



PRE-KIT REVIEW COMMENTS
COMMUNITY ZONING APPEALS BOARD 10
Wednesday, December 5, 2012 at 6:30 p.m.

1. JULMAR 147 INVESTMENT, LLC 12-85
Insert Revised Recommendation _____ *OK*

2. MARIA, MEVIS & CARIDAD VAZQUEZ 12-98
Recommendation Ok _____ *✓*

CAO - Approved CAO Review Comments

C: ACA JOHN MCINNIS

Revised: 11/14/12
Reviewed: 11/14/12

FINAL AGENDA

10-29-2012 Version # 1



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Wednesday, December 5, 2012 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|--------------|---|-------|----------|---|
| 1. | 12-12-CZ10-1 | <u>JULMAR 147 INVESTMENT, LLC</u> | 12-85 | 10-54-39 | N |
| 2. | 12-12-CZ10-2 | <u>MARIA, MEVIS & CARIDAD VAZQUEZ</u> | 12-98 | 11-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, DECEMBER 5, 2012

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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.

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

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

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

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

SWEARING IN OF WITNESSES

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z12-085 (12-12-CZ10-1)

December 5, 2012

Item No. 1

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 15 th Street, between SW 145 th Ave and SW 147 th 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(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #5.

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 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 drives within 25' of an official right-of-way (not permitted).

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 du)
North	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 du)
South	RU-1MA; single-family residences	Low Density Residential (2.5 to 6 du)
East	RU-1MA; vacant	Low Density Residential (2.5 to 6 du)
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. However, the requested variances could have a minimal impact in 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 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 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 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, 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.

When requests #4, to permit the school setback 6' (25' required) from the side street (north) property line and #5, to permit parking and drives within 25' of an official right-of-way (not permitted) 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 and #5 are germane to the applicant's request to develop a private school and daycare (requests #2 and #3) on parcel #1. Staff also opines that 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. Furthermore, 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. Therefore, staff opines that approval with conditions of these requests will not create a negative visual impact along SW 15th Street and will not be intrusive to the surrounding area. As such, staff opines that the approval with conditions of these requests would 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 and #5 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.

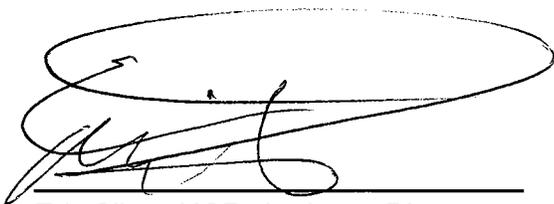
RECOMMENDATION: Approval of request #1, subject to the board's acceptance of the proffered covenant and approval with conditions of requests #2 through #5.

CONDITIONS FOR APPROVAL: (for requests #2 through #5 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 K-2 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 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.
12. 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.
13. 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.
14. 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

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

<p>Low Density Residential (Pg. I-31)</p>	<p><i>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.</i></p>
<p>Residential Communities (Pg. I-26)</p>	<p><i>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.</i></p>
<p>Land Use Objective LU-4A (Pg. I-11)</p>	<p><i>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.</i></p>
<p>Education Element Objective EDU-3A (Pg. X-5)</p>	<p><i>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.</i></p>

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
Z12-085

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>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.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>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;</i> (2) <i>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;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>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;</i> (5) <i>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.</i>
<p>33-311(A)(3) Special Exceptions, Unusual Uses and New Uses</p>	<p><i>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.</i></p>

ZONING RECOMMENDATION ADDENDUM

Julmar 147 Investment, LLC
Z12-085

<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>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.</i></p>
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1. JULMAR 147 INVESTMENT, LLC
(Applicant)

12-12-CZ10-1 (12-085)
Area 10/District 11
Hearing Date: 12/05/12

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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.

Date: October 23, 2012

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

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

Subject: C-10 #Z2012000085-3rd 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.

This Program 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.

Please 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 property (EEL) (Tree Island Park). EEL properties are subject to the Natural Forest Communities regulations in Section 24-49 of the Code and EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. Due to the quality of these habitats, the County recommends maintaining these globally imperiled Natural Forest Communities areas as a natural preserve. 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 contains 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

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 | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 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.**

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 OVERLAP, 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.

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.

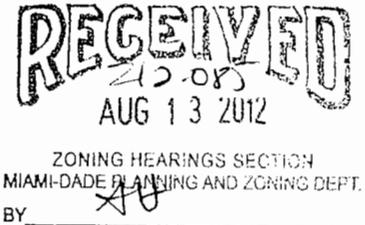
TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- 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.

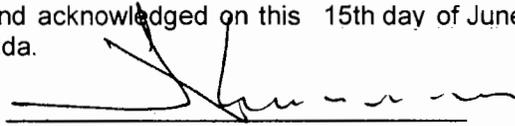


School Address: Vacant land on SW 147th Avenue & 15th Street - Miami, Florida Zip Code: 33184

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
212-085
AUG 13 2012

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



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 MDRF 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 MDRF 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:

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

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.

Memorandum



Date: July 13, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: Z2012000085: OSCAR CASTILLA, TRUSTEE

Application Name: OSCAR CASTILLA, TRUSTEE

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-MA 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

DATE: 29-AUG-12
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

OSCAR CASTILLA, TRUSTEE

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

APPLICANT

ADDRESS

Z2012000085

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: Case was opened on August 9, 2012 for junk/trash overgrowth and warning issued August 21, 2012 to be corrected by September 5, 2012. Prior case opened July 7, 2011 for failure to perform lot maintenance and citation issued. Affidavit compliance July 29, 2011. CVN electronically closed August 6, 2011 and case closed September 20, 2011. BNC: No bss cases open/closed.

Oscar Castilla Trustee

**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

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Julia Batista</u> <u>13911 SW 42 St #205 Miami, FL 33175</u>	<u>50%</u>
<u>Mario Castellanos</u> <u>2732 SW 140 Ave Miami, FL 33175</u>	<u>50%</u>

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 _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____

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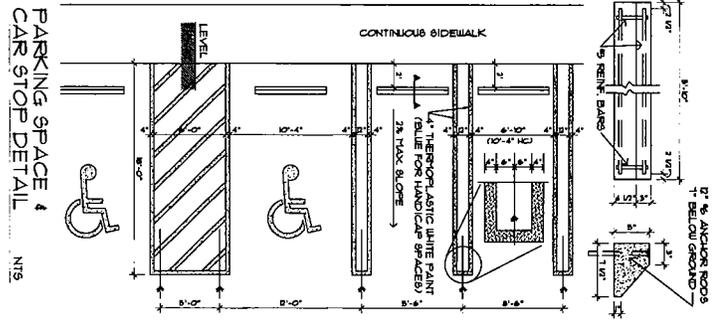
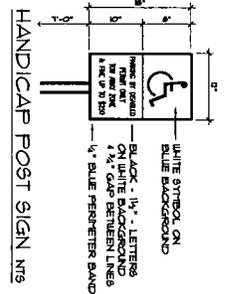
If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

RECEIVED
 PLANNING DEPARTMENT
 AUG 21 2012



RECEIVED
 AUG 21 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

RECEIVED
 AUG 21 2012

SITE SUMMARY

LOCATION: SW 15th STREET AND 14th AVENUE
 FOLIO NO: 30-4910-003-0050 (TOTAL PROPERTY)
 ZONING: M-1 (APPLICABLE FOR R-1-11A)
 ZONING RESOLUTIONS: N/A
 TOTAL EXISTING LOT AREA: 11,300 SQ. FT. (2.46 ACRES)
 TOTAL NET: N/A - NOT YET SUBMITTED

PROPOSED LOT MISC:

PARCEL 1 LOT AREA	6,816 SQ. FT. (0.16 ACRES)
PARCEL 2 LOT AREA	4,484 SQ. FT. (0.14 ACRES)
TOTAL LOT AREA	11,300 SQ. FT. (0.26 ACRES)

PROPOSED BUILDINGS:

1) TWO STORY HEIGHT LEARNING EDUCATIONAL CENTER	537 SQ. FT.
COVERED DECK OFF	6,533 SQ. FT.
FIRST FLOOR AREA	6,533 SQ. FT.
SECOND FLOOR AREA	5,201 SQ. FT.
PROPOSED SCHOOL BUILDING AREA	12,114 SQ. FT.
TOTAL PROPOSED BUILDING LOT COVERAGE	6,090 SQ. FT. 21.3 %
TOTAL PROPOSED BUILDING AREA	12,114 SQ. FT.

STREETS:

FRONT - NORTH TO DECK OFF	6'-0"
FRONT - NORTH TO BUILDING BUILD	25'-0"
FRONT - EAST	86'-4"
FRONT - SOUTH	86'-4"
FRONT - EAST TO RESIDENTIAL STRUCTURE	55'-4"
FRONT - SOUTH TO RESIDENTIAL STRUCTURE	103'-4"
FRONT - WEST TO RESIDENTIAL STRUCTURE	60'-5"
FRONT - WEST TO RESIDENTIAL STRUCTURE	132'-5"

SUMMARY OF OVERALL LOT COVERAGE:

TOTAL PROPOSED BUILDING LOT COVERAGE	6,090 SQ. FT. 21.3 %
ASPHALT DRIVE, SIDEWALKS AND PARKING AREAS	14,708 SQ. FT. 54.4 %
UNDEVELOPED OPEN SPACE	6,502 SQ. FT. 44.3 %
TOTAL AREA	42,688 SQ. FT. 100.0 %

PARKING PROVIDED:

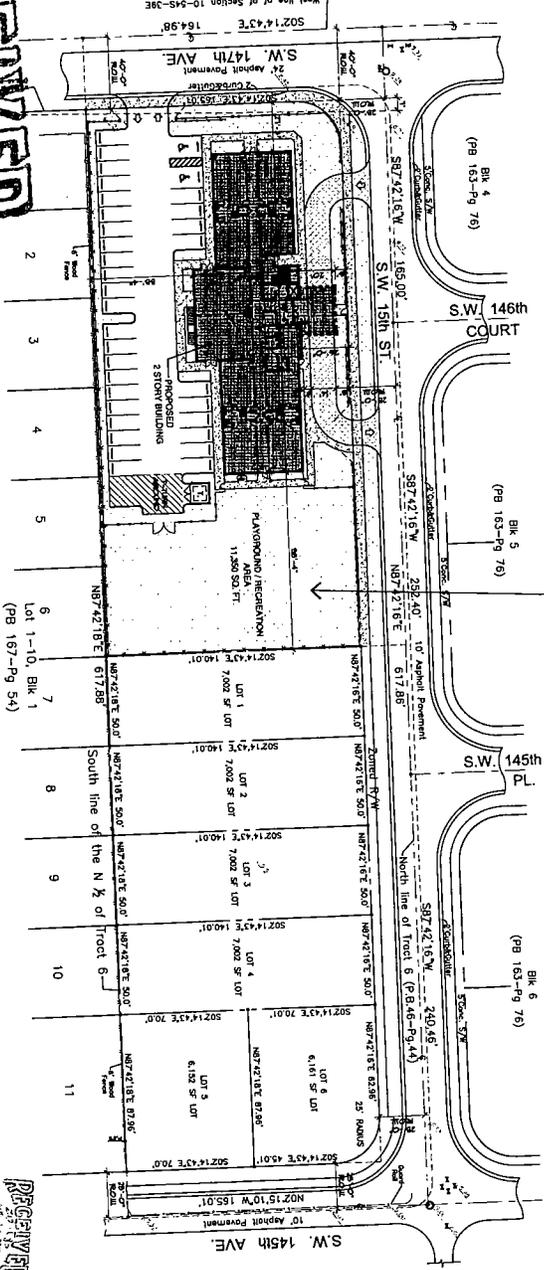
STANDARD - 6.5' X 18'	23 SPACES
HANDICAP - 12.0' X 18'	2 SPACES
TOTAL PARKING PROVIDED	25 SPACES

PARKING REQUIRED: AS PER 33-124 MDC ZONING CODE

AS PER 33-124(1) & 33-124(2)	20 SPACES
AS PER 33-124(3) & 33-124(4)	20 SPACES
1 SPACE FOR EVERY 500 = 20 SPACES	20 SPACES
TOTAL PARKING REQUIRED	20 SPACES

OUTDOOR RECREATION AREA

REQUIREMENT	11,300 SQ. FT. 26.6 %
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LEGAL DESCRIPTIONS:

PARCEL 1: 1/2 ACRES OF THE NORTH 1/2 OF TRACT 6, LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 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1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864,

RECEIVED
212-085
AUG 13 2012

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

CHILD CARE CHECKLIST REQUIREMENTS FOR ZONING HEARING

Department of Planning and Zoning
Zoning Hearings Section
1111 North Bay Street
Miami, Florida 33139
(305) 775-2040

1. Day nurseries, day care centers and independent facilities public hearing notice the property proposed for such use is zoned R12-C, R12-24, R12-30, R12-4L, R12-4M, R12-4S, R12-4T, R12-4U, R12-4V, R12-4W, R12-4X, R12-4Y, R12-4Z, R12-5, R12-6, R12-7, R12-8, R12-9, R12-10, R12-11, R12-12, R12-13, R12-14, R12-15, R12-16, R12-17, R12-18, R12-19, R12-20, R12-21, R12-22, R12-23, R12-24, R12-25, R12-26, R12-27, R12-28, R12-29, R12-30, R12-31, R12-32, R12-33, R12-34, R12-35, R12-36, R12-37, R12-38, R12-39, R12-40, R12-41, R12-42, R12-43, R12-44, R12-45, R12-46, R12-47, R12-48, R12-49, R12-50, R12-51, R12-52, R12-53, R12-54, R12-55, R12-56, R12-57, R12-58, R12-59, R12-60, R12-61, R12-62, R12-63, R12-64, R12-65, R12-66, R12-67, R12-68, R12-69, R12-70, R12-71, R12-72, R12-73, R12-74, R12-75, R12-76, R12-77, R12-78, R12-79, R12-80, R12-81, R12-82, R12-83, R12-84, R12-85, R12-86, R12-87, R12-88, R12-89, R12-90, R12-91, R12-92, R12-93, R12-94, R12-95, R12-96, R12-97, R12-98, R12-99, R12-100.
2. Meet every other day of requirements of Article XX, §§31-151.11 through 31-151.20 Zoning Code of Miami-Dade County.
3. Submit one full set of building plans and 1 C.D. (70% Forming) containing an historical lot of plan for zoning hearing review including:
 - a. Site plan with zoning required, showing outdoor playground area with 1/8" scale, grading and drainage.
 - b. Day care building, showing (plans) - dimensioned, color, in accordance or engineer must seal the plans for 50 or more children.
 - c. Completed Child Care Checklist (attached)
 - d. Landscaping plan, including layout and description of Compliance with Chapter 164 (Stormwater Control).
 - e. Day care center fire safety analysis. Completed Heavy Signature at the Public Works Department at 45-275-1571 for room information.
 - f. Fire alarm system, including fire alarm control panel and alarm system. Emergency contact with a security firm must be provided to the applicant. Contact the Miami-Dade Fire Department at (305) 775-1000, the County Emergency Services at (786) 515-2000 and the Miami-Dade Fire Department at (305) 775-1000. The fire alarm system must be installed within 720 hours of 720 hours and 1000 hours Tuesday through Friday. If you have any questions, please contact the Fire Department at (786) 315-1100.

DEFINITIONS

- Day Nursery** Children for infants and children up to the age of six (6).
- Kindergarten** Children and preschool programs for children ages four (4) through six (6).
- After-school care** Children and preschool for children above the age of six (6) who are not in a regular school program, but who are in a program for children after school hours, including, but not limited to, day camps, day care centers, day care homes, and day care facilities.
- Outstanding services** Children under two (2) years of age (including infants) who are not in a regular school program, but who are in a program for children after school hours, including, but not limited to, day camps, day care centers, day care homes, and day care facilities.
- College or University** An institution of higher learning beyond the high school level.
- Family Day Care** Children and preschool with a maximum of five (5) children including the day care operator's own children.
- Private School** This term shall include all day care facilities providing children under the age of six (6) who are not in a regular school program, but who are in a program for children after school hours, including, but not limited to, day camps, day care centers, day care homes, and day care facilities.
- Temporary, Mobile, or Portable Day Care** Facilities that are not permanently located on a site with the age groups typically found in these school levels.
- Child, Student, Pupil, or Learner** The terms "child," "student," or "pupil" and their plural are used interchangeably.

2

Child Care Checklist for Day Nurseries, Day Care Centers, Kindergarten and Private School

HIGHER LEARNING EDUCATIONAL CENTER

- School Name: HIGHER LEARNING EDUCATIONAL CENTER
School Address: 3045 SW 15th Street, Apt 4, 3045 SW 15th Street, Apt 4, Miami, FL 33135
School Phone: (305) 775-2040
School Fax: (305) 775-2040
School Email: hle@hlc.com
1. Number of children or students enrolled: 200 (ages 1-6, 7-12, and 13-18) (Please Circle)
 2. Total size of site: 4,500 sq. ft. (4,500 sq. ft. = 0.08 acres)
 3. Number of classrooms: 10 (Number of classrooms & student population)
 4. Number of classrooms: 11 (Total square footage of classroom area: 7,200 sq. ft.)
 5. Total square footage of non-classroom area (offices, bathrooms, kitchen, etc.): 5,000 sq. ft.
 6. Amount of outdoor non-sports/play area to be used: 11,200 sq. ft.
 7. Amount of outdoor non-sports/play area to be used: 11,200 sq. ft.
 8. Number of types of activities that will be used in conjunction with the operation of the facility: 2
 9. Number of parking spaces provided for all vehicles and transportation vehicles: parking spaces provided = 24,000 (parking spaces required by 325-124(1) = 20,000)
 10. Number of types of activities that will be used in conjunction with the operation of the facility: 2
 11. Proposed budget for the structure: \$2,500,000 (See 325-151-14(6))
 12. Size of development: 100,000 sq. ft. (not a 100,000 sq. ft. See 325-151-14(6))
 13. Days and hours of operation: Varies: 7:30 AM School Hours (8:00 AM to 5:30 PM)
 14. Does the subject facility share the site with other facilities? Yes No If yes, the other facilities are: (List all other facilities on the site, including their name, address, and phone number.)
 15. If the subject facility shares the site with other facilities, please provide a copy of the site plan for the other facilities (including the site plan, zoning, and other information) to the Planning and Zoning Department.

3

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 formulas will determine the maximum number of children permitted at the facility. WHEN CHECKED OFF BY THE BOARD REPRESENTATIVE SHALL BE CHECKED.

CLASSROOM SPACE: Calculated by gross area

- a. Day Nursery/Preschool, preschool and after-school care: 35 sq. ft. x 1.00 (number of children) = 5,000 sq. ft. of classroom area required.
- b. Elementary Grades: 1-4: 30 sq. ft. x .60 (number of children) = 1,800 sq. ft. of classroom area required.
- c. Junior High and Senior High Schools (Grades 7-12): 25 sq. ft. x 2 (number of children) = 500 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 5,800 sq. ft.

OUTDOOR RECREATION SPACE:

- a. Day Nursery/Preschool, preschool and after school care: 45 sq. ft. x 80 (1% of children) = 3,600 sq. ft.
- b. Grades 1-4: 500 sq. ft. x 30 (children) = 15,000 sq. ft.
- c. Grades 7-12: 800 sq. ft. x 10 (number of children) = 8,000 sq. ft.

1500 sq. ft. x 1.00 (number of children) = 1,500 sq. ft.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 21,000 sq. ft.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 11,200 sq. ft.

THRESHOLD: See 325-151-14(6) and the Planning Ordinance (77% Floor) for additional information.

- a. 25 trees are required per net acre. Trees provided: 48
- b. Ten slides are required for each ten required. Slides provided: 200
- c. Gates are required for each ten required. Gates provided: 1,200 (see 325-151-14(6))
- d. Lawn area is required for each ten required (exclusive of organized sports/play area): 5,000 sq. ft.

CHILD CARE CHECKLIST

RECEIVED
MUNICIPAL OFFICE
PLANNING AND ZONING
DIVISION
315 N. MIAMI AVENUE
MIAMI, FL 33136

DATE: 8/13/12
TIME: 11:11 AM
BY: [Signature]
TITLE: [Title]
A-2 OF 7



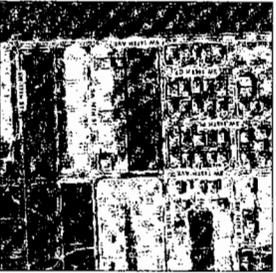
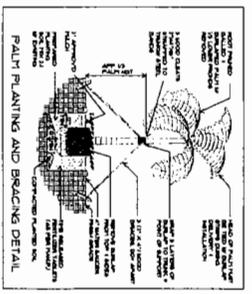
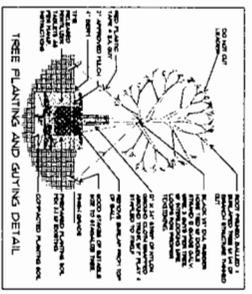
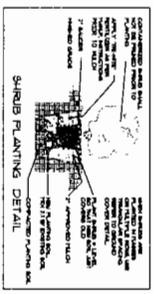
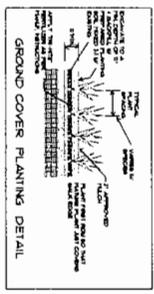
VILLA & ASSOCIATES INC.
ARCHITECTURE - PLANNING - INTERIOR DESIGN
7844 SW 48 STREET - MIAMI FL 33156 - (305) 667-6767
CONSULTANT:

Corporation License
EA00002099
Architectural Seal
JORGE L VILLAVICENCIO
NO. AR0012112

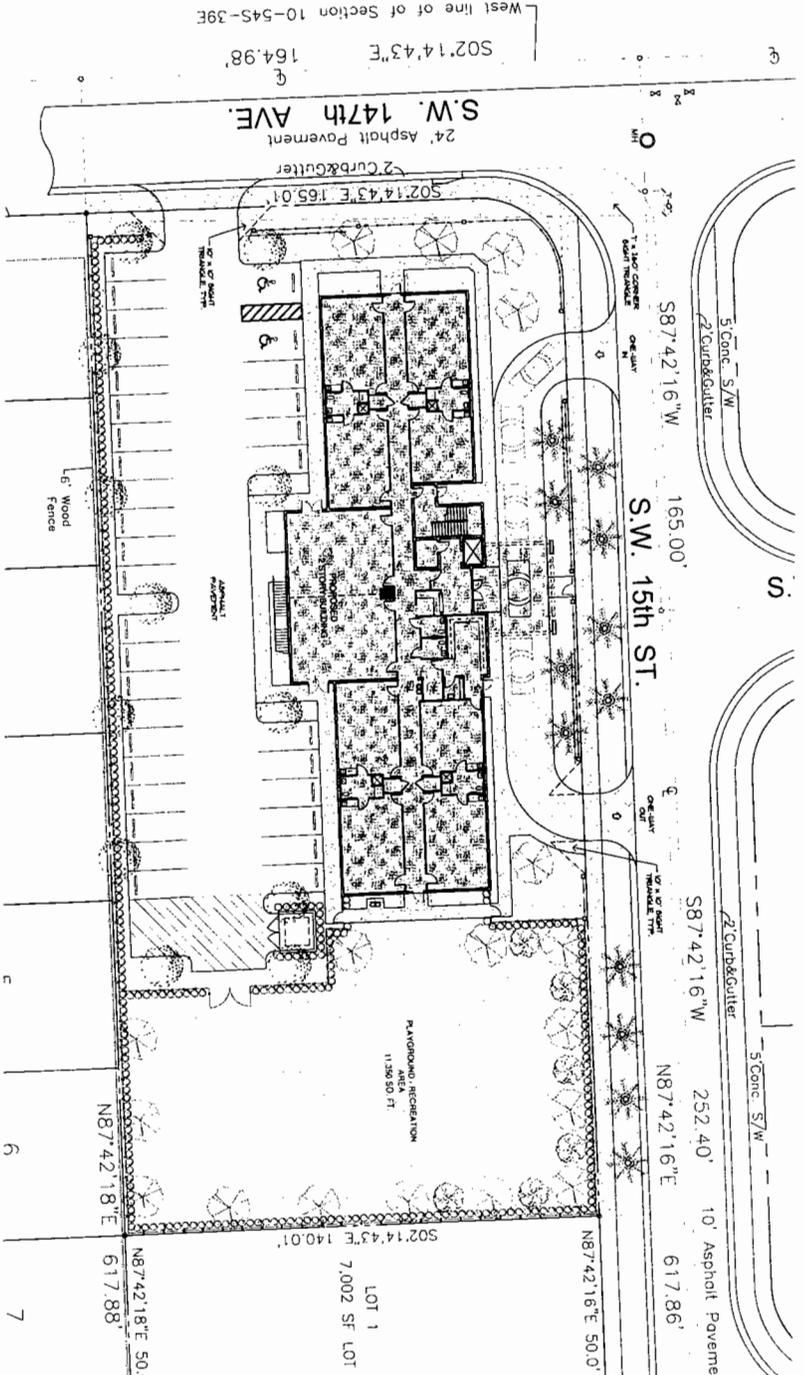
HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS
FOLIO # 30-4910-003-0060
VACANT LAND ON SW 15TH STREET AND 147H AVENUE

REVISIONS:	

31



LOCATION MAP



NOTE: TREES PLANTED 7' FROM THE FRONT OF MAIN CAN BE COVERED TOWARD THE STREET TREE REQUIREMENT.

LANDSCAPE SCHEDULE

NO.	COMMON NAME	SYMBOL	HEIGHT AT PLANTING	NATURAL HEIGHT RANGE	WIND EXPOSURE	QUANTITY
A	Live Oak		14' (12' CALIPER) AT PLANTING	40' TO 50'	YES	18
B	PECAN NUT		12' (2" CALIPER) AT PLANTING	20' TO 25'	YES	5
C	SLIVER BUTTERNUT		12' (2" CALIPER) AT PLANTING	10' TO 15'	YES	12
D	ROYAL PALM		15' AT PLANTING	40' TO 60'	YES	12
E	CHRISTMAS TREE		36" H. & 24" O/C AT PLANTING	5'	YES	300

* LANDSCAPE CONTRACTOR SHALL PROVIDE IRRIGATION SYSTEM FOR ALL LANDSCAPE CREDS.
* PERMETER HEADS SHALL BE KEPT AT A MAXIMUM 6" IN HEIGHT ONCE MAINT.

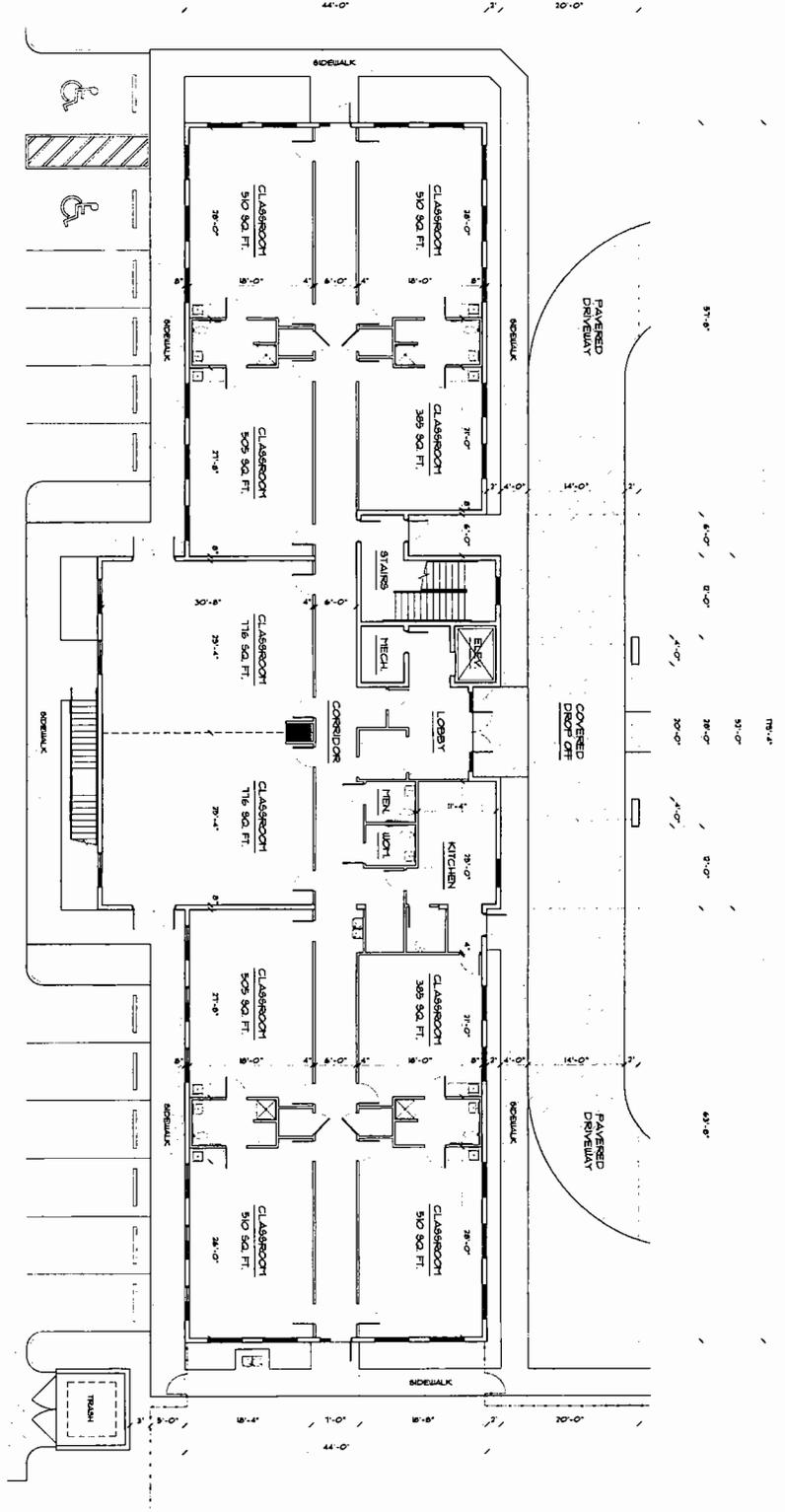
LANDSCAPE LEGEND

NO.	DESCRIPTION	REQUIREMENTS	PROVIDED
1	Open space required by Chapter 23, as indicated on site plan.	1641.51 SF	1641.51 SF
2	Number of trees required by Chapter 23, as indicated on site plan.	363 TREES	363 TREES
3	Number of trees required by Chapter 23, as indicated on site plan.	10 TREES	10 TREES
4	Total square feet of landscaped open space required by Chapter 23, as indicated on site plan.	11,260.50 SF	11,260.50 SF
5	Total square feet of landscaped open space provided by Chapter 23, as indicated on site plan.	11,260.50 SF	11,260.50 SF
6	Number of trees required per net lot acre - 20 TREES PER ACRE.	274 TREES	274 TREES
7	Street trees over average spacing of 20' x 20' along street / 20' x 12'.	12 TREES	12 TREES
8	Parking lot trees (1 per 80 SF of parking) landscaped area 300 SF / 80' x 12' trees.	4 TREES	4 TREES
9	Total number of trees required & provided.	41 TREES	41 TREES
10	30' x 30' trees allowed - 12 Royal Palm provided + 12 TREES x 2%.	4 TREES	4 TREES
11	Percentage of native trees required - the number of trees provided 48' x 30' x 14'.	4 TREES	4 TREES

RECEIVED
AUG 21 2012

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

<p>DATE: 08-09-12 SCALE: 1/8" = 1'-0"</p>	<p>VILLA & ASSOCIATES INC. ARCHITECTURE PLANNING INTERIOR DESIGN 7344 SW 48 STREET MIAMI, FL 33155 (305) 661-8781</p>	<p>Cooperation License #A40007589 Architectural Seal JORGE L. VILLAVICENCIO MD. #R0012110</p>	<p>HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4910-003-0050 VACANT LAND ON SW 15TH STREET AND 147TH AVENUE</p>	<p>REVISIONS:</p>
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PROPOSED FIRST FLOOR PLAN — 1/8" = 1'-0"
 9,090 SQ. FT.

RECEIVED
 212-085
 AUG 13 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

RECEIVED
 AUG 13 2012

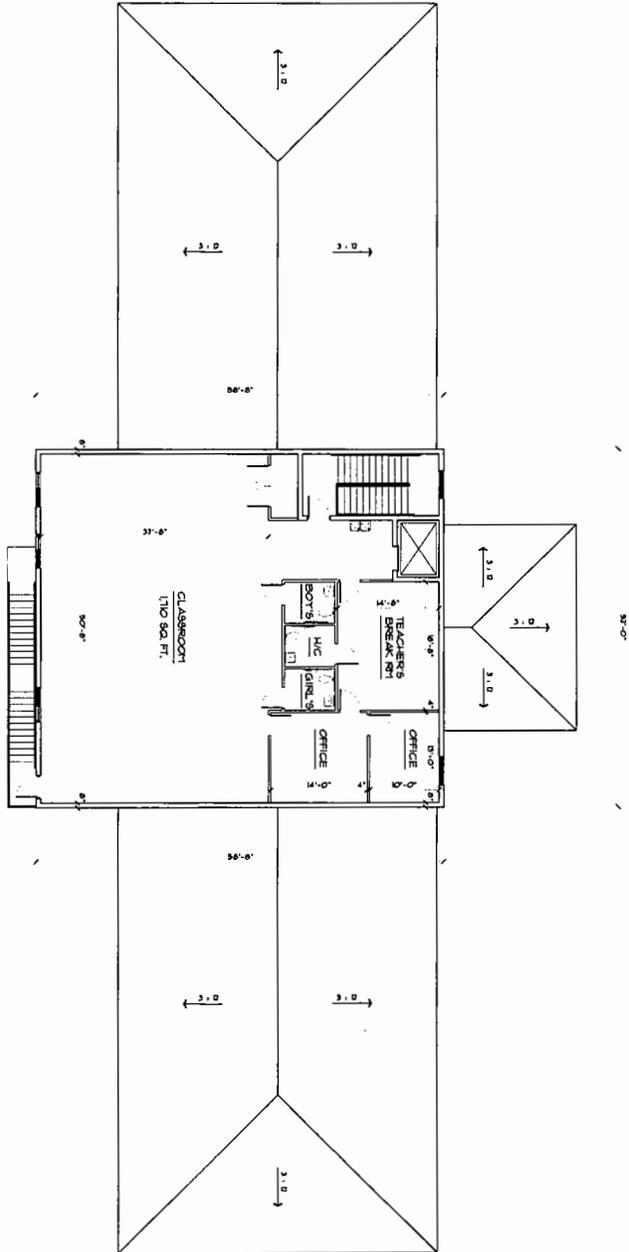
DATE: 08-08-12	SCALE: 1/8"
DATE SUBMITTED FOR REVIEW: 08-08-12	
DRAWING NO: A-4 OF 7	

VILLA & ASSOCIATES INC.
 ARCHITECTURE PLANNING INTERIOR DESIGN
 7244 SW 48 STREET MIAMI, FL 33156 (305) 663-8281
 CONSULTANT:

Corporation License #A4000028
 Architectural Seal
 JORGE L. VILLAVENCIDO
 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:



PROPOSED SECOND FLOOR PLAN — 18'-11"
 3,051 SQ. FT.

RECEIVED
 212-085
 AUG 13 2012

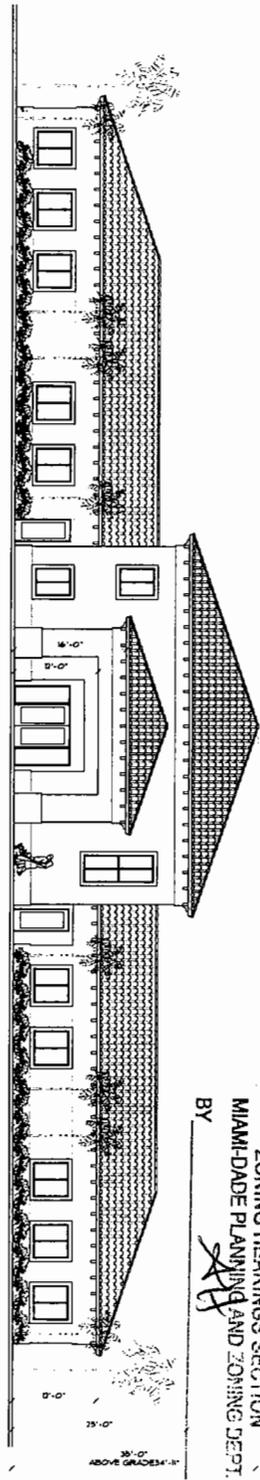
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

RECEIVED

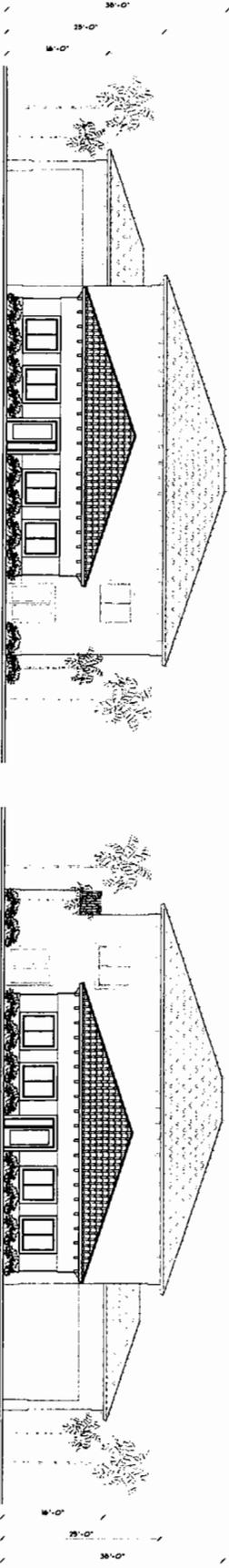
<p>DATE: 08-13-12 DRAWN BY: JVA CHECKED BY: JVA SCALE: AS SHOWN SHEET NO.: A-5 OF 7</p>		<p>VILLA & ASSOCIATES INC. ARCHITECTURE - PLANNING - INTERIOR DESIGN 7244 SW 48 STREET - MIAMI FL 33155 - (305) 667-8161 CONSULTANT:</p>	<p>Corporation License FA20003289 Architectural Seal JORGE L VILLAVICENCIO NO. AR0612110</p>	<p>HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4810-003-0050 VACANT LAND ON SW 15th STREET AND 147th AVENUE</p>	<p>REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td></tr> </table>										

RECEIVED
 2012-08
 AUG 13 2012

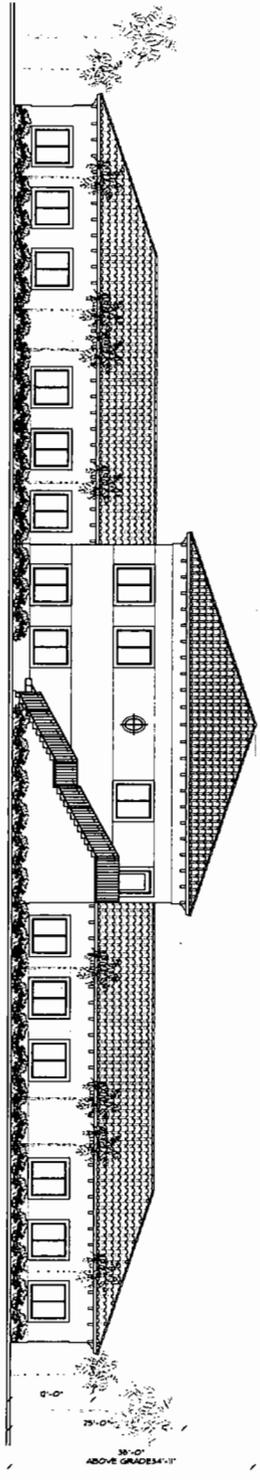
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*



FRONT ELEVATION (NORTH) 18' - 1 1/2"



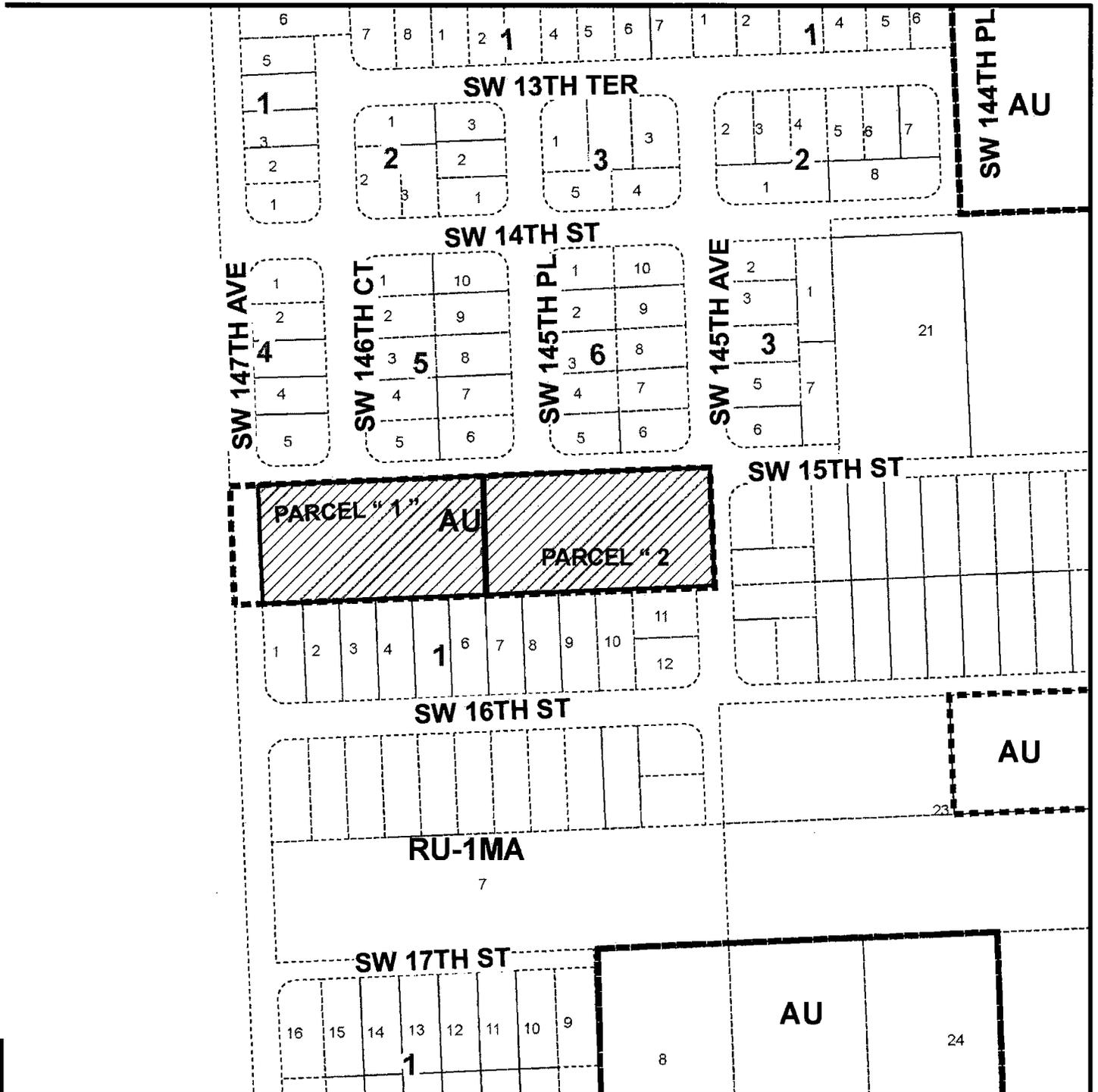
FRONT ELEVATION (NORTH) 18' - 1 1/2"



REAR ELEVATION (SOUTH) 18' - 1 1/2"

SIDE ELEVATION (WEST) 18' - 1 1/2"

<p>DATE: 08-09-12 SCALE: 1/8" DRAWN BY: JLV CHECKED BY: JLV A-7 OF 7</p>		<p>VILLA & ASSOCIATES INC. ARCHITECTURE - PLANNING - INTERIOR DESIGN 7844 SW 48 STREET - MIAMI FL 33155 CONSULTANT:</p>	<p>Corporation License #A40003589 Architectural Seal <i>[Signature]</i> JORGE L. VILLAVICENCIO NO. AR0012110</p>	<p>HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4910-003-0050 VACANT LAND ON SW 15th STREET AND 147th AVENUE</p>	<p>REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td></tr> </table>												



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

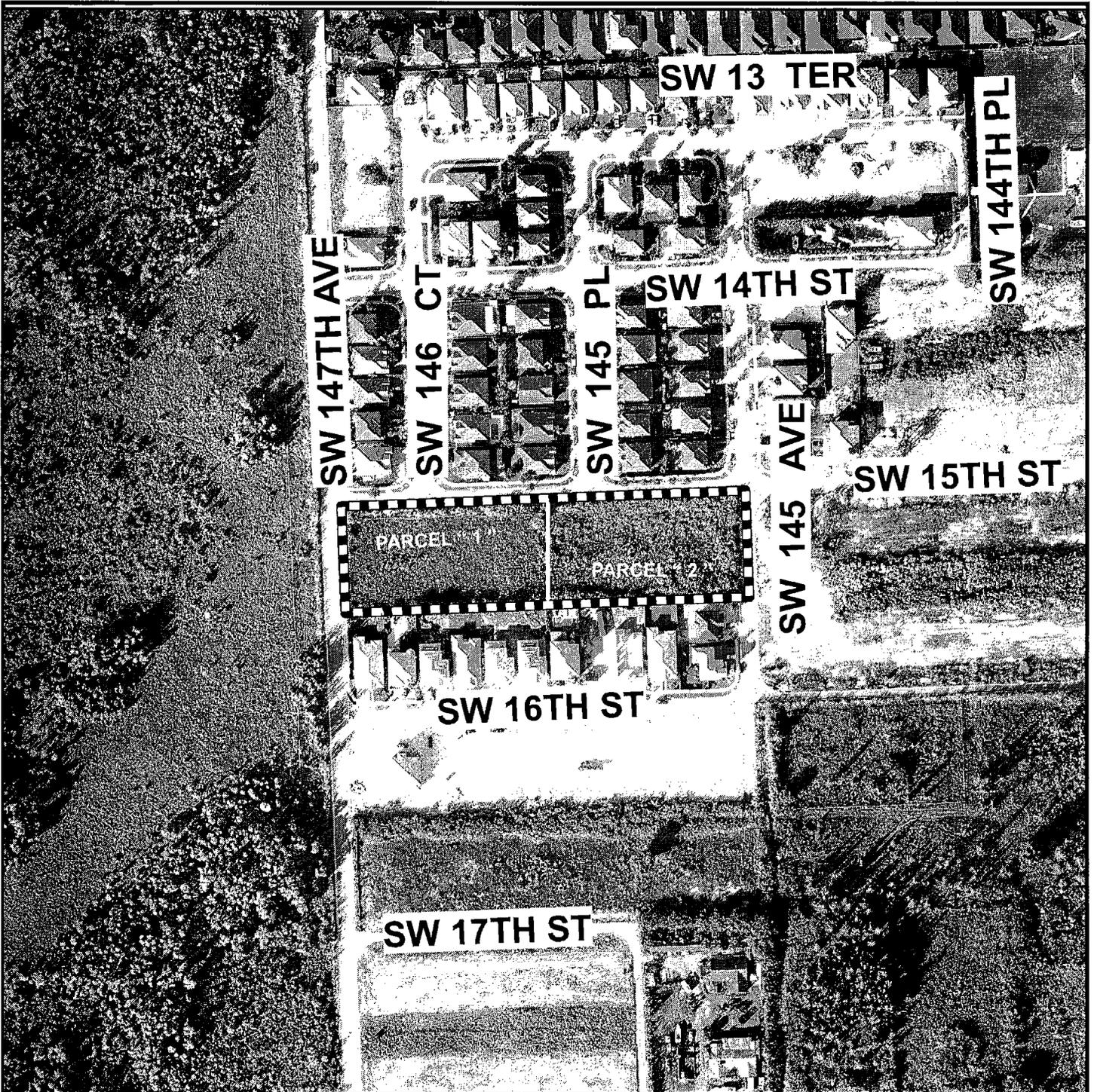
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		36



MIAMI-DADE COUNTY
 AERIAL YEAR 2012

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

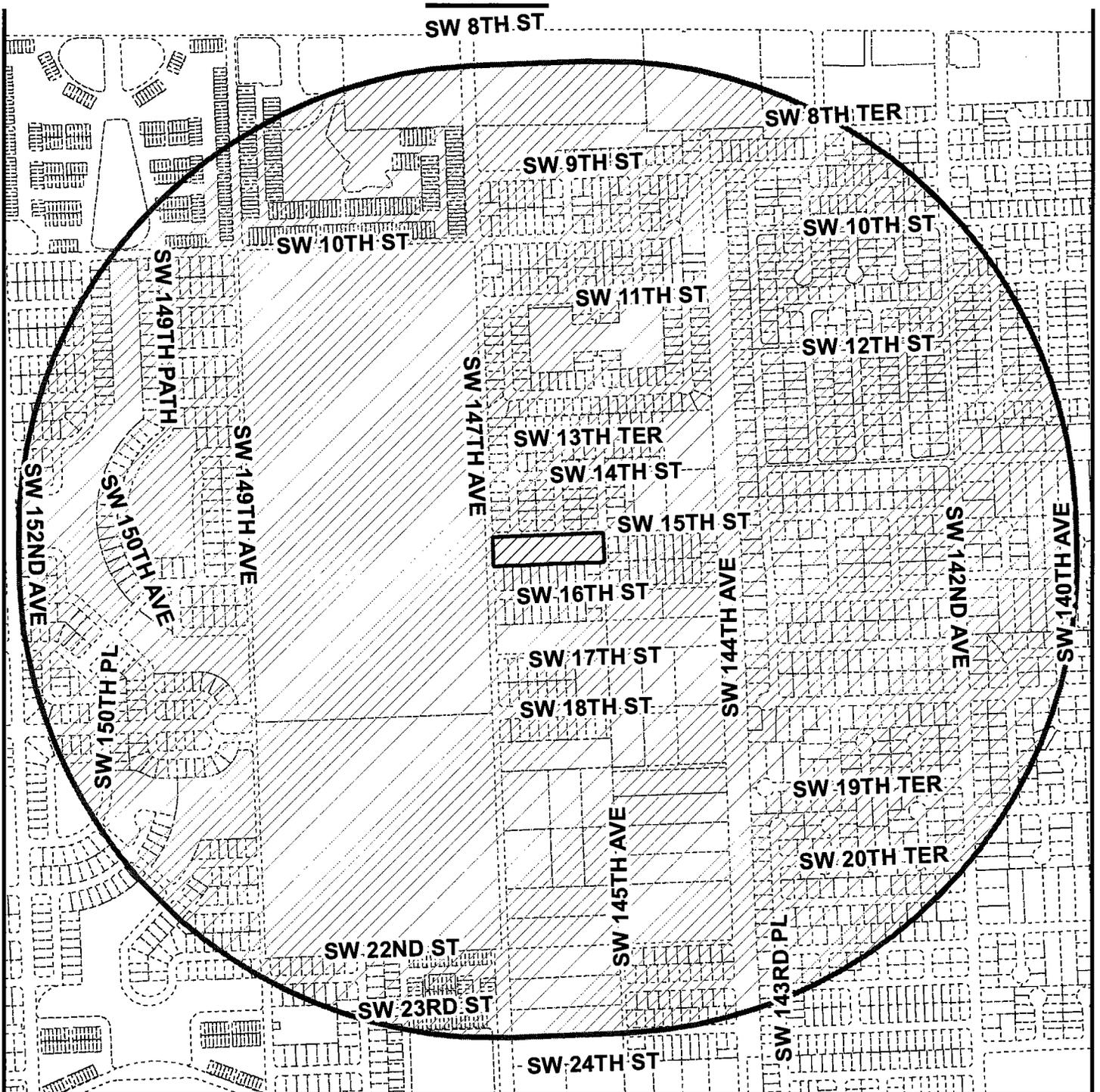
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		37



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

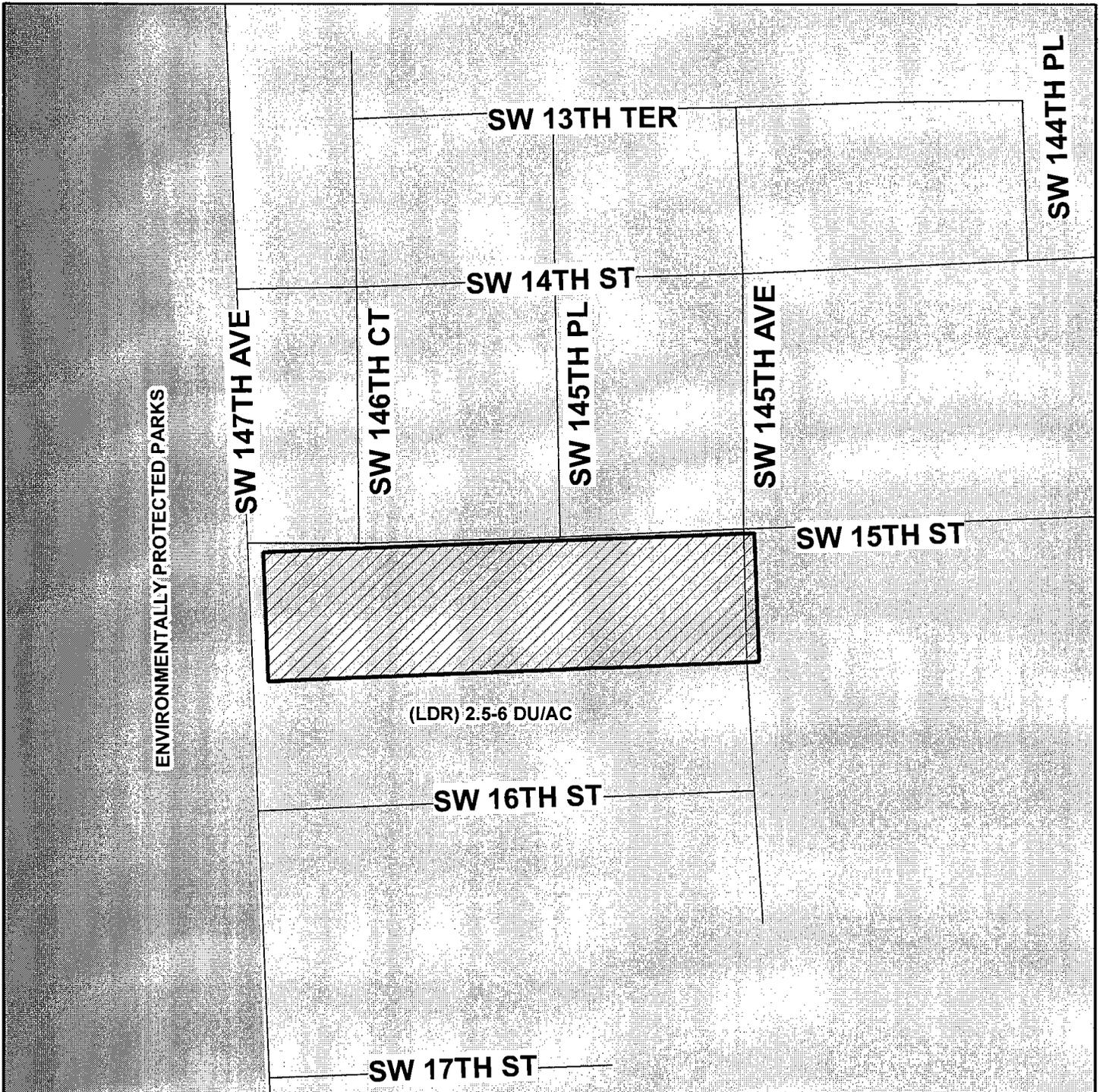
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		38



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

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z12-098 (12-12-CZ10-2)

December 5, 2012

Item No. 2

Recommendation Summary	
Commission District	6
Applicants	Maria, Mevis & Caridad Vazquez
Summary of Requests	The applicants are seeking to allow an existing duplex residence and metal shed setback closer to the rear property lines with a lot coverage greater than permitted. Additionally, the applicant seeks to permit a utility building setback closer to the rear and interior side property lines.
Location	1350-1352 SW 75 Avenue
Property Size	100' x 110'
Existing Zoning	RU-2, Two-Family Residential
Existing Land Use	Duplex residence
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(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions of requests #1 - #3 and denial without prejudice of request #4

REQUEST:

- (1) NON-USE VARIANCE to permit an covered terrace addition to a duplex residence setback a minimum of 14' (25' required) from the rear (west) property line.
- (2) NON-USE VARIANCE to permit a lot coverage of 34% (30% permitted).
- (3) NON-USE VARIANCE to permit an existing metal shed setback 4.9' (5' required) from the rear (west) property line.
- (4) NON-USE VARIANCE to permit an existing utility building setback a minimum of 0.9' (5' required) from the rear (west) property line, setback a minimum of 0.9' (7.5' required) from the interior side (south) property line and spaced 6.83' (10' required) from the existing duplex residence.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Duplex Residence For: Mrs. Maria Vazquez", prepared by C Del Pino and dated stamped received 8/6/12, and consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing approximately 3,577 sq. ft. duplex residence

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2; duplex residence	Low Density Residential (2.5 to 6 dua)
North	RU-2; single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-2; single-family residence	Low Density Residential (2.5 to 6 dua)
East	RU-2; single-family residences	Low Density Residential (2.5 to 6 dua)
West	RU-2; single-family residences	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing duplex residence located at 1350-1352 SW 75 Avenue. Residential uses characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

Approval of this application will permit an existing duplex residence, an existing metal shed and an existing utility building to setback closer to the rear property line with a greater lot coverage than permitted. However, the encroachments may visually impact the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) 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 approval of the requests sought in this application will permit the existing duplex residence and metal shed to encroach into the required rear setback area and permit the existing duplex residence with greater lot coverage than permitted. Staff notes that approval will not add additional dwelling units to the site beyond what is allowed by the CDMP LUP map and will not change the duplex residence use. Further, since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the duplex residence use, approval of the application with conditions is **consistent** with the density range of the Low Density Residential CDMP LUP map category.

ZONING ANALYSIS:

When requests #1 and #2 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion the approval of the requests with conditions would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff found similar approvals for variance of setback requirements and lot coverage requirements for duplex residences within the surrounding area. For example, a residence located to the east at 1320 SW 74 Avenue was approved pursuant to Administrative Variance #1982000121 to setback 14.73' from the rear property line, where 25' is required and a lot coverage of 33.2%, where 30% is permitted by the Zoning Code. Pursuant to Administrative Variance #1986000032,

another residence located to the southwest at 1409-1411 SW 76 Avenue was granted approval to setback 15.9', where 25' is required. Staff opines that the 4% increase is minimal and similar to the previously mentioned approval. Additionally, staff notes that the survey and photographs submitted by the applicant show an existing 6' high wood fence located just outside of the rear and interior side property lines on this portion of the subject property. As such, staff opines that the 11' encroachment into the rear setback area would be adequately buffered by said 6' high wood fence which in staff's opinion, diminishes any negative visual impact of the setback encroachments on the abutting single-family residence to the west. As a condition of approval staff recommends that said fence be moved to the property line and maintained and that the rear terrace addition not be enclosed in any manner except by approved insect screening. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When request #3 is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request to permit a metal shed to setback less than required would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff opines that the 0.1' encroachment into the rear setback area for the existing metal shed is minimal. Further, staff found a similar approval for variance of setback requirements for an accessory structure within the surrounding area. Pursuant to Resolution No. 4-ZAB-320-91 a property located to the east at 1252 SW 74 Avenue was granted approval for an accessory structure to setback 4.5' from the rear property line, where 5' is required by the Zoning Code. Staff notes that the survey submitted by the applicant indicates that along this portion of the rear property line, there is a chain link fence; however the photos submitted by the applicant and obtained from the Miami-Dade County Geographical Information System indicate landscaping along the rear elevation of the duplex residence, which staff recommends remain as a condition of approval. **Therefore, staff recommends approval of request #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

However, when analyzing request #4 under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that the request is **incompatible** with the surrounding area, would be detrimental to the neighborhood and would negatively affect the appearance of the community. Staff notes that the 180 sf 9' high existing utility building encroaches 4.1' into the rear (west) setback area with a setback of .9' and 6.6' into the interior side (south) setback area with a setback of .9', where 5' and 7.5' are required, respectively. Additionally, the utility building is spaced 3.17' closer to the existing duplex than permitted. Staff acknowledges that an existing 6' high wood fence is located just outside of the rear (west) property line and the interior side (south) property line on this side of the subject property, which may provide a buffer for the utility building. However, in staff's opinion the encroachments into the rear and interior side setback areas could have a negative visual impact on the adjacent single-family residences located to the south and west of the subject site. Further, staff opines that the scale of the utility building is too intense for the subject site as evidenced by this request. **Therefore, staff recommends denial without of request #4 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

Staff opines that the approval of requests #1 through #3 would not be out of character with the surrounding area and is **compatible** with same; however, request #4 is **incompatible** based on the above analysis. **As such, staff recommends approval of requests #1 through #3 and denial without prejudice of request #4 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions of requests #1 - #3 and denial without prejudice of request #4.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the 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 "Duplex Residence For: Mrs. Maria Vazquez", prepared by C Del Pino and dated stamped received 8/6/12, consisting of 2 sheets, except as herein amended to show the removal of the utility building. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing open terrace remain open sided except for approved insect screen materials.
5. That the existing 6' high wood fence located outside of the rear (west) and interior (south) property lines be moved to the property line and remain and be maintained.
6. That the existing landscaping located along the rear (west) property line remain and be maintained.

ES:MW:NN:CH:AN



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

MMW

ZONING RECOMMENDATION ADDENDUM

Maria, Mevis & Caridad Vazquez
Z12-098

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works & Waste Management	No objection
Parks, Recreation & Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p>Low- Medium Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>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.</i></p>
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2. MARIA, MEVIS & CARIDAD VAZQUEZ
(Applicant)

12-12-CZ10-2 (12-098)
Area 10/District 06
Hearing Date: 12/05/12

Property Owner (if different from applicant) **Maria & Mevis & Caridad Vazquez.**

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? Maria & Mevis & Caridad Vazquez

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
	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.

Memorandum

Date: August 31, 2012

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

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

Subject: C10 #Z2012000098
Maria Vazquez
1350 SW 75th Avenue and 1352nd SW 75th Avenue
Non-Use Variance to Permit Less Setbacks than Required
(RU-2) (.25 Acres)
11-54-40

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 Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. Based on the fact that this application is for the legalization of an addition to an existing duplex, the Department has no objection to the interim use of a septic tank and drainfield.

Stormwater Management

The existing terrace and utility will not affect the existing stormwater management system.

Wetlands

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

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

Tree Preservation

The proposal will not impact tree resources. Therefore, the Tree Permitting Program has no objection to this zoning application.

Be advised that 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.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

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: MARIA, MEVIS & CARIDAD VAZQUEZ

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. Any and improvements required will be accomplished thru the recording of a plat.

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



Raul A Pino, P.L.S.

19-SEP-12

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW # Z12-098

Maria and Mevis and Caridad Vazquez

Application: *Maria and Mevis and Caridad Vazquez* are requesting a non-use variance for a setback on the property which is located in a Two-family Residential District (RU-2).

Size: The subject property is approximately 0.25 acres.

Location: The subject property is located at 1352 SW 75th 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 property as mentioned in the application falls within the PWWM solid waste collection service area. The two-family residence (duplex) on the property meets the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential unit on the property currently receives, 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.

3. Recycling

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. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in 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 PWWMD has no objections to the proposed application.**

Memorandum



Date: 22-AUG-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000098

Fire Prevention Unit:

Not applicable to MDRF Fire Engineering Bureau review. NUV for a single family residence.

Service Impact/Demand

Development for the above Z2012000098
located at 1352 SW 75 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1398 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station No. 40 - West Miami - 975 SW 62 Avenue

Planned Service Expansions:

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

Fire Planning Additional Comments

N/A

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

Memorandum



Date: August 31, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resource Department

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

Subject: Z2012000098: MARIA, MEVIS & CARIDAD VAZQUEZ

Application Name: MARIA, MEVIS & CARIDAD VAZQUEZ

Project Location: The site is located at 1350 - 52 SW 75 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting approval for a setback less than required for an existing duplex.

Because this application does not generate any additional residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application. We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

DATE: 22-AUG-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

MARIA & MEVIS & CARIDAD
VAZQUEZ

1352 SW 75 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000098

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC; No open cases. BNC: 3040110220811 - BSS case 20110145957-B opened on June 29, 2011. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: An attached terrace at the rear of the house with ceiling fans and lights and a detached structure with electric installed on the southwest corner of the property which is located in the rear and side set backs. A sprinkler system installed located by detached structure. Civil Violation Notice P008390, P008391, P008392, P008393, P008394, P008395 issued on June 4, 2012. CVN's were appealed on June 11, 2012 and withdrawn on August 14, 2012. Case remains open. 3040110220810 - No bss cases opened/closed.

Maria & Mevis & Caridad Vazquez

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

REPORTER NAME:



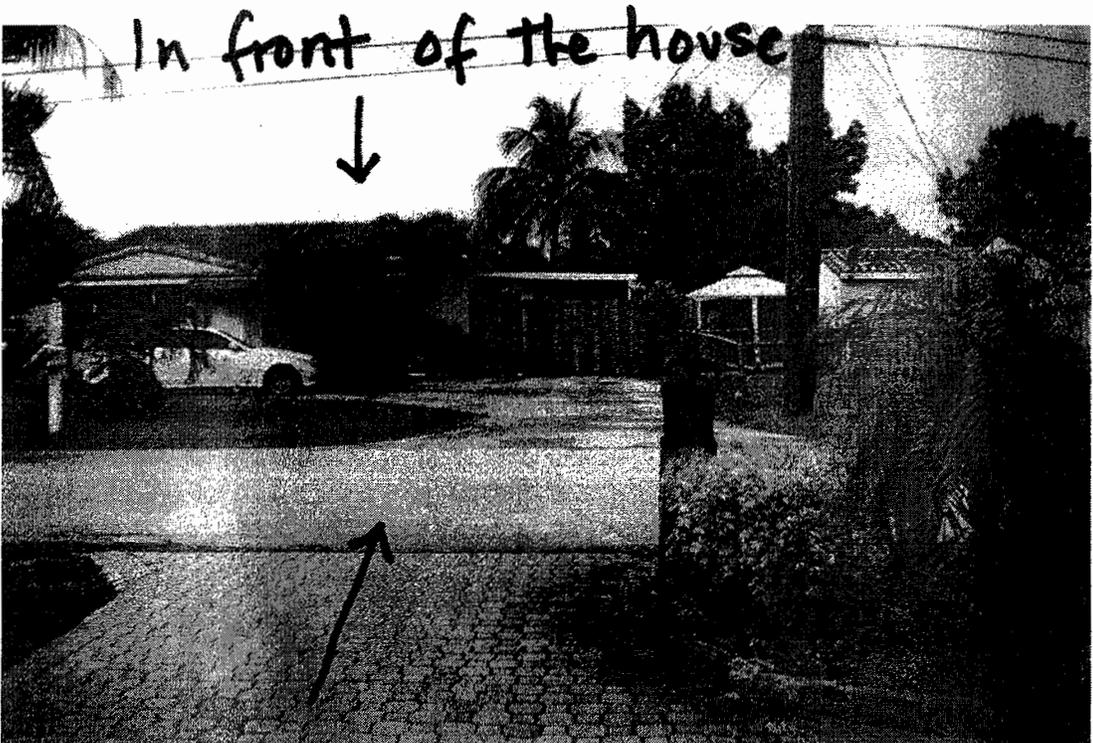
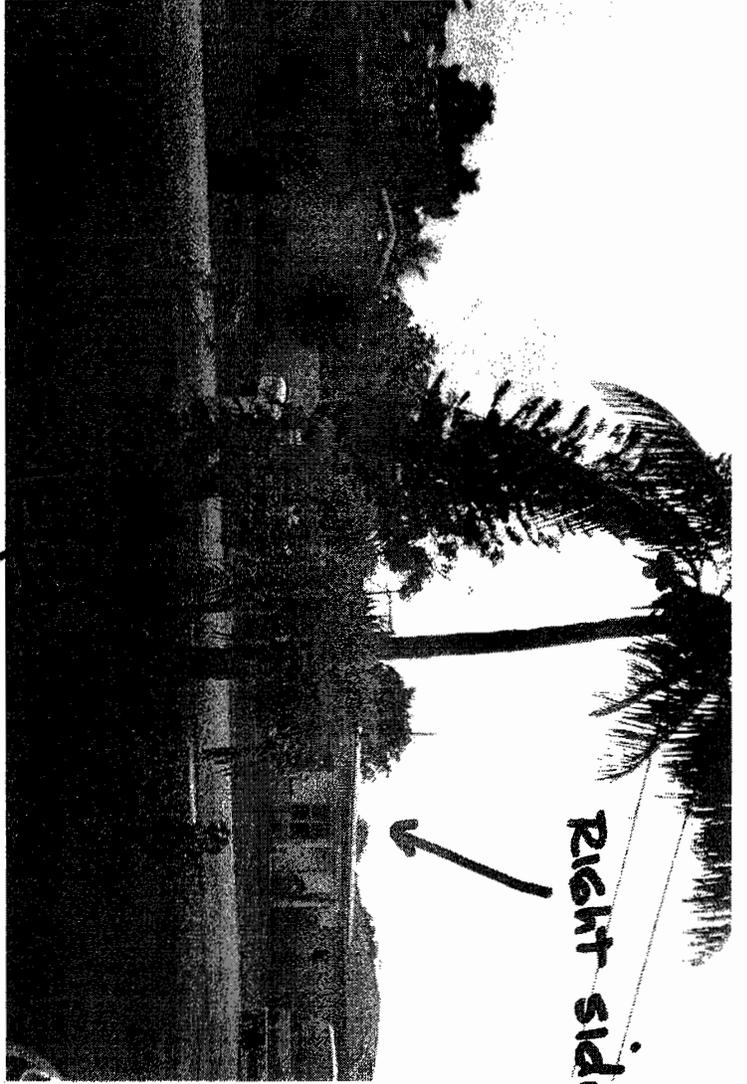
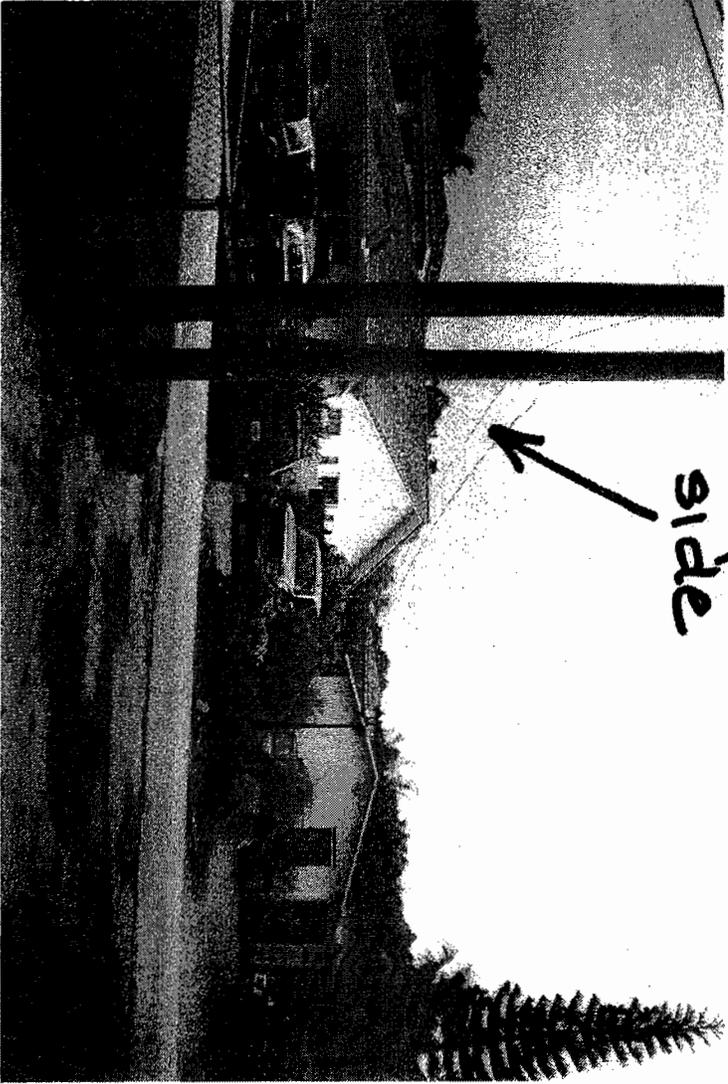
← Utility - Right Elevation
↓



Duplex - Front Elevation



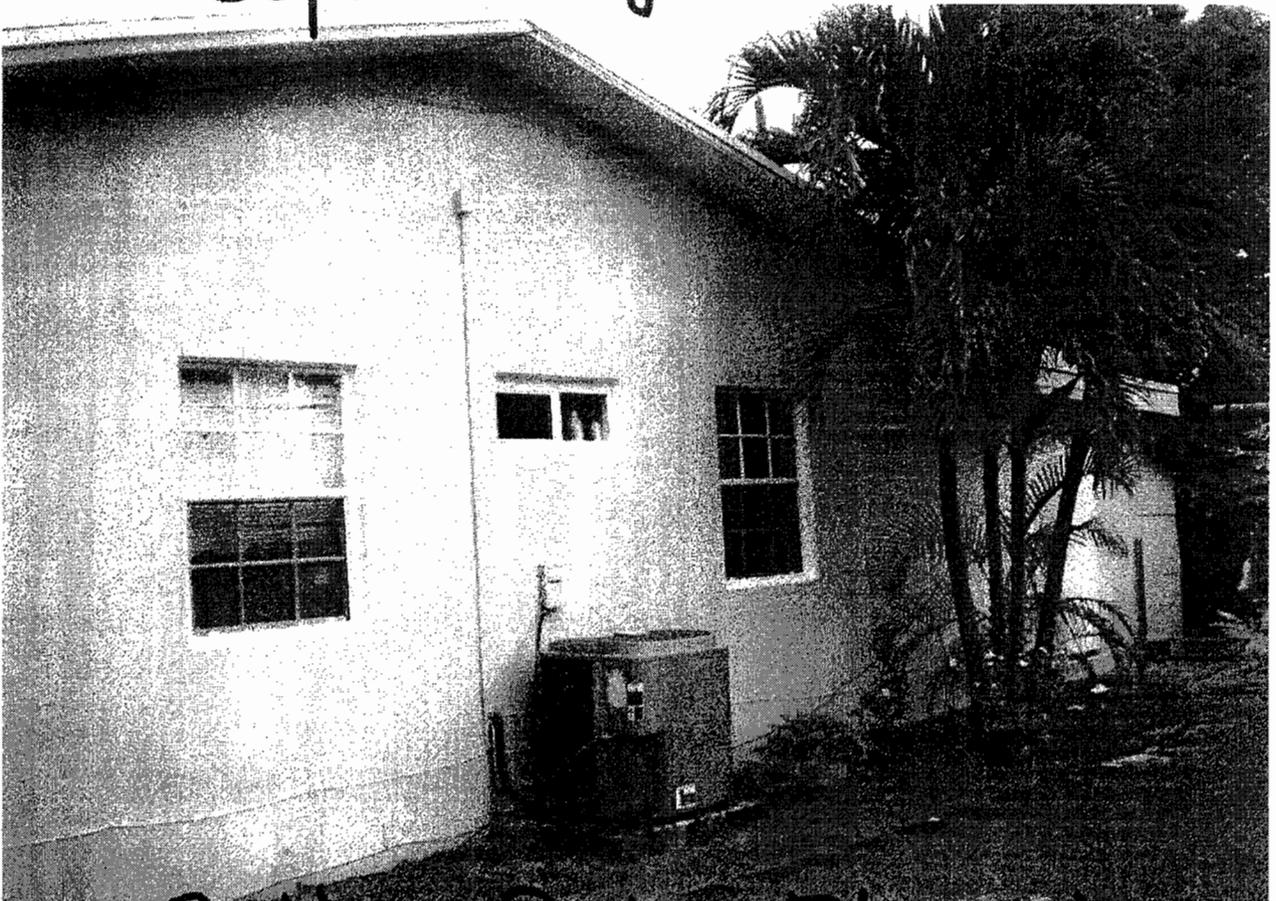
Duplex - Front Elevation



Neighborhood views



Duplex - Right Elevation



Duplex - Right Elevation



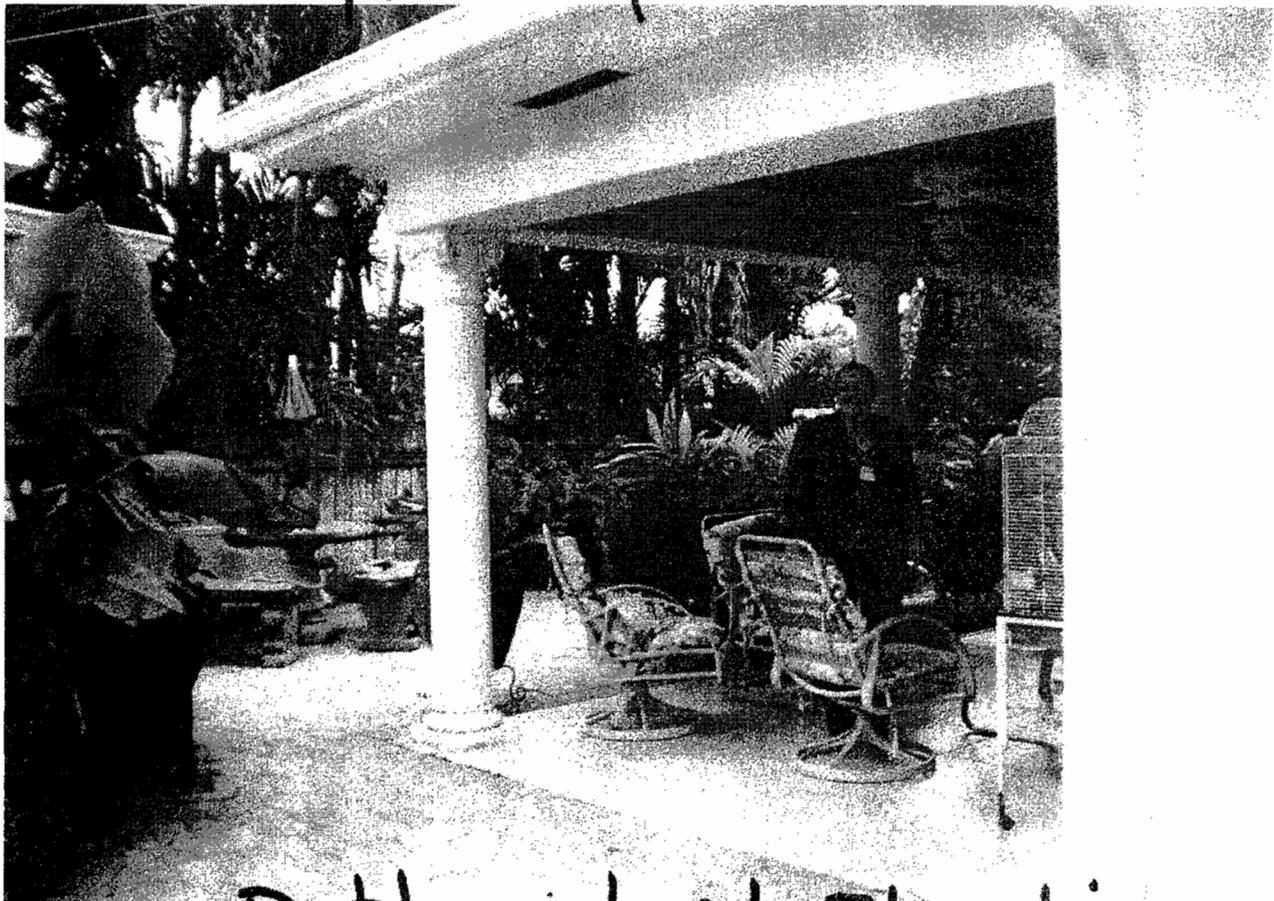
Duplex - Back Elevation



Duplex - Back Elevation

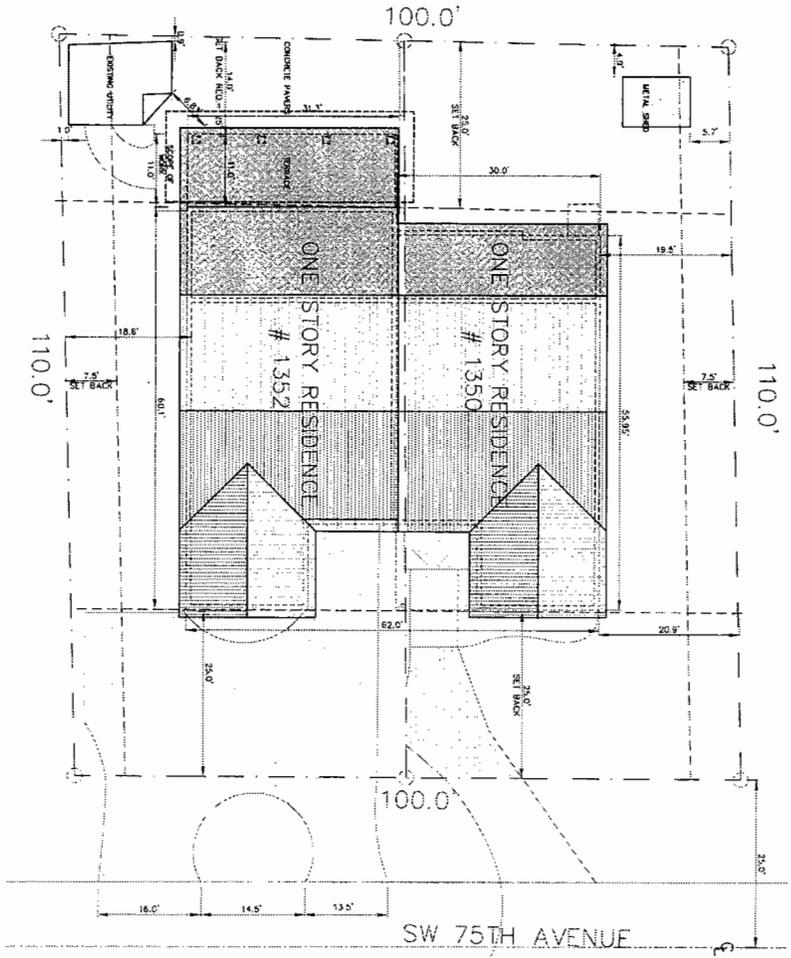


Duplex - left Elevation



Duplex - left Elevation

SCOPE OF WORK: EXISTING TERRACE AND UTILITY
(LEGALIZATION) FOR RESIDENCE # 1352



2/2-099
RECEIVED
AUG 06 2012

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



LOCATION MAP
SCALE: NTS

PROPERTY ADDRESS:
1352 SW 75TH AVE,
MIAMI, FLORIDA

LEGAL DESCRIPTION:
1154 4025 AC MAHA CANTARY REV. DB. 21-20 UNDIV.
1/2 INT. INTEREST IN PART OF TRACT OF 76.1
AC. LOT SIZE 100' X 110' OR 9881'-1832'

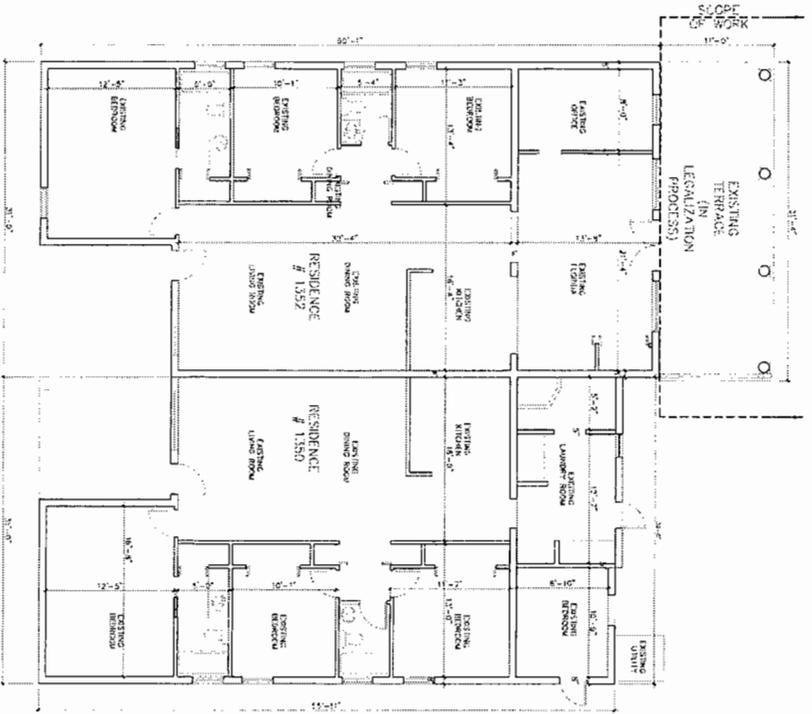
Zoning Criteria RU-2, LOT SIZE: 11,000.00 SQUARE FEET

DESCRIPTION	%	ALLOWED	EXISTING
1. Lot Coverage Area	30	3300 SQFT	3577.7 SQFT
2. No. of Floors		25'	25'
Front Set Back		25'	14'
Rear Set Back		25'	14.8'
Side Set Back		7.5'	18.6'

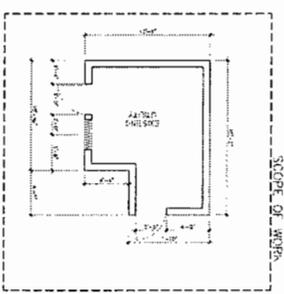


WEST ELEVATION - (PHOTO)
SCALE: NTS

<p>REVISIONS</p>	<p>SHEET INDEX</p> <p>SITE PLAN.</p>	<p>REVISIONS</p>	<p>DATE: 08/06/12</p> <p>SCALE: 1/8"=1'-0"</p>	<p>DUPLEX RESIDENCE FOR:</p> <p>MRS MARIA VAZQUEZ 1352 AND 1350 SW 75TH AVE, MIAMI, FL, 33144</p>
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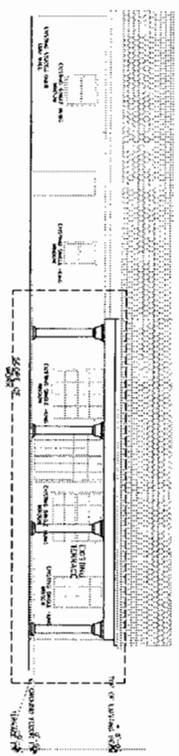
GROUND FLOOR PLAN-DUPLEX
SCALE: 3/16"=1'-0"



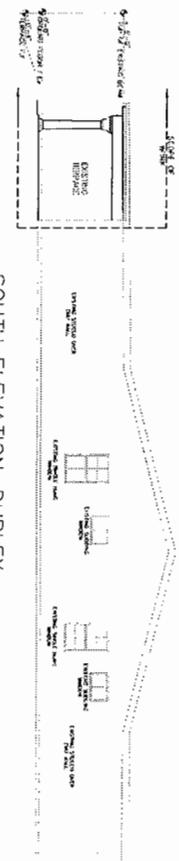
GROUND FLOOR PLAN-UTILITY
SCALE: 3/16"=1'-0"

RECEIVED
AUG 06 2012

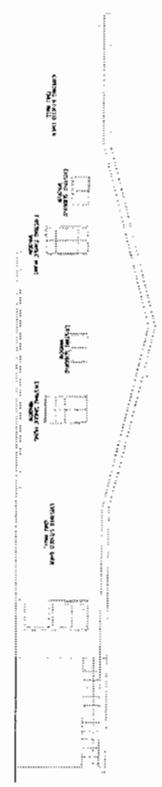
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *VC*



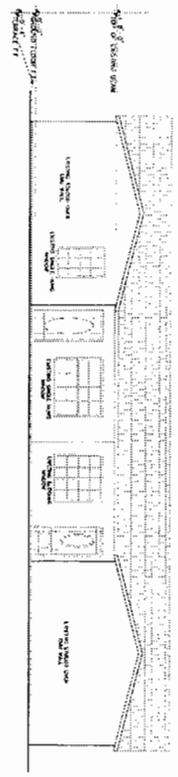
WEST ELEVATION-DUPLEX
SCALE: 3/16"=1'-0"



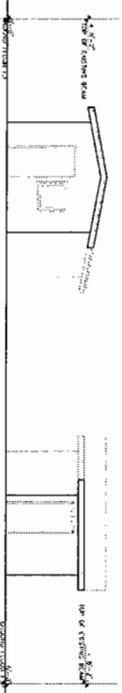
SOUTH ELEVATION-DUPLEX
SCALE: 3/16"=1'-0"



NORTH ELEVATION-DUPLEX
SCALE: 3/16"=1'-0"



EAST ELEVATION-DUPLEX
SCALE: 3/16"=1'-0"

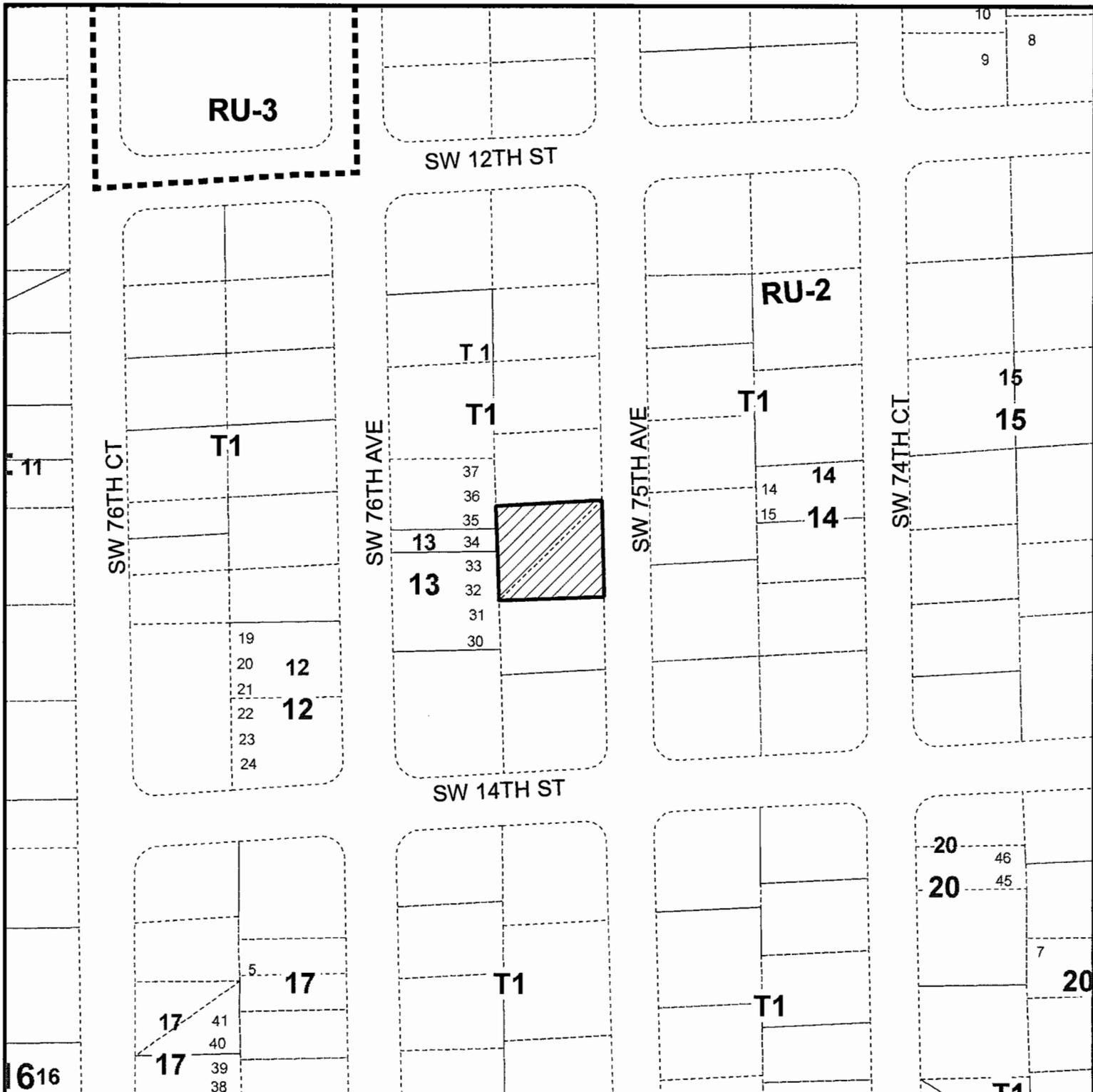


EAST ELEVATION-UTILITY
SCALE: 3/16"=1'-0"



NORTH ELEVATION-UTILITY
SCALE: 3/16"=1'-0"

<p>REVISIONS:</p>	<p>DUPLEX RESIDENCE FOR: MRS MARIA VAZQUEZ 1352 AND 1350 SW 75TH AVE, MIAMI, FL. 33144</p>	<p>ARCHITECT: FLOOR PLAN, ELEVATIONS.</p>	<p>DATE: 08/06/12 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: 3/16"=1'-0"</p>	<p>SHEET NO. 2</p>
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MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000098



Section: 11 Township: 54 Range: 40
 Applicant: MARIA & MEVIS & CARIDAD VAZQUEZ
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, August 23, 2012

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2012000098



Section: 11 Township: 54 Range: 40
 Applicant: MARIA & MEVIS & CARIDAD VAZQUEZ
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

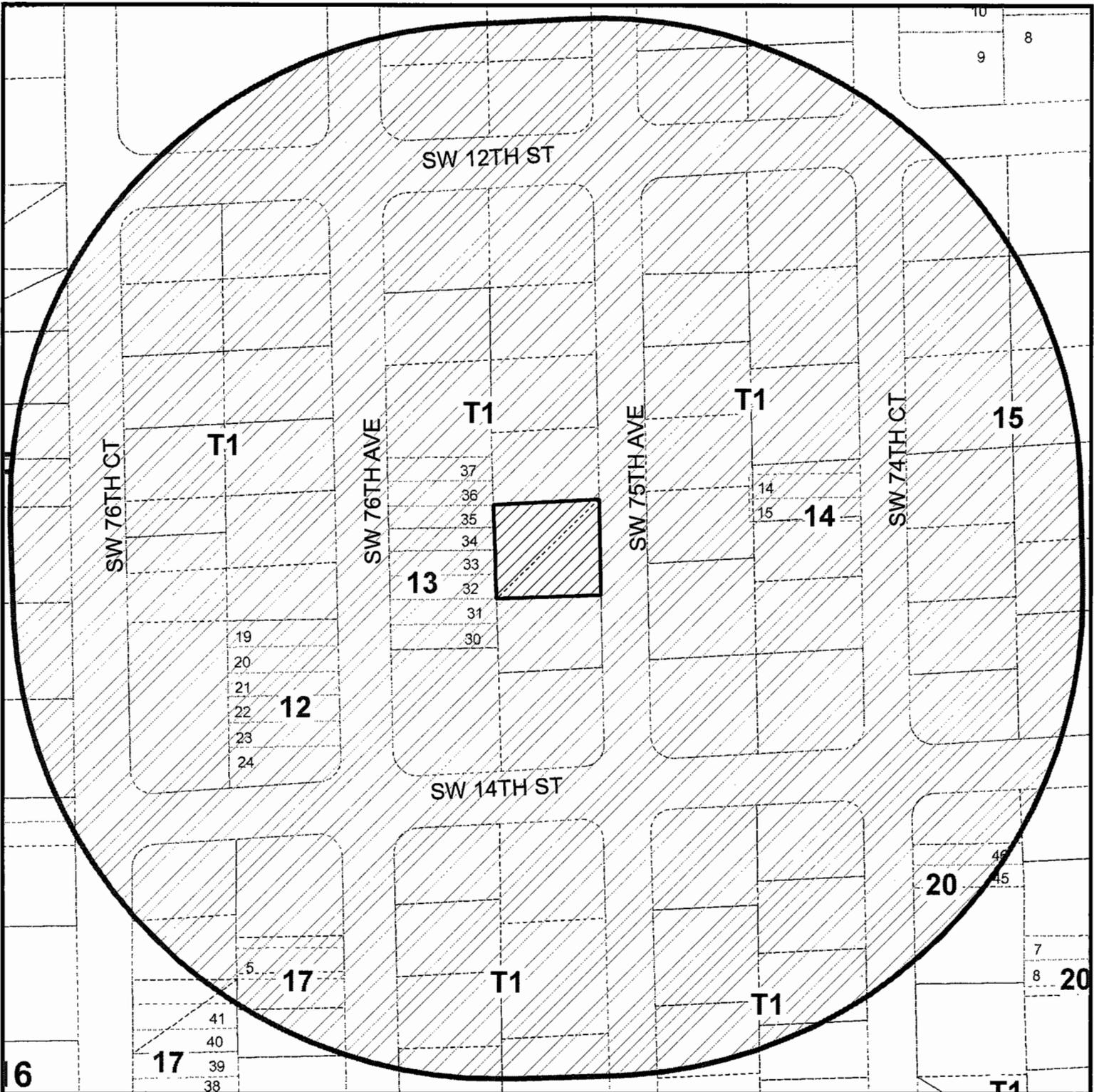
Legend

 Subject Property



SKETCH CREATED ON: Thursday, August 23, 2012

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2012000098

RADIUS: 500

Section: 11 Township: 54 Range: 40
 Applicant: MARIA & MEVIS & CARIDAD VAZQUEZ
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

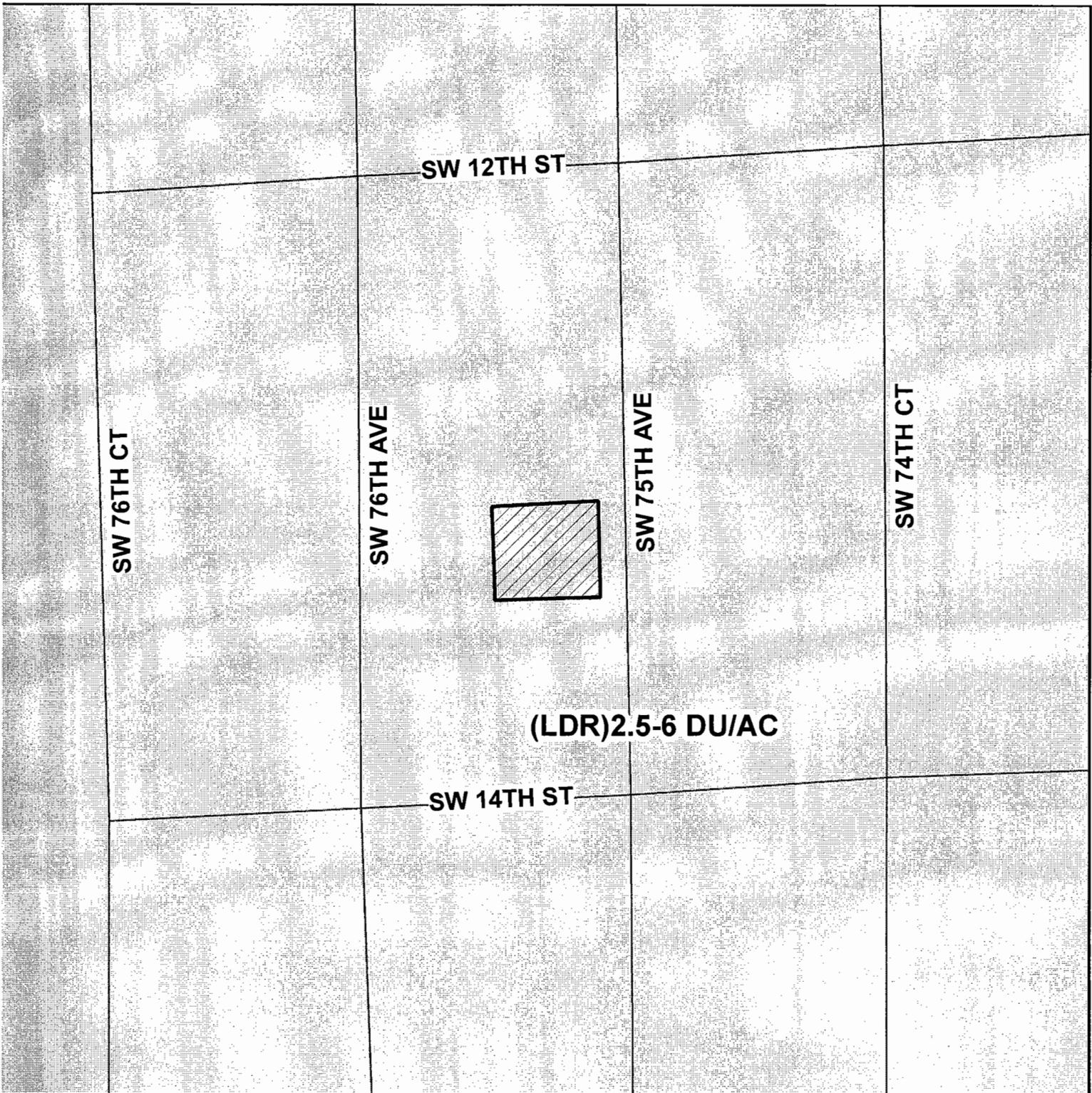
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, August 23, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000098



Section: 11 Township: 54 Range: 40
 Applicant: MARIA & MEVIS & CARIDAD VAZQUEZ
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, August 23, 2012

REVISION	DATE	BY

PLANNING AND ZONING
AGENDA OFFICE

This Instrument is prepared by:
Marlene Leon-Rubido, Esquire
6780 Coral Way
Miami, Florida 33155

2012 NOV 27 A 11: 16

CZAB 10 - December 5, 2012
Item # 1 - Z12-085
Julmar 147 Investment, LLC

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, **JULMAR 147 INVESTMENT. LLC, A FLORIDA LIMITED LIABILITY COMPANY**, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. **Z- 2012 000085** will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by "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, said plans being on file with the Department of Regulatory and Economic Resources and by reference made part of this agreement..
- (2) That the development of the subject property be limited to a maximum of six (6) units per gross acre.

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

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

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

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

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

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

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

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

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

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

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

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

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.
[Execution Pages Follow]

IN WITNESS WHEREOF, the undersigned MARIO CASTELLANOS AS MANAGER of JULMAR 147 INVESTMENT, LLC, a Florida Limited Liability Company has (have) executed these presents for the purposes set forth, this 13 day of Nov, A.D.2012.

Signed: _____

Print name: Mario Castellanos, The Manager/ of Julmar 147 Investment LLC

Notary Statement and Stamp:

STATE OF FLORIDA

SS.

COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared Mario Castellanos, the Manager of Julmar 147 Investment LLC, a Florida Limited Liability Company (personally known to me, or who produced identification in the form of _____, and who executed the foregoing resolution and acknowledged before me that _____ executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 13 day of Nov, 2012.

(SEAL)



Notary Public, State of Florida Marlene Leon-Rubido
My commission expires _____



Joinder Form

TO: MIAMI-DADE COUNTY

Gentlemen:

The undersigned, being mortgagee of the following described property, in Miami-Dade County, Florida, to-wit:

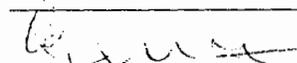
See Exhibit A.

does hereby and herewith join with JULMAR 147 INVESTMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY and others in the Declaration of Restrictions.

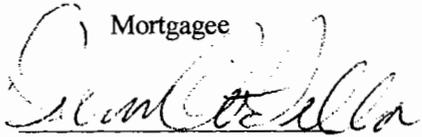
Witnesses:



EUGENIO DUARTE



ALEXA DUARTE

Mortgagee


Oscar Castilla, Individually and as Trustee of the Manuel Calas Revocable Trust Dated 11/12/01

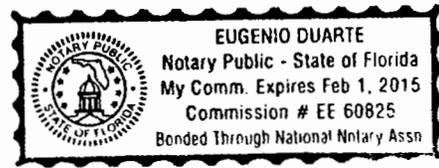
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Oscar Castilla, Individually and as Trustee of the Manuel Calas Revocable Trust Dated 11/12/01, known to me, acknowledge in my presence in Miami-Dade County, Florida on November 8th 2012, that he executed the foregoing instrument voluntarily. Oscar Castilla (is) (are) personally known to me () or produced identification in the form of _____, and acknowledge that he executed the same for the purposes herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County and State last aforesaid, this 8th day of November 2012.



Notary Public State of Florida
My Commission Expires:



Joinder Form

TO: MIAMI-DADE COUNTY

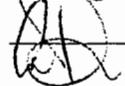
Gentlemen:

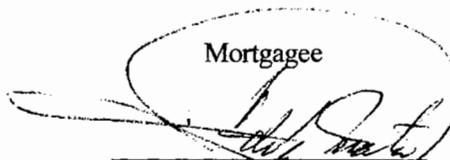
The undersigned, being mortgagee of the following described property, in Miami-Dade County, Florida, to-wit:

See Exhibit A.

does hereby and herewith join with JULMAR 147 INVESTMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY and others in the Declaration of Restrictions.

Witnesses:

Eugenio Duarte

Alexa Duarte

Mortgagee

Fred De La Mata

STATE OF FLORIDA
COUNTY OF MIAMI-DADE



Fred De La Mata, ^{November 13,} known to me, acknowledge in my presence in Miami-Dade County, Florida on 2012, that he executed the foregoing instrument voluntarily. Fred de la Mata (is) (are) personally known to me () or produced identification in the form of _____, and acknowledge that he executed the same for the purposes herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County and State last aforesaid, this 13th day of November 2012.



Notary Public State of Florida
My Commission Expires:

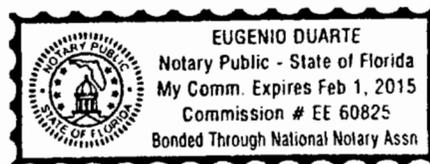


EXHIBIT "A"

THE NORTH ½ OF TRACT 6, LYING IN SECTION 10, TOWNSHIP 54 SOUTH, RANGE 39 EAST, OF J.G. HEADS FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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 THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.