board, and I've sat there in the
13 mornings. I've sat there for daycares, an I've
14 watched them. And 12 parking spaces for 200 kids
15 is a recipe for disaster.
16 Even if DERM, and I have an asthmatic child,
17 so I know what Mr. Garrido is saying, even if DERM
18 said that this building is a bunker and is safe,
19 as it stands, even with 150 kids, five of which
20 are preschoolers, my vote is no.
21 If I was the applicant, I would be wondering,
22 do I really just want to defer this? Am I going
23 to really work this out, or do I just want to get
24 a denial so I can appeal it. Those would be my
25 questions, seriously, because I don't want to

1 waste -- I don't want to waste anybody's time.
2 But I am willing -- I want Mr. Pino, Mr. Frye, Mr.
3 Rodriguez, Ms. Quinones, and Mr. Alvarez, I would
4 love for them to meet, not people who live in
5 Hialeah, and Sweetwater and Doral. Meet with the
6 people who live right in the area. They are here
7 today. And if they are willing to do it, and
8 you are willing to do it, sir, I would -- I'll be
9 the one to make a deferral -- motion for deferral.
10 If you want to do it for February, we'll do it for
11 February, and I'll do it to give the courtesy to
12 work it out.
13 As it stands right now, I can't support it,
14 but you may be able to come up with something.
15 And I think this is probably going to be a
16 wonderful school that I would love to have my kids
17 in. I just don't think it fits. What do you
18 want?
19 MR. OLMEDILLO: If I may, Mr. Chairman.
20 Since the question has been posed, we would
21 welcome the opportunity to meet with the
22 neighbors. We will get the contact -- exchange
23 contact information to meet with them. If you can
24 continue the item for the February meeting, that
25 way there is no need for readvertising, or any of

1 the process, which makes it very long. Because,
2 remember, these folks are in a tight schedule.
3 They have to open by a certain date of the school
4 year so that they can initiate operation by a
5 certain time. Obviously, we push this way and
6 this way. So, if I can suggest if it is
7 acceptable to the Board, and it passes, then, yes,
8 we would --
9 COUNCILMAN CACERES: Thank you,
10 Mr. Olmedillo.
11 Mr. Jones, what is the February meeting date?
12 MR. HOPE: February 19th.
13 Actually, the applicant's request for
14 deferral takes precedence. The applicant has
15 requested deferral to February 19th. So, you
16 would have to, first, try and see if you get a
17 motion and a second for that. And if you do,
18 then --
19 CHAIRMAN GARRIDO: I was just asking to see
20 if they have any other comments which they can
21 take in their little beanbag and come back.
22 MR. HOPE: But what I'm suggesting, because I
23 have some things I would like to say, too, I would
24 prefer to see if you get the motion and second
25 first, because once you do, then people can say

here are some things that need to happen during that deferral.

CHAIRMAN GARRIDO: So, we have a motion for deferral by Councilman Caceres. Do I hear a second?

COUNCILMAN VALDES: Second.

CHAIRMAN GARRIDO: Seconded by Councilman Rodriguez. Please call the roll.

MR. HOPE: No, no, don't do the vote yet. Now that you have the motion and second, you can get any other things that the Board Members either have to say, some suggestions, questions that I would like to make, too, before you take a vote.

CHAIRMAN GARRIDO: Thank you, Mr. Hope, for always your guidance.

COUNCILMAN CACERES: If I may finish, Mr. Hope is way ahead of us, as usual, and he was very quick to point out. Can I finish?

CHAIRMAN GARRIDO: Yes.

COUNCILMAN CACERES: This is now my comment to Mr. Frye, Mr. Valdes, Mr. Rodriguez, Mr. Pino, Mrs. Quinones and Mr. Alvarez. Meet with him. It will go -- if we can make this a win-win, which is a possibility, if we can make this a win-win, it would be great.

1 If we come back here in February, and you're
2 here again, and you refuse to meet with him, and
3 you refuse to talk, I'll tell you, it is going to
4 go in Mr. Olmedillo's and the applicant's favor,
5 at that point. We want to see if it works for
6 you. I'm asking, it really would be great for the
7 process if you would meet with them. Would that
8 be okay with you, Mr. Olmedillo?
9 MR. OLMEDILLO: Fine.
10 COUNCILMAN CACERES: If you can get the phone
11 numbers together, and swap numbers at the end of
12 the meeting, it really would be a fantastic thing.
13 CHAIRMAN GARRIDO: Any other comments?
14 COUNCILWOMAN PLANAS: Real quick. I'm also,
15 like the Chair, interested in hearing DERM's view
16 on the burning. I think that's very important
17 for the safety of the children, of course, more
18 than anything else.
19 You know, again, if this could be a win-win
20 situation for everybody, it would be fantastic.
21 I'm just surprised that you haven't gotten
22 together already, you know. These are the people
23 right behind the school, in front, besides, all
24 around the corner. These are the guys that should
25 be talked to first. Community comes first.

1 Please get together.
2 MR. OLMEDILLO: We hear you.
3 COUNCILMAN VALDES: I do agree from
4 everything said. The school is very good, by the
5 facts stated, and it has a lot of potential. The
6 only thing that concerns me is the neighbors that
7 live right there, essentially, next to the school.
8 If their issues are not addressed, we have to make
9 sure they are addressed. Get together with them
10 and come to a common ground for both parties will
11 be a win-win situation for everybody involved.
12 Yes, I agree with my colleagues. Communication is
13 very strong.
14 CHAIRMAN GARRIDO: Real quick. There is no
15 signage component on the property? No signage
16 component? That's good. Not even a monument or
17 anything?
18 And you going to get resolved, the back wall?
19 MR. HOPE: No. That will be a meeting which,
20 hopefully, will be discussed when they meet with
21 either the property owners that abut the property
22 behind, or surrounding. But, I've spoken with
23 Guillermo and he says that it is within the
24 substantial compliance with the existing plans,
25 and that wouldn't change the plans.

1 But, in addition to that, I've said this to
2 Guillermo, what I would like to say, even though
3 our office has determined that a Declaration of
4 Restrictions is legally sufficient, I would like
5 to see, because of some of the conditions that are
6 here, that look like the Board is really imposing
7 it, but it is really what the applicant is
8 agreeing to, and now that we understand what is
9 going to happen, is that the applicant is a
10 developer who is then going to sell it to the
11 operator, I would like to see in the Declaration
12 of Restrictions, those major conditions that are
13 going to be in the Resolution, such as that this
14 is going to be a private school, and really a day
15 nursery because you are dealing with infants.
16 That's the proper code definition.
17 The limitation in the hours, that it is only
18 from Monday to Friday. That you talked about the
19 number of total children now being 150, which 145
20 would be 13 months or older, five which would be
21 infants. Those kind of things should be in the
22 Declaration of Restrictions, especially since,
23 even though you have a Resolution, there is going
24 to be a further transfer.
25 So, once it is in the Declaration of

1 Restrictions, that moves with the land. Anyone
2 that follows, you have a recorded document that
3 says it right there, such that anyone else can see
4 it, and we can look and travel upon that in detail
5 if somebody thinks it is being violated, besides
6 having the Resolution examined by the County.
7 Guillermo knows that. He knows where we stand.
8 And, also, we've agreed that we'll make sure that
9 Public Works and DERM will be here on the 19th to
10 address both the traffic issues and also the
11 burning issue.
12 CHAIRMAN GARRIDO: Mr. Frye, would you like
13 to come up a minute real quick? Do you understand
14 everything that we've said here?
15 MR. FRYE: Yes, sir.
16 CHAIRMAN GARRIDO: No concerns?
17 MR. FRYE: No concerns.
18 CHAIRMAN GARRIDO: Our concerns, do you
19 understand?
20 MR. FRYE: I understand your concerns.
21 CHAIRMAN GARRIDO: And you're going to be
22 working with the applicant?
23 MR. FRYE: I'm looking forward to that.
24 CHAIRMAN GARRIDO: All your neighbors, make
25 sure you get everybody here in the back.

1 MR. FRYE: Okay.
2 CHAIRMAN GARRIDO: You live in the back?
3 MR. FRYE: I live in the back. We have
4 everybody in the back.
5 CHAIRMAN GARRIDO: Everybody in the front,
6 you know, make it amicable, you know, and see what
7 they got, visit their schools, and who knows,
8 maybe one day your kid will be there. Make sure
9 they comply -- not comply, that is not the right
10 word, they are sensitive to your needs, all right.
11 And without being -- you know exactly what they
12 want, and hopefully it can be worked out. That is
13 the first step.
14 MR. FRYE: Sounds good to me.
15 CHAIRMAN GARRIDO: You're okay with that?
16 MR. FRYE: Absolutely.
17 CHAIRMAN GARRIDO: And everybody is okay with
18 that, right? Great. It's Christmastime.
19 We have a vote and a second. Call the roll.
20 MR. JONES: Motion to defer the application
21 to February 19, 2013. Councilman Caceres?
22 COUNCILMAN CACERES: Yes.
23 MR. JONES: Councilman Gomez?
24 COUNCILMAN GOMEZ: Yes.
25 MR. JONES: Councilwoman Planas?

1 COUNCILWOMAN PLANAS: Yes.
2 MR. JONES: Councilman Rodriguez?
3 COUNCILMAN RODRIGUEZ: Yes.
4 MR. JONES: Councilman Valdes?
5 COUNCILMAN VALDES: Yes.
6 MR. JONES: Chairman Garrido?
7 CHAIRMAN GARRIDO: Yes.
8 MR. JONES: Motion passes unanimously, and
9 the application has been deferred to February 19,
10 2013.
11 (Meeting adjourned.)
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1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE

4

5 I, Janice Aguirre, Registered Professional

6 Reporter, Notary Public, State of Florida, certify that

7 the following witnesses personally appeared before me

8 on December 5, 2012 and were duly sworn.

9 WITNESS my hand and official seal this 17th

10 day of June, 2013.

11

12

13

14

15 JANICE AGUIRRE

16 Registered Professional Reporter

17 Notary Public, State of Florida

18

19

20 JANICE AGUIRRE
MY COMMISSION # DD 945053
EXPIRES: December 8, 2013
Bonded Thru Notary Public Underwriters

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF DADE)

4

5 I, JANICE AGUIRRE, Registered Professional

6 Reporter, do hereby certify that I was authorized to

7 and did stenographically report the CZAB BOARD 10

8 MEETING of December 5, 2012; that a review of the

9 transcript WAS requested; and that the foregoing

10 transcript, pages 1 through 126, is a true record of my

11 stenographic notes.

12 I FURTHER CERTIFY that I am not a relative,

13 employee, or attorney, or counsel of any of the

14 parties; nor am I a relative or employee of any of the

15 parties' attorney or counsel connected with the action,

16 nor am I financially interested in the action.

17 DATED this 17th day of June, 2013 at Miami,

18 Dade County, Florida.

19

20

21 JANICE AGUIRRE,
Registered Professional Reporter

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Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Board of County Commissioners

PH: Z12-139 (13-7-BCC-1) **July 18, 2013**
Item No. 1

Recommendation Summary	
Commission District	1
Applicants	City of Miami Gardens, Et Al
Summary of Requests	The applicant is requesting a deletion of a tract of land from the Dolphin Center South DRI Development Order that was approved pursuant to a Resolution passed and adopted by the Board of County Commissioners (BCC).
Location	Lying east of northwest 27 Avenue, between NW 183 Street and NW 199 Street, Miami-Dade, County, Florida
Property Size	46.91 acres
Existing Zoning	City of Miami Gardens
Existing Land Use	vacant
2015-2025 CDMP Land Use Designation	Business and Office Low Density Residential, 2.5 – 6 DUA (*see attached Zoning Recommendation Addendum*)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 (A)(7) General Modification Standards (*see attached Zoning Recommendation Addendum*)
Recommendation	**Approval with conditions**

REQUEST:

DELETION of a portion of a legal description in Resolution Z-27-08 passed and adopted by the Board of County Commissioners, only as it applies to the following legal description, reading as follows;

> Parcel 1: All That Certain Piece, Parcel, Or Tract Of Land Situate, Lying And Being In A Portion Of Tracts 37, 38, 39, And 40 Of Miami Gardens, According To The Plat Thereof, As Recorded In Plat Book 2, Page 96, Of The Public Records Of Miami-Dade County, Florida, Lying In Section 3, Township 52 South, Range 41 East Of The Tallahassee Base Meridian Of Said Miami-Dade County, Florida, Being More Particularly Described As Follows To Wit: Commencing For Reference At The Northwest Corner Of Said Section 3; Thence Bearing South 02°46'26" East, Along The West Line Of Said Section 3, A Distance Of 2182.13 Feet To A Point; Thence Leaving Said West Line, Bearing North 87°13'34" East, A Distance Of 66.00 Feet To A Point Lying On The Easterly Right Of Way Line Of N.W. 27th Avenue, Said Point Being The Point And Place Of Beginning Of The Herein Described Parcel; Thence Leaving Said Easterly Right Of Way Line, Bearing North 87°14'13" East, A Distance Of 484.42 Feet To A Point; Thence Bearing South 84°47'25" East, A Distance Of 125.99 Feet To A Point; Thence Bearing North 87°14'37" East, A Distance Of 504.80 Feet To A Point, On The Westerly Line Tract "D" Dolphin Center-Stadium Site, Plat Book 129, Page 91; Thence Bearing South 02°45'54" East, Along Said Westerly Line A Distance Of 439.08 Feet To A Point On The Southerly Line Of The Northwest ¼ Of Said Section 3; Thence Bearing South 02°46'44" East, Along Said Westerly Line A Distance Of 15.00 Feet To A Point On The Southerly Right Of Way Line Of N.W. 191st Street; Thence Leaving Said West Line Bearing South 87°09'56" West, Along Said Southerly Right Of Way Line A Distance Of 1050.93 Feet To A Point On The Easterly Right Of Way Of (N.W. 27th Avenue) As Recorded In Official

Records Book 13023, Page 3408 Public Records Of Miami-Dade County, Florida; Thence Leaving Said South Right Of Way Line, Bearing North 02°42'51" West, Along Said Easterly Right Of Way Line, A Distance Of 65.00 Feet To A Point, Said Point Being The (Beginning) Of A Non Tangent Curve Concave Northeasterly Having A Radius Of 50.00 Feet , A Central Angle Of 90°03'35", A Chord Length Of 70.75 Feet Bearing North 47°48'13" West; Thence Northwesterly Along Said Right Of Way Line And The Arc Of Said Curve A Distance Of 78.59 Feet To A Point; Thence Bearing North 02°46'26" West, Along Said Easterly Right Of Way Line A Distance Of 275.00 Feet To A Point; Thence Bearing North 22°37'45" West, Along Said Easterly Right Of Way Line A Distance Of 38.28 Feet To A Point; Thence Bearing North 02°46'26" West Along Said Easterly Right Of Way Line, A Distance Of 46.93 Feet To The Point Of Beginning. Parcel 2: A Portion Of Tracts 61, 62, 64, 67, 68 And All Of 63 Of "Miami Gardens", According To The Plat Thereof, As Recorded In Plat Book 2, Page 96, Of The Public Records Of Miami-Dade County, Florida, More Particularly Described As Follows: Commence At The Southwest Corner Of The Northwest Quarter Section 3, Township 52 South, Range 41 East; Thence North 87°09'28" East Along The South Line Of The Northwest One-Quarter Of Said Section 3, A Distance Of 129.00 Feet; Thence South 02°43'10" East, 15.00 Feet To The Point Of Beginning; Thence North 87°09'28" West Along The South Right-Of-Way Line Of A 30.00 Foot Right-Of-Way, As Shown On Said Plat, A Distance Of 1,050.91 Feet To A Point On The West Line Of Tract "D", Dolphins Center-Stadium Site, According To The Plat Thereof, As Recorded In Plat Book 129, At Page 91, Of The Public Records Of Miami-Dade County, Florida; Thence South 02°46'44" East Along Said West Line, A Distance Of 670.86 Feet; Thence South 87°13'34" West, 512.16 Feet; Thence North 02°46'44" West, 25.00 Feet To The South Line Of Tract 62; Thence South 87°13'34" West Along The South Line Of Tracts 62, 63, And 64, A Distance Of 564.81 Feet To A Point Of Curvature Of A Curve Concave To The Northeast Having A Radius Of 25.00 Feet; Thence Northwesterly Along The Arc Of Said Curve Through A Central Angle Of 90°00'00" For An Arc Length Of 39.27 Feet To A Point Along The East Line Of N.W. 27th Avenue, As Recorded In Official Records Book 13023, Page 3408, Of The Public Records Of Miami-Dade County, Florida; Thence North 02°46'26" West Along Said East Line Of N.W. 27th Avenue, 200.00 Feet; Thence North 02°31'07" West Continuing Along Said East Line Of N.W. 27th Avenue, 150.00 Feet; Thence North 01°21'25" West Along Said East Line Of N.W. 27th Avenue, 4.62 Feet; Thence North 02°46'26" West Along Said East Line Of N.W. 27th Avenue, 180.00 Feet To A Point On The Arc Of A Tangent Curve Concave To The Southeast Having A Radius Of 50.00 Feet; Thence Northeasterly Along The Arc Of Said Curve Through A Central Angle Of 89°56'25", An Arc Distance Of 78.49 Feet; Thence North 02°43'10" West 35.00 Feet To The Point Of Beginning. Said Lands Lying In Miami-Dade County, Florida. And A Portion Of Tracts 67, 68, 93, 99, 100 And All Of 94 Of "Miami Gardens", According To The Plat Thereof, As Recorded In Plat Book 2, Page 96, Of The Public Records Of Miami-Dade County, Florida, More Particularly Described As Follows: Commence At The Southwest Corner Of The Northwest Quarter Of Section 3, Township 52 South, Range 41 East, Thence South 02°46'26" East Along The West Line Of Section 3, A Distance Of 659.46 Feet ; Thence North 87°13'34" East Along The South Line Of Tracts 62, 63, And 64 Of Said Plat, 667.80 Feet ; Thence South 02°46'44" East, 25.00 Feet To The Point Of Beginning; Thence North 87°13'34" East, 512.16 Feet To A Point On The West Line Of Tract "D" Of The Plat Of Dolphin Center-Stadium Site, According To The Plat Thereof, As Recorded In Plat Book 129, At Page 91, Of The Public Records Of Miami-Dade County, Florida; Thence South 02°46'44" East Along Said West Line Of Said Plat Of Dolphin Center-Stadium Site, 1516.60 Feet To The Southwest Corner Of Said Tract "D"; Thence South 87°15'51" West, 520.00 Feet To A Point On The West Line Of Said Tract

99; Thence North 02°46'44" West Along Said West Line Of Tract 99 And Thence The West Line Of Said Tract 94, 880.66 Feet To A Point At The Southwest Corner Of Said Tract 67; Thence North 87°13'16" East Along The South Line Of Said Tract 67, 7.84 Feet; Thence North 02°46'44" West, Along The East Line Of M.D.P.D. North District Station, Plat Book 158, Page 19, Miami-Dade County Records, A Distance Of 660.59 Feet To The Point Of Beginning. Said lands Lying in Miami-Dade County, Florida.

The purpose of the above request is to allow the applicant to remove portions of the subject property from the legal description of the Dolphin Center South DRI in order to develop the property under a plan approved by the City of Miami Gardens.

PROJECT DESCRIPTION AND HISTORY: The subject property is a part of a larger tract of land which includes land north and south of NW 199 Street that was originally approved in 1985 pursuant to Resolution #Z-210-85, as the Dolphin Center Development of Regional Impact (DRI). In October 2008, pursuant to Resolutions #Z-27-08 and Z-26-08, the abovementioned DRI was bifurcated into two (2) separate development orders and in addition to other things, allowed an extension of the buildout dates on both. The Dolphin Center North DRI which includes the Dolphin Stadium is located on parcels to the north of NW 199 Street and the Dolphin Center South DRI is located to the south of NW 199 Street and east of NW 27 Avenue. Additionally, although the resolution enabled both the aforementioned DRI's to operate separately, a condition for approval was that subsequent changes to each would be reviewed cumulatively, consistent with Section 380.06(19), F.S. The applicants now seek to remove the 46.91-acre tract from the restrictions of the Dolphin Center South DRI in order to develop the parcel in accordance with the City of Miami Gardens regulations.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	City of Miami Gardens; vacant land	Business and Office Low-Density Residential (2.5 to 6 dua)
North	City of Miami Gardens; vacant land	Business and Office Low-Density Residential (2.5 to 6 dua)
South	City of Miami Gardens; Miami-Dade Library	Business and Office Low-Density Residential (2.5 to 6 dua)
East	City of Miami Gardens; Miami-Dade County Park	Low-Density Residential (2.5 to 6 dua)
West	City of Miami Gardens; Miami-Dade Police Department station, multi-family apartments, strip mall, vacant land	Business and Office Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is currently vacant and is surrounded by existing single and multi-family residential uses to the east and west as well as existing and proposed institutional uses along with commercial retail uses to the north, south and west.

SUMMARY OF THE IMPACTS:

The approval of the application would result in a reduction of the boundaries of the Dolphin Center South DRI. Staff notes that the transportation improvements and the South Neighborhood Protective Buffer that were required in the original Development Order have been completed.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property consists of three (3) parcels which together are 46.91 acres in size and are located within the City of Miami Gardens. Apart from a narrow, rectangular strip running north/south along the east side of the subject property, approximately 167' wide and 240' in length, the majority of the west portion of the property is designated for **Business and Office** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* However, the CDMP Land Use Element interpretative text for the Business and Office use states that *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in business and office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed-use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met, residential development may be authorized to occur in the business and office category at a density up to one density category higher than the LUP map's designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.*

The remaining eastern portion of the subject property, a linear strip approximately 167' wide and 240' long is designated for Low-Density Residential Use on the CDMP Land Use Plan map. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.*

The applicants, the City of Miami Gardens and CE land Partners are requesting to remove the adjoining parcels that are owned by the applicants from the Dolphin Center South DRI established pursuant to Resolution #Z-27-08. Said resolution approved a Development Order named the Dolphin Center South DRI Development Order subject to conditions. The applicants stated in their letter of intent that the property will be developed under the City of Miami Gardens

Master Plan and zoning regulations and the proposed development will have no regional impact.

Further, the applicants indicated that the original Development Order required significant transportation improvements to support the Dolphin Stadium which is now located in the Dolphin Center North DRI and are now completed. In addition, the South Neighborhood Protective Buffer which insures land use compatibility for the neighboring residences to the east has also been completed. The State of Florida's Department of Economic Opportunity (DEO) indicated its approval with a condition in its memorandum and indicated that the proposed deletion of the parcel from the DRI Development Order will not create the likelihood of any additional regional impacts and does not require the filing of a Notice of the Proposed Change. The memorandum from the State of Florida's DEO also indicated that the approval of the requested DRI boundary change will not reduce the DRI's development rights. Said memorandum also indicates that the South Florida Regional Council's staff concurs with this conclusion. However, the State indicated in said memorandum that the co-applicant, the City of Miami Gardens must render the amended DO with the new master plan to the State.

Therefore, staff opines that the proposed deletion of a portion of the legal description of the Dolphin Center South DRI established by Resolution #Z-27-08, is **compatible** with the area and **consistent** with the CDMP Land Use Plan map **Business and Office** and **Low Density Residential** designation for the entire subject property.

ZONING ANALYSIS:

When the application to permit the deletion of a portion of the legal description in a Development Order established pursuant to Resolution #Z-27-08 passed is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that the approval of said request would be **compatible** with the surrounding area for the reasons stated below. In staff's opinion, approval of the proposed modification would not generate excessive noise or traffic, provoke excessive overcrowding of people or tend to provoke a nuisance based on the memoranda from the departments reviewing the application. For example, memoranda submitted by the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicate in their memoranda that the approval of the application will not create additional impacts on the environmental or water resources in this area and meets all applicable LOS standards for an initial development order as specified in the CDMP for potable water supply, wastewater disposal and flood protection. Further, the Miami-Dade Fire Rescue Department (MDFRD) and the Miami-Dade Police Department (MDPD) do not object to the application. In addition, the memorandum from Public Works indicates that the proposed DRI boundary change will not result in excessive traffic and meets the traffic concurrency criteria. Since no new development is proposed at this time, said memorandum indicates that no new trips will be generated. Its memorandum also indicates that although no vehicle trips have been reserved for the development of the site, there are sufficient available vehicle trips on the surrounding roadways in the area to accommodate the development of the site at the maximum levels for commercial and residential uses. The memorandum indicates that these trips will not exceed the acceptable Level of Service (LOS) standards on the surrounding roadways, which would include NW 127 Avenue, NW 137 Avenue, NW 199 Street and NW 183 Street.

The applicants' letter of intent further indicated that the 46.91 acre subject property could be developed under the City of Miami Gardens' current zoning regulations with a maximum of approximately 1.25 million sq. ft. of office/retail uses at a Floor Area Ratio (FAR) of 1.5, as well

as a maximum of approximately 438 dwelling units which would be consistent with the uses allowed within the Business and Office designation of the property on the CDMP LUP map. Staff notes that the City has indicated that this level of development is the maximum allowed under the current City's zoning districts and that it is consistent with the City's Comprehensive Development Master Plan and Zoning Code. The City also provided a proposed development scenario based on typical FAR in the area. This would also be a mixed-use scenario at the following development levels of 225,000 sq. ft. commercial development and 300 dwelling units on 39.91 acres, and 112 dwelling units on the remaining 7 acres. Staff's research indicates that the estimated traffic internal capture percentages for the development scenarios presented for the retail and residential development of the site would result in a reduction of between 12 and 14 percent of the total PM peak hour trip generation.

City and County staff have worked together to confirm that the water, sewer and roadway capacity is available to support future development at the site. The City will continue to monitor capacity as site plan and building permit applications are submitted in the future. As such, staff opines that the reduction of the DRI boundary to accommodate the development of the parcel within the zoning regulations of the City of Miami Gardens will not create any additional traffic impact on the abutting roadways.

As previously noted, pursuant to Resolution #Z-27-08, the subject property was a part of the Dolphin Center South DRI. The applicant's letter of intent indicates that the 46.91 acre site will be developed within the limits of the City's approved Master Plan and the zoning regulations. This would allow the subject site to be developed with both commercial and residential uses. Based on the foregoing analysis, staff opines that the deletion of the subject parcel from the DRI will not have an impact on the proposed DRI or the surrounding area. Therefore, staff opines that approval of this application will be **compatible** with the area concerned, when considering the necessity and reasonableness of the elimination in relation to the present and future development of the area concerned.

Therefore, staff recommends approval with conditions under Section 33-311(A)(7) Generalized Modification Standards.

ACCESS, CIRCULATION AND PARKING: The subject parcel abuts NW 127 Avenue which runs north/south and provides access to the Turnpike extension approximately 2 miles to the north and the 826 Express Way located approximately 2 miles to the south.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That the applicants comply with all applicable conditions and requirements of the State of Florida's Department of Economic Opportunity as contained in their memoranda dated February 21, 2012 and dated March 12, 2013 including the condition that an amended Development Order with the new master plan be submitted to said Department.

ES:MW:NN:JV:CH

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

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NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (DERM), (RER)	*No objection**
Platting and Traffic Review Section (RER)	*No objection*
Parks	*No objection*
Fire Rescue	*No objection*
Schools	*No objection*
**Subject to conditions in their memorandum.*	

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

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* ***Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.*** *If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.*

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Low-Density Residential (Pg. I-31)	*The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*
Policy LU-4A (Page I-11)	*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.*
Florida Statutes §380.06(19) Developments of Regional Impact-Substantial Deviation	*The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.* ***(a)*** *Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.* ***(b)*** *Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:* *1. An increase in the number of parking spaces at an attraction or recreational facility by 10 percent or 330 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 10 percent or 1,100 spectators, whichever is greater.* *5. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.* *6. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.* *7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

8. *An increase in commercial development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10-percent increase of either of these, whichever is greater.*

9. *An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.*

11. *A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.*

12. *A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.*

13. *A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.*

14. *Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.*

    The substantial deviation numerical standards in subparagraphs 3., 5., 8., 9., and 12., excluding residential uses, and in subparagraph 13., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) *An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an area wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to the development permits. Any extension of the buildout date of the project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and*

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expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review

(d) *A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.*

(e) *1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.*

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided a developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.

l. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k. and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than

15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

(f) 1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact

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	to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review. ***(g)*** *If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:* *1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.* *2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.* *3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.* *4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.* ***(i)*** *An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; 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 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.*

1. CITY OF MIAMI GARDENS, ET AL
(Applicant)

13-7-CC-1 (12-139)
BCC/District 01
Hearing Date: 07/18/13

Property Owner (if different from applicant) **City of Miami Gardens.**

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
1956	Larem Inc.	- Zone change from AU, GU, RU-1 to RU-1 & SE to permit a lift station.	BCC	Approved In Part with conditions.
1956	Larem Inc.	- Modification of Resolution.	BCC	Approved
1977	Janis Enterprises, Inc.	- Zone change from RU-1, AU to RU-1, RU-TH, BU-1, BU-1A.	BCC	Approved with Condition(s)
1983	Robbie Stadium Corp.	- Modification of Resolution amend DRI.	BCC	Approved on a Modified Basis
1985	Dolphin Stadium Corporation & Joseph Robbie; and Emil Morton & Lottie Morton	- DRI	BCC	Approved with Condition(s)
1985	Dolphin Stad. Corp. & Joseph Robbie; & E. I Morton, L. Morton Trust. L. Morton Trust. (Part 2 of 2)	- Zone change from RU-TH, RU-1, BU-1, BU-1A to BU-2, RU-4A. - Unusual Use sport stadium, Hotel. - Non-Use Variance of Zoning regulations.	BCC	Approved with Condition(s)
1986	Dolphin Stadium Corp. ET AL	- Amend DRI.	BCC	Approved with Condition(s)
1987	Dolphin Stadium Co.	- Amend DRI.	BCC	Approved
1988	Robbie Stadium Corp.	- Amend DRI.	BCC	Approved

1988	Robbie Stadium Co.	- Amend DRI.	BCC	Approved
1993	Robbie Stadium Corp.	- Modification of Rsolution.	BCC	Approved In Part
1995	Richard Morton ET AL (Robbie Stadium Corp. ET AL)	- Modification of Rsolution.	BCC	Approved on a Modified Basis
1995	Robbie Stadium Corp.	- To make substantial deviation. - Modification of Resolution.	BCC	Approved with Condition(s)
1995	Robbie Stadium Corp.	- Zone change from RU-4A to BU-2. - Special Exception to permit hotel, parking. - Non-Use Variance Zoning regulations. - Modification of Resolution.	BCC	Approved with Condition(s)
1996	Robbie Stadium Corp.	- Non-Use Variance Zoning regulations. - Unusual Use to permit outdoor dining.	ZAB	Approved with Condition(s)
1999	Robbie Stadium Corp. ET AL	- To make substantial deviation for DRI. - Modification of Resolution.	BCC	Approved with Condition(s)
1999	Robbie Stadium Corp. ET AL	- Amend DRI and Modification of Resolution.	C03	Denied without Prejudice
2005	Peter Morton Trust ET AL	- Amend DRI. - Zone change from BU-2, BU-4A to BU-2, RU-4A. - Special Exception to permit a community development. - Non-Use Variance of Zoning regulations.	BCC	Approved In Part
2006	Robbie Stadium Corp. ET AL	- Amend & Modify DRI.	BCC	Approved In Part
2008	Dolphin Center Properties, David Morton, ET AL	- To make substantial deviation determination. - Deletion of Resolution's. - Amend DO for Dolphin Center South.	BCC	Approved In Part

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

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: BCC #Z2012000139
City of Miami Gardens
NW 199th Street and NW 27th Avenue
Modification to Delete Property From a Previously Approved DRI.
(BU-2) (97 Acres)
03-52-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water and Wastewater Disposal

The subject properties are located within the City of North Miami Beach water franchised service area. A 12" public water main is abutting this property on the north side.

The source for this water supply is Norwood Oeffler Water Treatment Plant, which is owned and operated by the City of North Miami Beach. This plant has sufficient capacity to provide current water demand, and is presently producing water that meets Federal, State, and County drinking water standards.

The subject properties are located within the City of North Miami sanitary sewer franchised service area. The south parcel is served by a 10-inch gravity main abutting the east side of the property, which is owned and operated by the City of North Miami Water and Sewer Department.

The wastewater flow is directed into pump station 07-022, and then to the North District Wastewater Treatment Plant. The sanitary sewer pump station 07-022 is owned and operated by the City of North Miami Beach. The North District Wastewater Treatment Plant is owned and operated by Miami Dade Water and Sewer Department. The aforesaid gravity main, and pump station 07-022 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 if the proposed change to the previously approved DRI interferes with the approved Surface Water Management Permit No. 13-05036-P, a permit modification will be required by the Water Control Section of DERM.

Wetlands
The proposal to delete properties from a previously approved DRI will not impact wetland resources. However please be advised that an on site inspection performed by staff on June 8th 2011, revealed that the site with folio 34-2103-001-0710 contains wetlands as defined by Section 24-5 of the Code. Also, the sites with folios 34-2103-001-0715 and 0713 may contain wetlands.

Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject properties. The Coastal and Wetland Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Natural Forest Communities
DERM is aware that the proposal to delete properties from a previously approved DRI will not impact resources; however please be advised that although the subject properties are not designated Natural Forest Communities by Miami-Dade County, the sites contain remnant scrubby flatwoods habitat that contains native vegetation, which may include threatened and endangered plant species. Furthermore, Section 18A-7(B) of the Code states in part "...native vegetation (including canopy, understory, and ground cover... shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met".

Tree Preservation
The proposal to delete properties from a previously approved DRI will not impact tree resources. The property contains specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

Enforcement History
The subject properties have one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary
A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: January 15, 2013

To: Eric Silva
Assistant Director
Regulatory and Economic Resource Department

From: Antonio Cotarelo, P.E.
Interim County Engineer
Public Works and Waste Management Department

Subject: DIC 12-139
Name: City of Miami Gardens
Section 03 Township 52 South Range 41 East

I. PROJECT LOCATION:

Located in the southeast quadrant of the intersection of NW 199 Street and NW 27 Avenue; the affected property is located around and south of NW 191 Street.

II. APPLICATION REQUEST:

This application requests the modification of the Dolphin Center South DRI Development Order to remove properties owned by the City of Miami Gardens and CE Land Partners, LLC which include parcels 7, 8, and 9 that were established by Resolution No. Z-27-08.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to the site is available from the North and the South from NW 27 Avenue, Florida Turnpike and NW 37 Avenue.

IV. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

No new trips are anticipated as a result of this application.

V. IMPACT ON EXISTING ROADWAYS:

This application meets the criteria for traffic concurrency for an Initial Development order. Vehicle trips have been reserved under Dolphin Center South DRI, with an expiration date of October 10, 2017.

VI. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

A traffic analysis shall be provided to the Miami-Dade County Public Works and Waste Management Department (PWWM) once these parcels are ready to develop.

VII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

A traffic analysis shall be provided to the PWWM once these parcels are ready to develop.

VIII. SITE PLAN CRITIQUE:

N/A – Previously approved site plan configuration not being revised.

IX. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

X. SUMMARY:

This project meets Traffic Concurrency for an initial Development order and is subject to the payment of Road Impact Fees. Additional improvements may be required at time of permitting/platting. **This Department has no objections with this application.**

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources
Joan Shen, Ph. D., P.E., PTOE, Interim Chief, Traffic Engineering Division, PWWM
Jeff Cohen, P.E., Assistant Chief, PWWM
Armando Hernandez, Special Administrator for Currency, Department of Regulatory and Economic Resources

Rick Scott
GOVERNOR

Jesse Panuccio
EXECUTIVE DIRECTOR

March 12, 2013

Mr. Jay Marder, AICP
Development Services Director
1515 NW 167th Street
Building 4, Suite 160
Miami Gardens, Florida 33169

RE: Dolphin Center South Development of Regional Impact – Non-Substantial Modification

Dear Mr. Marder:

Your letter of February 26, 2013, notes that the City has filed a boundary change application to remove parcels 7, 8, and 9, which total 46.91 acres, from the Dolphin Center South Development of Regional Impact (DRI). The Department of Economic Opportunity (DEO) reviewed an almost identical request from the City last year. As shown by the attached letter dated February 21, 2012, from Mr. Mike McDaniel to Mr. Danny Crew, DEO concluded the following:

"The Department agrees that the proposed change to remove the 46.183 acres is similar in impact to the changes enumerated in Section 380.06(19)(e)2.a-j, F.S., and does not create the likelihood of any additional regional impacts. Thus, pursuant to Section 380.06(19)(e)2.k, F.S., the proposed change does not require the filing of a Notice of Proposed Change. However, the City must render the amended Development Order with the new master plan to the Department."

(Section 380.06(19)(e)2.k, F.S., was renumbered as Section 380.06(19)(e)2.l, F.S., in 2012.)

There are two differences between the prior and current applications for parcels 7, 8, and 9. First, the acreage increases by .727 acres. Second, the prior application removed parcels 7, 8, and 9 from the DRI, along with the associated development rights. In contrast, the current application removes the parcels but does not reduce the DRI's development rights. Neither change is substantive. This letter affirms that the conclusions in DEO's letter of February 21, 2012, as quoted above, apply in full to the current proposal. DEO staff consulted with the South Florida Regional Planning Council staff, which concurs with this conclusion.

If you have any questions regarding this matter, please contact Bill Pable, AICP, at 850-717-8534 or at bill.pable@deo.myflorida.com.

Sincerely,

William B. Killingsworth
Director, Division of Community Development

WBK/bp

cc: Danny O. Crew, Ph.D., City Manager, City of Miami Gardens
Bob Cambric, Director of Policy and Planning, South Florida Regional Planning Council

Rick Scott
GOVERNOR

Cynthia R. Lorenzo
INTERIM EXECUTIVE DIRECTOR

February 21, 2012

Mr. Danny O. Crew, Ph.D.
City Manager
City of Miami Gardens
1515 NW 167th Street
Miami Gardens, Florida 33169

RE: Dolphin Center South Development of Regional Impact – Non-Substantial Modification

Dear Mr. Crew:

Attachment 1 provides a map of the 10 parcels that comprise the Dolphin Center South Development of Regional Impact (the DRI). Your letters of January 3, 2012 and February 13, 2012, requested a determination that the removal of parcel numbers 7, 8, and 9 (the subject property) from the DRI is not a substantial deviation and therefore does not require the filing of a notice of proposed change pursuant to Section 380.06(19)(e)2.k, F.S.

The property proposed for deletion is currently vacant, totals 46.183 acres, and is located on the southern boundary of the DRI. The DRI development order permits 25,000 square feet of office development and 638 residential units on the subject property. Parcels 7 and 8 are owned by the City of Miami Gardens, while parcel 9 is owned by the Cornerstone Group. The Cornerstone Group's letter dated February 10, 2012 authorized the City to include parcel 9 in the current application. The proposed change would remove the 46.183 acres from the DRI, along with the development rights of 25,000 square feet of office and 638 residential units.

The Department agrees that the proposed change to remove the 46.183 acres is similar in impact to the changes enumerated in Section 380.06(19)(e)2.a-j, F.S., and does not create the likelihood of any additional regional impacts. Thus, pursuant to Section 380.06(19)(e)2.k, F.S., the proposed change does not require the filing of a Notice of Proposed Change. However, the City must render the amended Development Order with the new master plan to the Department. This determination is based on four facts, as summarized below.

1. *Common Plan of Development*. The DRI currently includes an existing WalMart and a planned Home Depot, as well as undeveloped commercial, office, and multi-family residential parcels. These properties have been sold to various owners, who are developing them as retail commercial. The 46.183 acres are currently not developed and will not have a common plan of development with the DRI.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

2. *Conservation Area*. The 46.183 acres does not contain any conservation/preservation areas that the DRI relies upon.

3. *Ingress and egress*. Ingress and egress to the DRI would not be adversely affected by the removal of the site. The 46.183 acres is at the southern end of the DRI and will continue to have direct access through NW 191st Street and NW 27th Avenue.

4. *Additional Regional Impacts*. The removal of the 46.183 acres, along with the development rights of 25,000 square feet of office and 638 residential units, will not create additional regional impacts. The impacts from the development on the site were mitigated in the DRI development order.

If you have any questions regarding this matter, please contact Bill Pable, AICP, at 850-717-8534.

Sincerely,

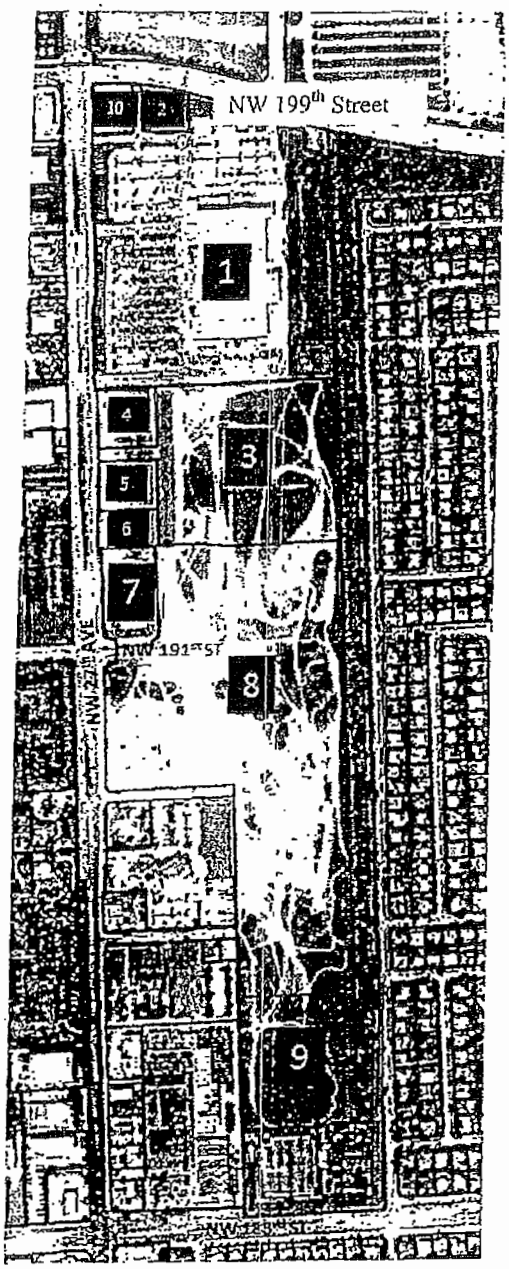
Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

cc: Jay R. Marder, AICP, Development Services Director, City of Miami Gardens
Bob Cambric, South Florida Regional Planning Council
Mara S. Mades, Cornerstone CW, L.L.C.

Attachment 1

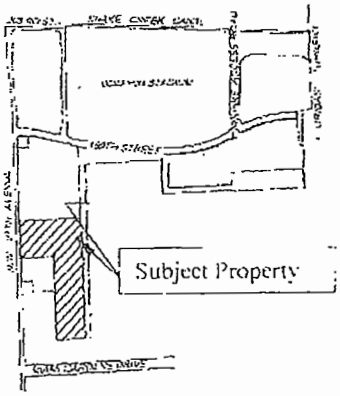
Dolphin Center South DRI Ownership Map
Subject Property Includes Map Numbers 7,8 and 9



N

Dolphin Center South DRI

MAP NUMBER	FOLIO	OWNER	EXISTING & PLANNED DEVELOPMENT (VACANT) (SQ.FT. OR DU'S)
1	34-2103-030-0010	WAL MART STORES EAST LP	206,577
2	34-2103-030-0020	WAL MART STORES EAST LP (SONIC DRIVE-IN RESTAURANT)	3,810
3	34-2103-031-0010	HOME DEPOT	139,579
4	34-2103-031-0020	PLAYA PLAZA LLC, OUTPARCEL A	12,540
5	34-2103-031-0030	PLAYA PLAZA LLC, OUTPARCEL B	4,100
6	34-2103-031-0040	PLAYA PLAZA LLC, OUTPARCEL C	2,800
7	34-2103-001-0719	MIAMI GARDENS, OFFICE	25,000
8	34-2103-001-0710	MIAMI GARDENS, HOUSING	325 DU's
9	34-2103-001-0713	GE LARO (CORNERSTONE), HOUSING	112 DU's
10	34-2103-001-0709	RMS PROPERTIES IV LLC	8,381



Memorandum

MIAMI-DADE COUNTY

Date: December 11, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC # 12-139
City of Miami Gardens, et al

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 of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-139
City of Miami Gardens, et al

Application: The City of *Miami Gardens, et al* is requesting to modify the boundary of the Dolphin Center South DRI by removing the property it owns plus an adjacent parcel owned by the CE Land Partners from the DRI. The applicant also requests the modification of the associated wording in the Development Order established by Resolution No. Z-27-08 to reflect the change. City zoning designations within the proposed area include Planned Corridor Development, Single and Multi-family Residential land uses.

Size: The subject property is 61.28 acres.

Location: The subject property is generally located in the southeast quadrant of the intersection of NW 199th Street and NW 27th Avenue, with effected property located around and south of NW 191st Street, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade 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 Public Works and Waste Management Department (PWWM) 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 28, 2012, 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 Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area, and contains zoning designations within the proposed area to include Planned Corridor Development, Single and Multi-family Residential land uses.

Single family residences on the property will likely meet the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, these residential units on the property currently receive, and shall continue to receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

The Planned Corridor Development contains both commercial properties and multi-family units. Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial and multi-family developments located in unincorporated Miami-Dade County:

"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." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Single Family Residential

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are ***strongly*** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Recycling: Multi-family Units

Regarding **multi-family units, Section 15-2.2a** requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b states the failure of a multi-family residential 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(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

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

5. 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.

6. 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."

7. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria 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 accordance 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 set-out 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 PWWM has no objections to the proposed application**

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000139: CITY OF MIAMI GARDENS, ET AL

Application Name: CITY OF MIAMI GARDENS, ET AL

Project Location: The site is located EAST OF NW 27 AVENUE AND LYING APPROXIMATELY 335' NORTH OF NW 183 STREET, Miami-Dade County.

Proposed Development: The request is for a modification of Resolution No. Z27-08 in order to modify the boundary and development order of the Dolphin Center South DRI.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. The Department has no objections to this application.

We have no pertinent comments for this application 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, Parks Property Management Supervisor

Memorandum

MIAMI-DADE COUNTY

Date: December 18, 2012

To: Jack Osterholt, Director
Permitting, Environment and Regulatory Affairs

From: William W. Bryson, Fire Chief
Miami-Dade Fire Rescue Department

Subject: DIC 2012000139 – City of Miami Gardens

According to the letter of intent dated October 3, 2012, the City of Miami Gardens is seeking to modify the boundary of the Dolphin Center South DRI and the associated wording in the Development Order established by Resolution No. Z-27-08.

Although the applicant is not proffering a site plan in connection with this application, MDFR has **no objection** to the request to change the boundary and Development Order of the Dolphin Center South Development of Regional Impact established by Resolution No. Z-27-08.

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.

/ch

DATE: 06-DEC-12

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

CITY OF MIAMI GARDENS, ET AL

APPLICANT

LYING EAST OF NORTHWEST 27 AVENUE, BETWEEN NORTHWEST 183 STREET & NW 199 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2012000139

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC & BNC; Belong City Miami Gardens

City of Miami Gardens Et Al

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

REPORTER NAME:

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: City of Miami Gardens

NAME AND ADDRESS	Percentage of Stock
City of Miami Gardens, 1515 NW 167th St, Suite 200, MG 33169	100%

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) Danny O. Crew

Sworn to and subscribed before me this 20th day of April, 2012. Affiant is personally know to me or has produced _____ as identification.

Mercedia Williams
(Notary Public)

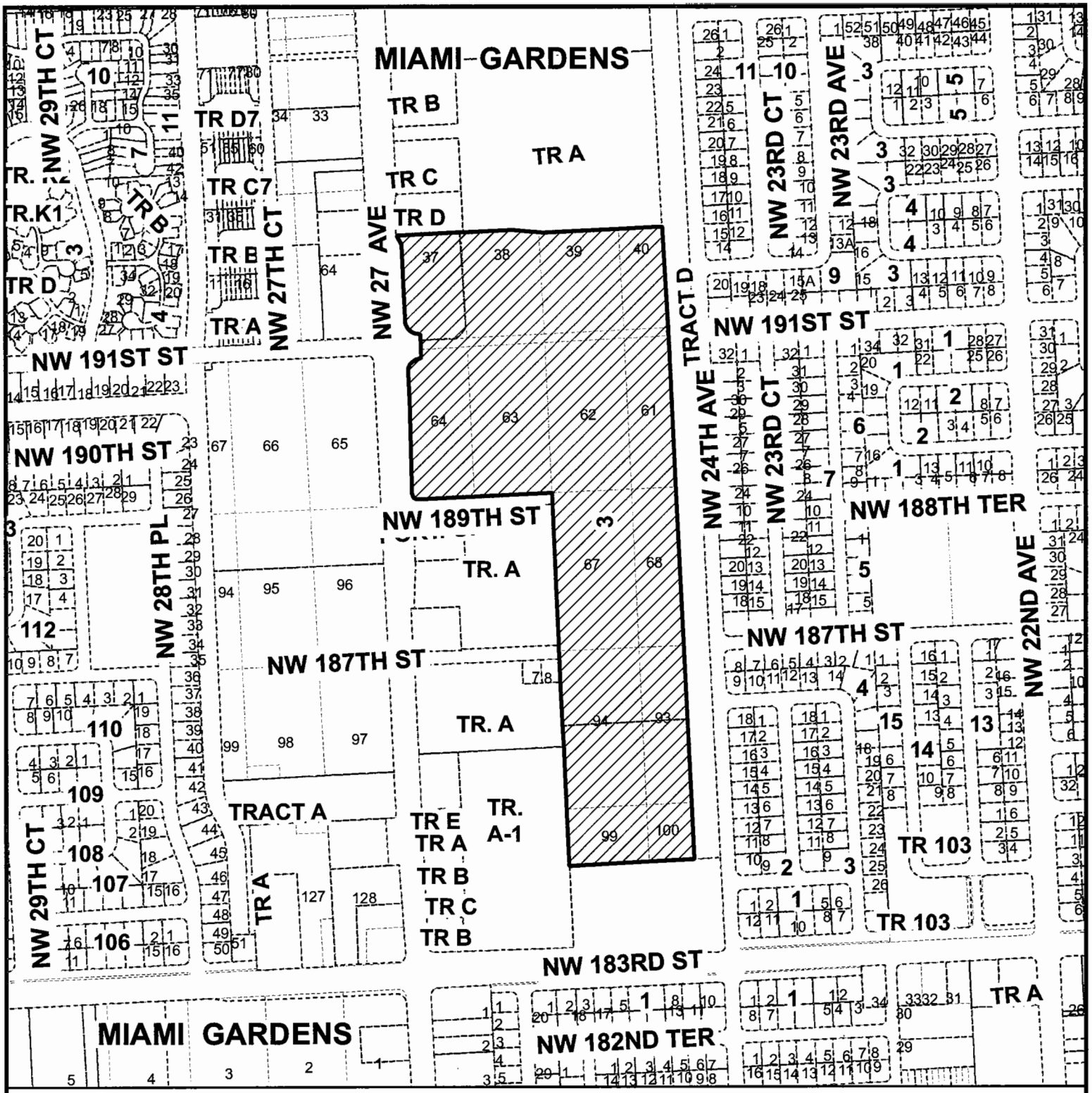
MERCEDIA WILLIAMS
MY COMMISSION # EE172554
EXPIRES: February 23, 2016

My commission expires: February 23, 2016 Seal

*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
212-139
NOV 19 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

Re-numbered



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2012000139

Section: 03 Township: 52 Range: 41
Applicant: CITY OF MIAMI GARDENS, ET AL
Zoning Board: BCC
Commission District: 1
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

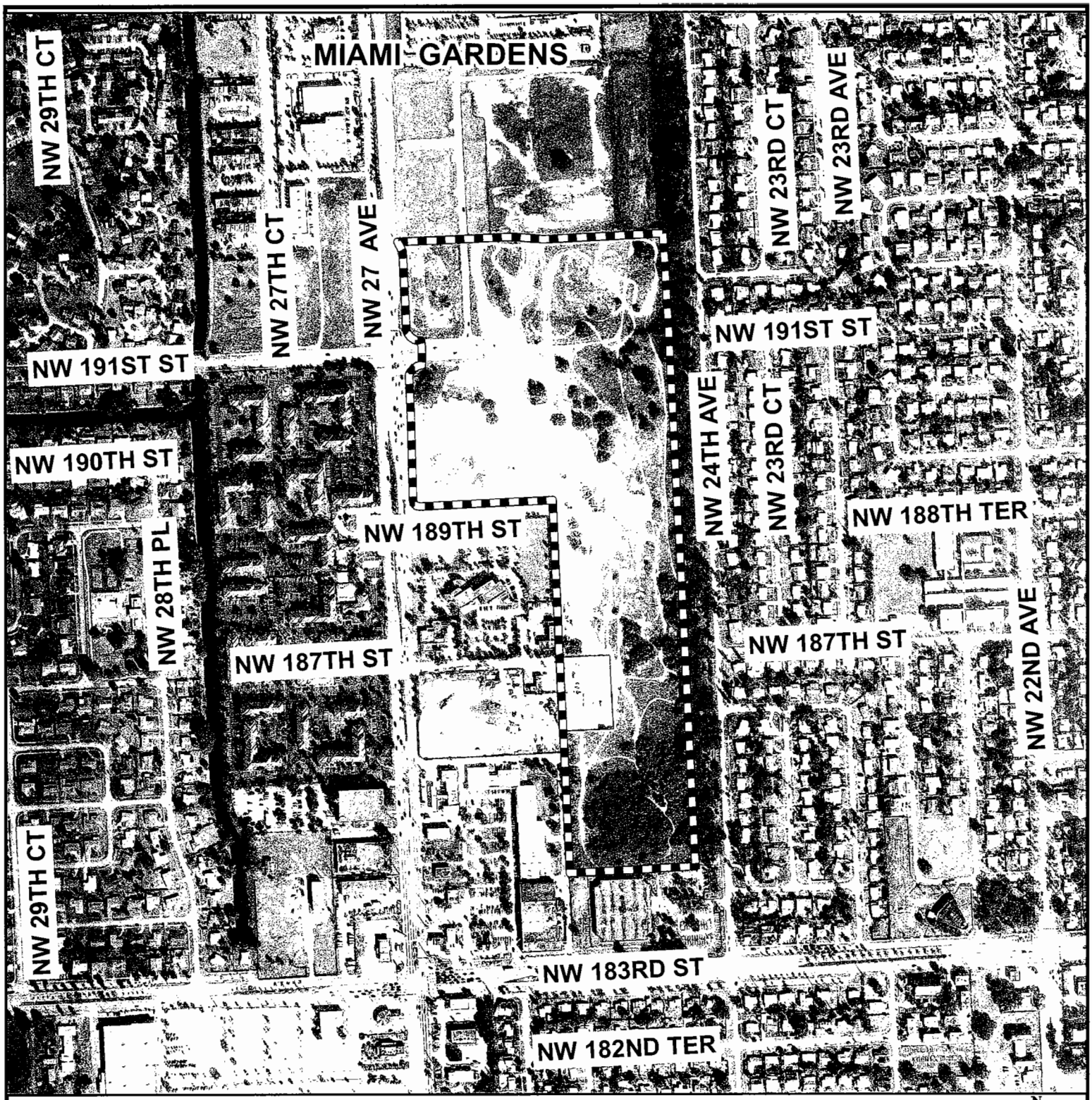
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, April 15, 2013

REVISION	DATE	BY
		36



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2012000139

Section: 03 Township: 52 Range: 41
Applicant: CITY OF MIAMI GARDENS, ET AL
Zoning Board: BCC
Commission District: 1
Drafter ID: JEFFER GURDIAN
Scale: NTS

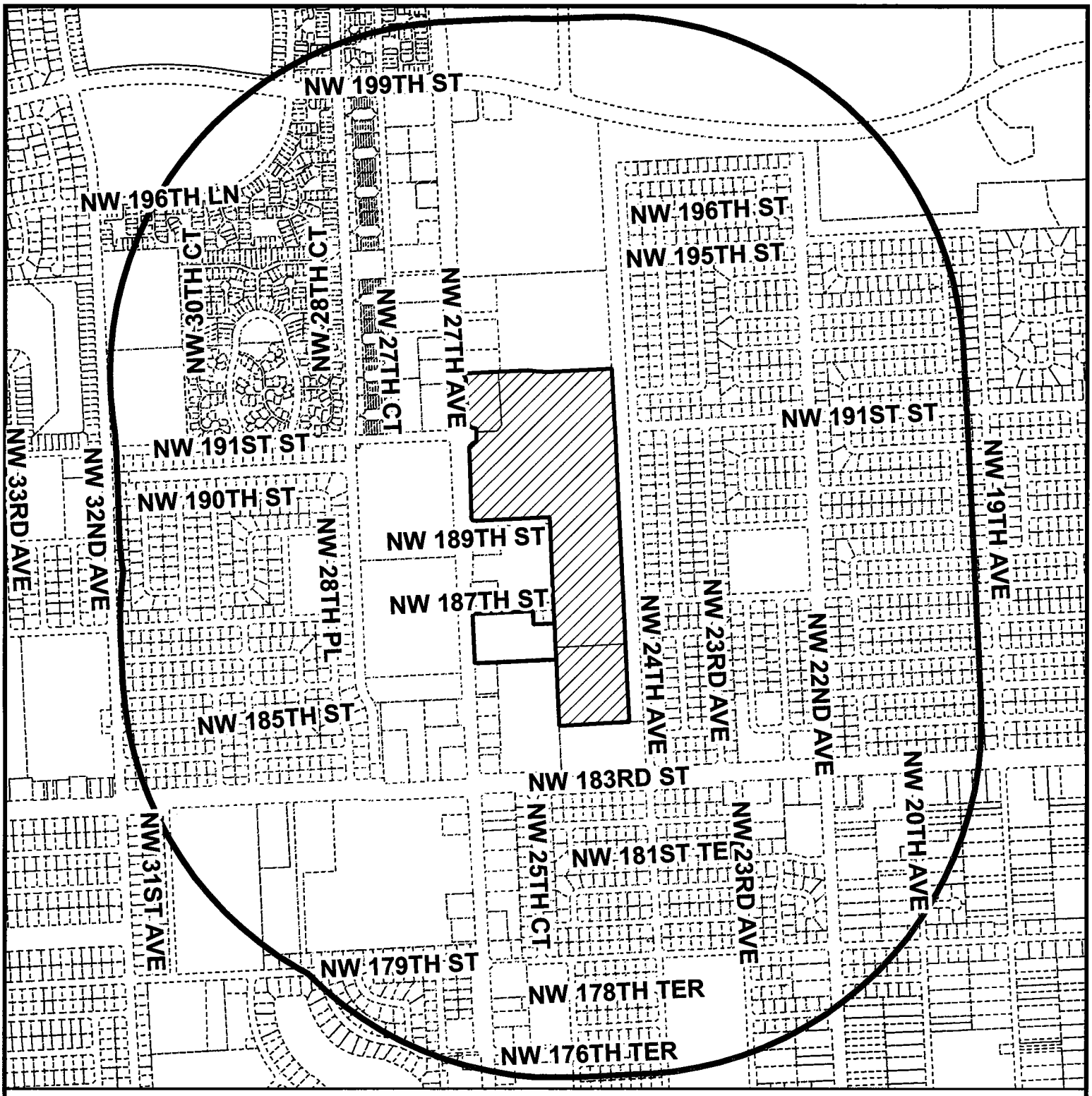
Legend

Subject Property

MIAMI-DADE

SKETCH CREATED ON: Monday, April 15, 2013

REVISION	DATE	BY
		37



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2012000139

RADIUS: 2640

Section: 03 Township: 52 Range: 41
Applicant: CITY OF MIAMI GARDENS, ET AL
Zoning Board: BCC
Commission District: 1
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

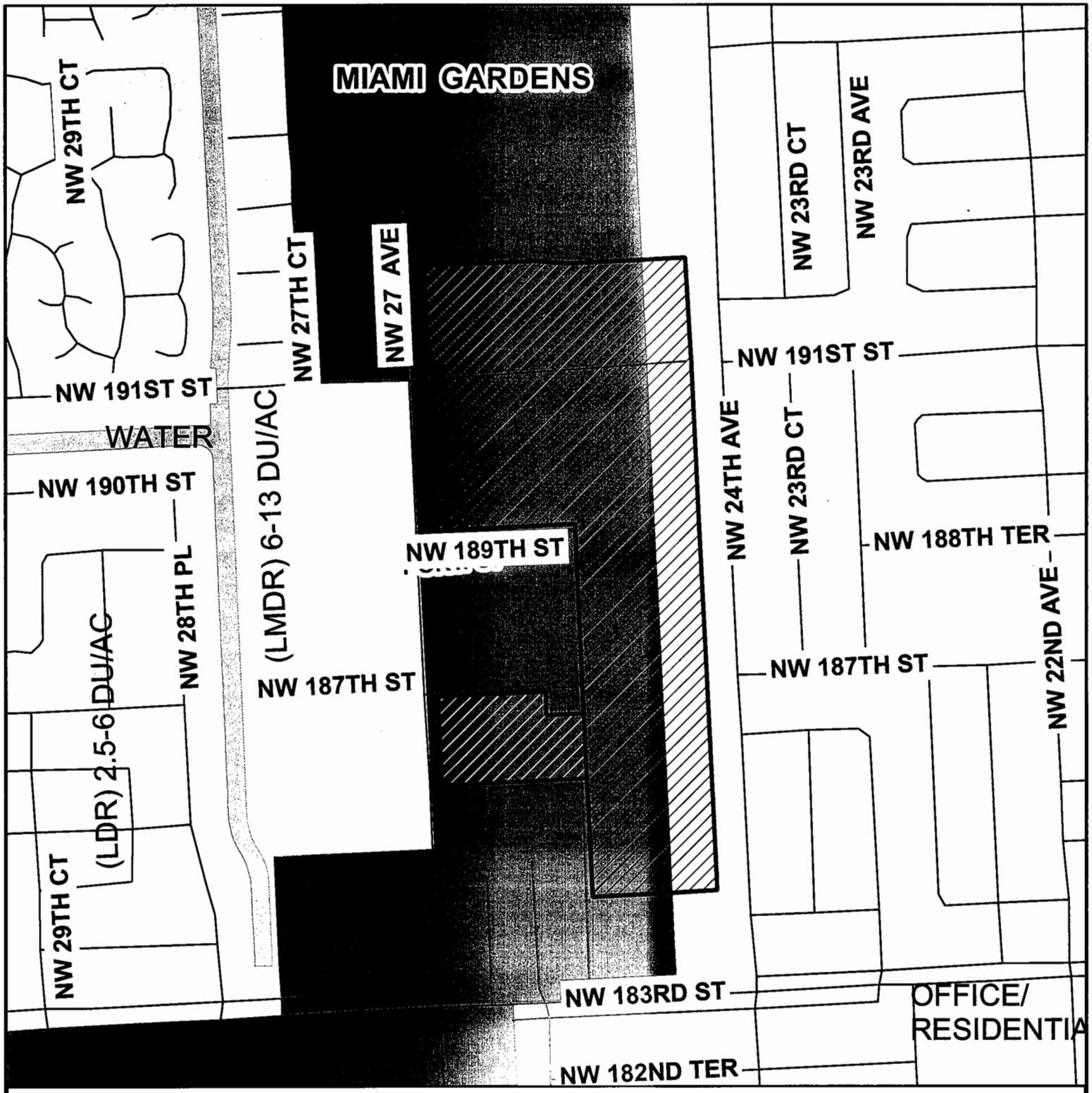
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, April 15, 2013

REVISION	DATE	BY
		38



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000139

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Section: 03 Township: 52 Range: 41
Applicant: CITY OF MIAMI GARDENS, ET AL
Zoning Board: BCC
Commission District: 1
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, April 15, 2013

REVISION	DATE	BY