

FINAL AGENDA

1-14-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Tuesday, February 19, 2013 at 6:30 p.m.

PREVIOUSLY DEFERRED

A. 12-12-CZ10-1 JULMAR 147 INVESTMENT, LLC 12-85 10-54-39

CURRENT

1. 13-2-CZ10-1 AN-PE ENTERPRISES LLC 12-4 12-54-40 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF TUESDAY, FEBRUARY 19, 2013

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

A. JULMAR 147 INVESTMENT, LLC (12-12-CZ10-1/12-085)

**10-54-39
Area 10/District 11**

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

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

(2) SPECIAL EXCEPTION to permit a private school.

(3) UNUSUAL USE to permit a daycare.

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

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

REQUESTS #2 & #5 ON PARCEL "1"

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

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

SIZE OF PROPERTY: 2.34 Gross Acres

Department of Regulatory and Economic Resources
Recommendation:

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

Protests: 86

Waivers: 749

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from December 5, 2012

2. AN-PE ENTERPRISES LLC (13-2-CZ10-1/12-004)

**12-54-40
Area 10/District 06**

(1) DISTRICT BOUNDARY CHANGE from RU-5A to RU-3M.

(2) NON-USE VARIANCE to permit a lot frontage 89.88' (100' required).

(3) NON-USE VARIANCE to permit parking spaces within 25' of the official right-of-way line (not permitted).

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

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

**February 19, 2013
Item No. A**

Recommendation Summary	
Commission District	11
Applicant	Julmar 147 Investment, LLC
Summary of Requests	The applicant is seeking a district boundary change from AU to RU-1M(a) to permit a private school and daycare and six (6) residential lots. A special exception to permit a private school, an unusual use to permit a daycare and non-use variances of setback and right-of-way requirements.
Location	Lying South of SW 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.

This item was deferred from the December 5, 2012 meeting of the Community Zoning Appeals Board (CZAB) 10 to allow the applicant to work with the abutting neighbors and to request representation from the Department of Regulatory and Economic Resources (Division of Environmental Resources Management) and the Department of Public Works and Waste Management.

REQUESTS:

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

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

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

- (2) SPECIAL EXCEPTION to permit a private school.
- (3) UNUSUAL USE to permit a day nursery.
- (4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.
- (5) NON-USE VARIANCE to permit parking and drives within 25' of an official right-of-way (not permitted).

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 with the proffered covenant restricting the development of the site to a maximum of 6.0 dwelling units per acre, are **consistent** with the *Low Density Residential* designation and the Land Use Element interpretative text for Residential Communities and compatible with the surrounding area based on the that Land Use Element Policy LU-4A compatibility criteria.

ZONING ANALYSIS:

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

When request #1, to permit a district boundary change from AU to RU-1MA is analyzed under Section 33-311, District Boundary Change, staff is of the opinion that the approval of this request 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, staff opines that the site plan provided indicates that the school site has been designed with sensitivity to the abutting EEL property by locating the playground/recreation area on the east portion of parcel #1 of the subject property, placing the school building in between the playground area and the EEL property. Staff recommends as a condition for approval, that the proposed private school and daycare keep the children indoors on the days that prescribed burns occur.

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

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.

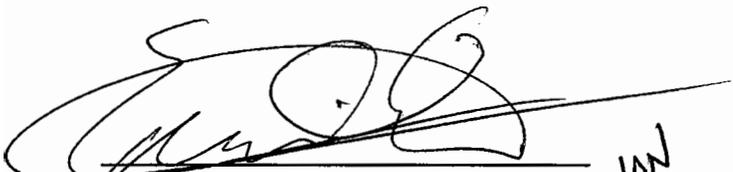
CONDITIONS FOR APPROVAL: (for requests #2 through #5 only)

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 Infant-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



Handwritten signature of Eric Silva in black ink, consisting of a large, stylized 'E' followed by 'SILVA' and a horizontal line extending to the right.

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

NON

4

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 irremediable 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

**Section 33-311(A)(4)(b)
Non-Use
Variances From
Other Than
Airport
Regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

A. JULMAR 147 INVESTMENT, LLC
(Applicant)

12-12-CZ10-1 (12-085)
Area 10/District 11
Hearing Date: 02/19/13

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

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

If so, who are the interested parties? OSCAR

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<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.

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

#1

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

REPRESENTATIVE: Guillermo Olmedillo

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

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

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: February 19, 2013 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred in order for the applicant to revise the covenant and to meet with the neighbors. The Board also has requested a staff member of the Environment Division of RER and a staff member from the Traffic Division of Public Works and Waste Management to attend the February hearing in 2013 to address some concerns that the Board has about the application.

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

EXHIBITS: YES NO

COUNTY ATTORNEY: LAUREN MORSE
DAVID HOPE

Memorandum

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)

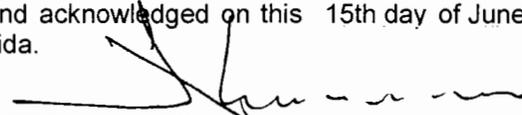
In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" 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.**

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:

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



Memorandum

Date: 13-SEP-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000085

Fire Prevention Unit:

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to site plan date stamped received August 21, 2012. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand

Development for the above Z2012000085 located at LYING SOUTH OF SW 15 STREET, BETWEEN SW 145 AVENUE & SW 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1430 is proposed as the following:

<u>residential</u>	dwelling units	<u>industrial</u>	square feet
<u>Office</u>	square feet	<u>institutional</u>	square feet
<u>Retail</u>	square feet	<u>12,140</u>	square feet
		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: January 28, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: Z2012000085: JULMAR 147 INVESTMENT, LLC

Application Name: JULMAR 147 INVESTMENT, LLC

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

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

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

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

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>12911 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>
_____	_____
_____	_____
_____	_____
_____	_____

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

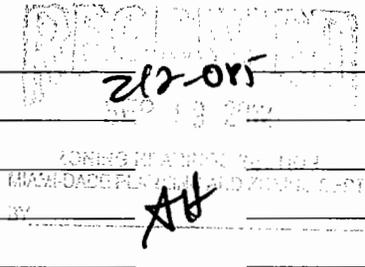
entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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

Date of contract: _____

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



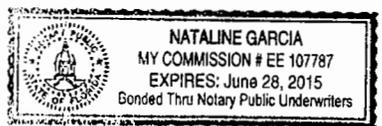
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature (X) [Signature]
(Applicant)

Sworn to and subscribed before me this 10th day of Sept, 2012. Affiant is personally know to me or has produced 0234-540-63445-0 as identification.

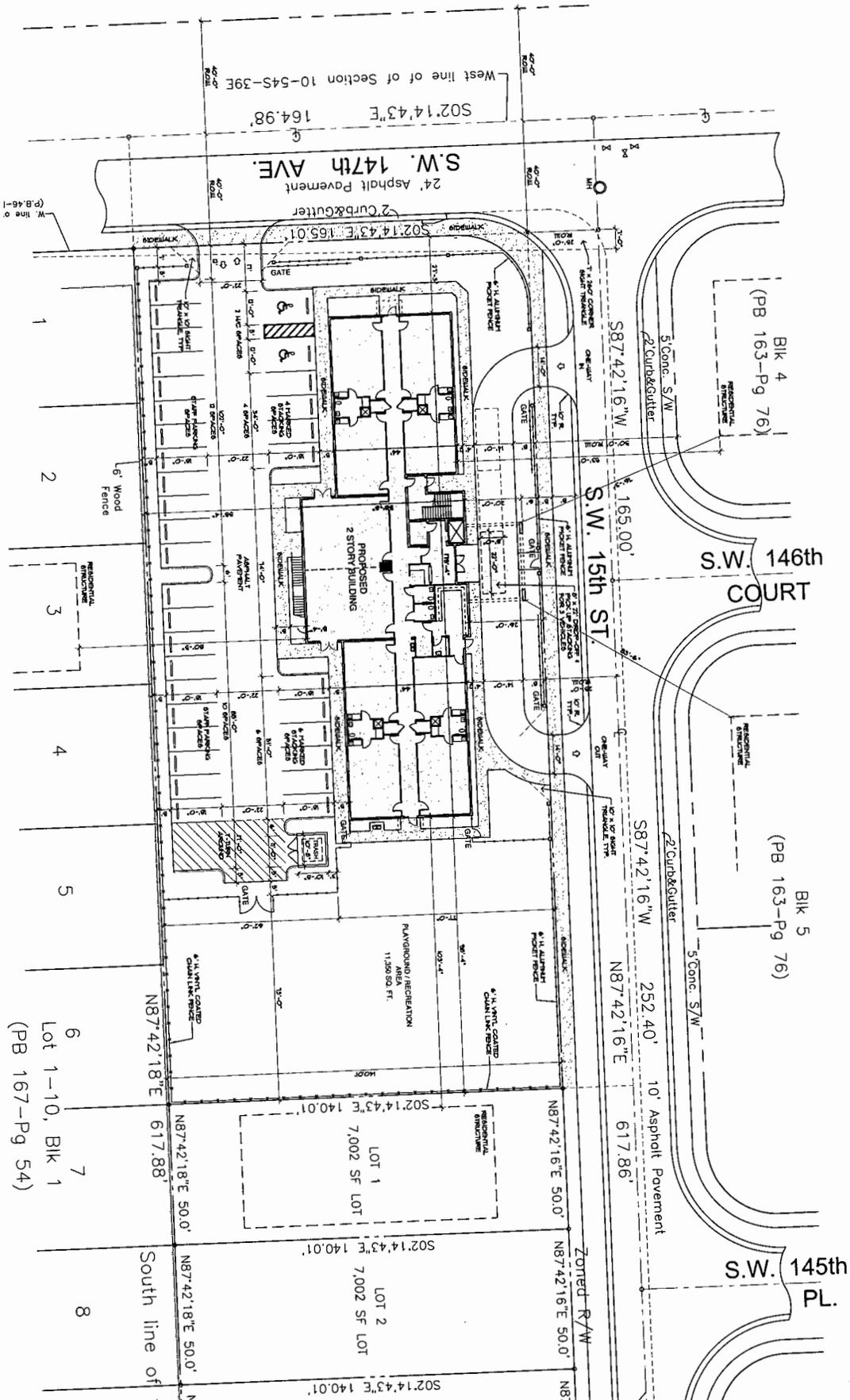
[Signature]
(Notary Public)



My commission expires: 6/28/2015

Seal

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



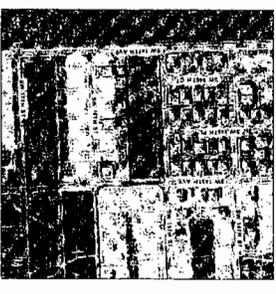
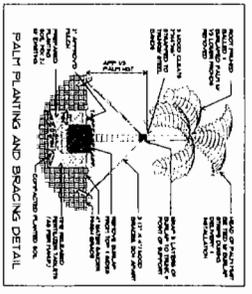
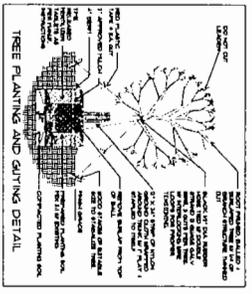
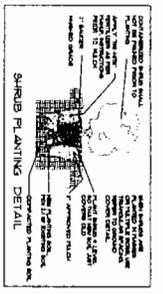
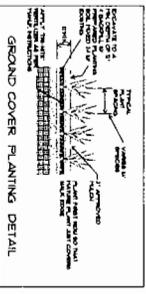
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

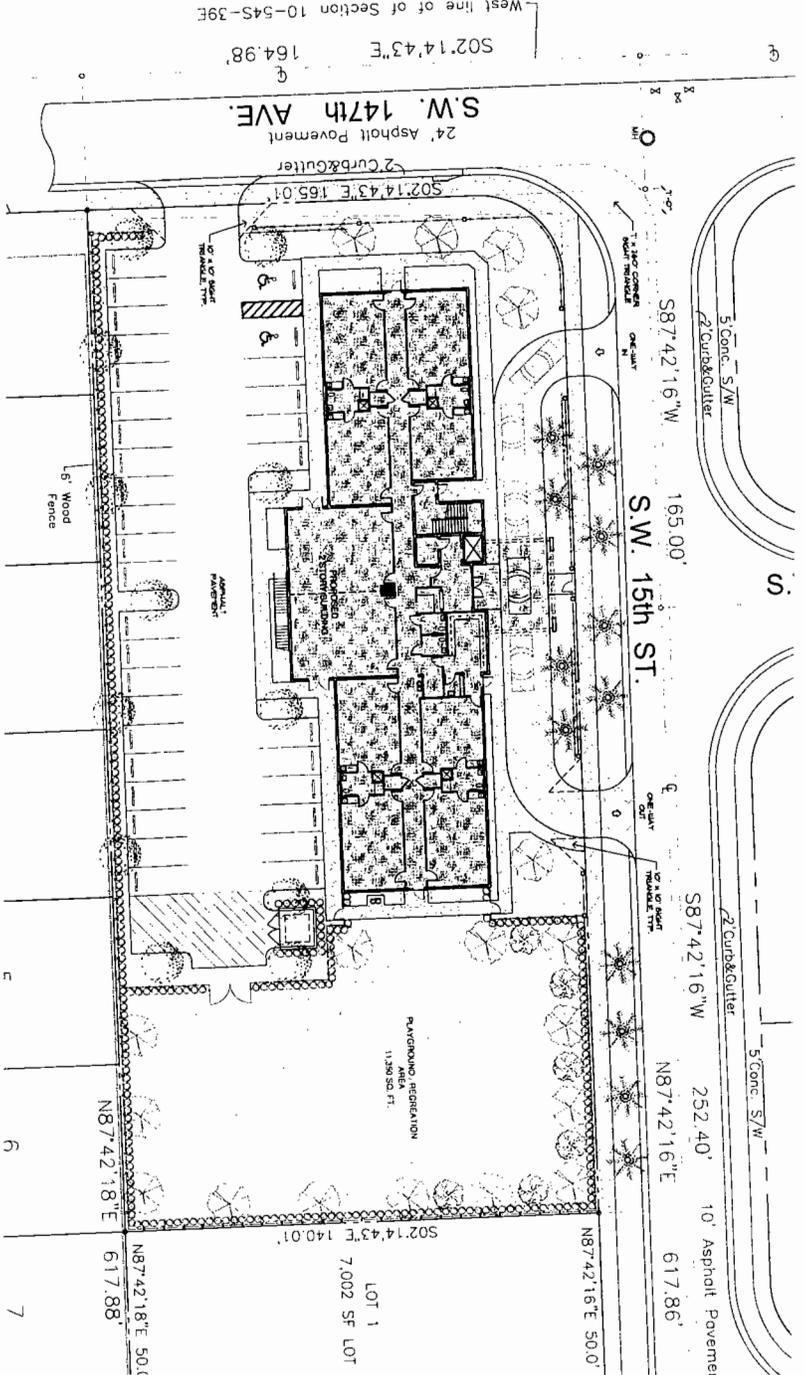
PROPOSED SITE PLAN
 1/16" = 1'

<p>DATE: 08-06-12 SCALE: 1/16" = 1' DRAWN BY: [Name] CHECKED BY: [Name]</p>		<p>VILLA & ASSOCIATES INC. ARCHITECTURE PLANNING INTERIOR DESIGN 7344 SW 45 STREET MIAMI FL 33156 (305) 691-9381 CONSULTANT:</p>	<p>Corporation License #A00003589 Architectural Seal JORGE L VILLAVICENCIO NO. AR0012116</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> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								

31



LOCATION — N1X



NOTE: TREES PLANTED TO THE RIGHT OF NEW CONCRETE DRIVE SHALL BE PLANTED TO THE STREET SIDE. PERMANENT.

LANDSCAPE SCHEDULE

KEY	COMMON NAME	SCIENTIFIC NAME	HEIGHT AT PLANTING	WATER REQUIREMENTS	SPACING
A	LIME OAK	QUERCUS VERRUCOSA	14' (12" CALIBER) AT PLANTING	40' TO 30'	18
B	PECAN PALM	COCOSCOLA OBERDORFERI	12' (2" CALIBER) AT PLANTING	20' TO 25'	6
C	SHRUB BIRTHINGWOOD	CONOCARPUS STRICTUS	12' (2" CALIBER) AT PLANTING	10' TO 15'	12
D	ROYAL PALM	ROSTKIA LAMIA	15' AT PLANTING	40' TO 60'	12
E	REPTILIA COCONUT PALM	CHOROSOLIMUS MACROCARPA	36" H. & 24" G.W. AT PLANTING	6	500
F	REPTILIA COCONUT PALM	CHOROSOLIMUS MACROCARPA	36" H. & 24" G.W. AT PLANTING	6	500

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

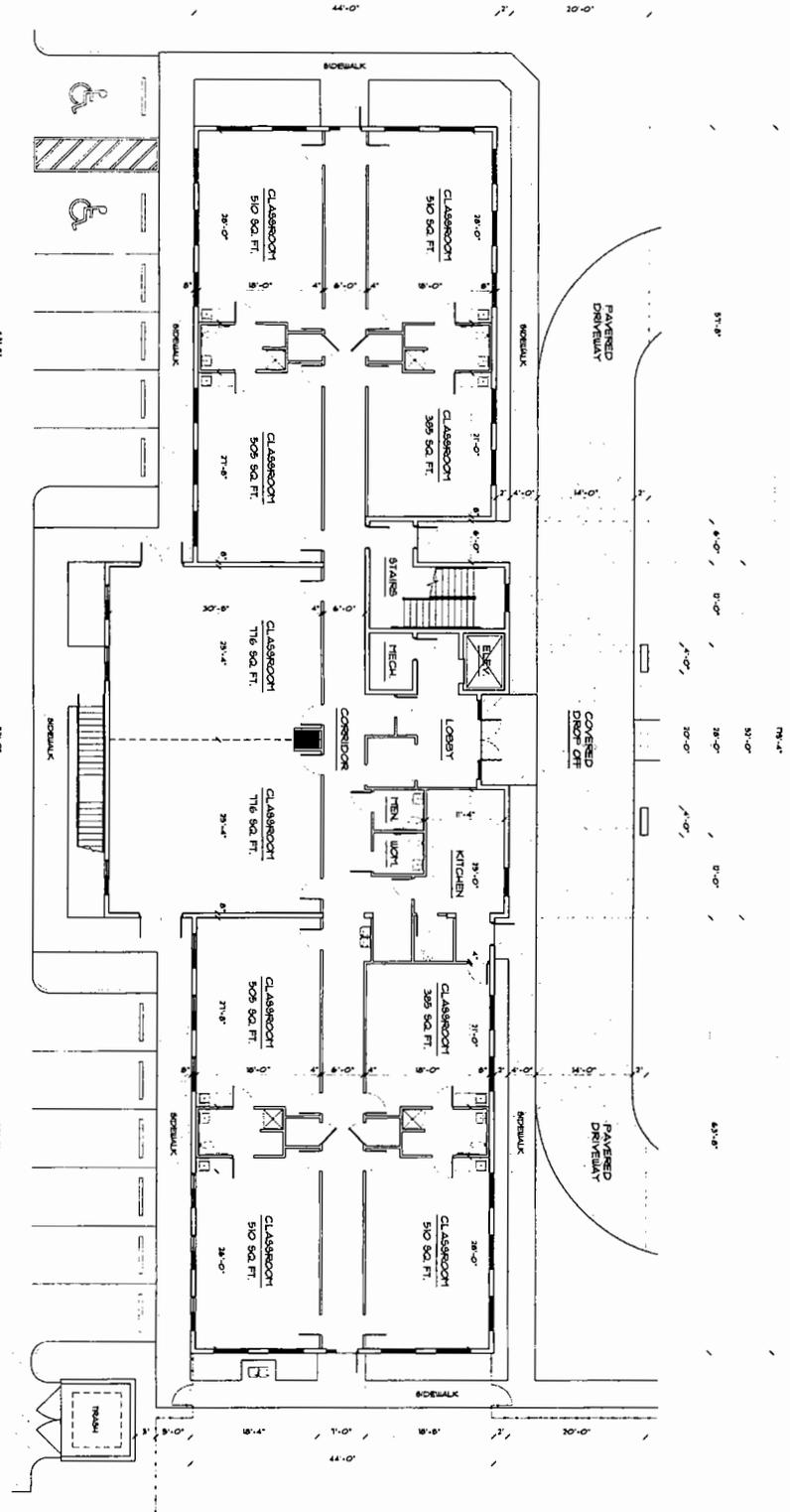
LANDSCAPE LEGEND

DESCRIPTION	PROVIDE
1. 20' x 10' concrete parking spaces	1000 SF
2. 10' x 10' concrete parking spaces	1000 SF
3. 5' x 10' concrete parking spaces	500 SF
4. 10' x 10' concrete parking spaces	1000 SF
5. 5' x 10' concrete parking spaces	500 SF
6. 10' x 10' concrete parking spaces	1000 SF
7. 5' x 10' concrete parking spaces	500 SF
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18. 10' x 10' concrete parking spaces	1000 SF
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46. 10' x 10' concrete parking spaces	1000 SF
47. 5' x 10' concrete parking spaces	500 SF
48. 10' x 10' concrete parking spaces	1000 SF
49. 5' x 10' concrete parking spaces	500 SF
50. 10' x 10' concrete parking spaces	1000 SF

RECEIVED
212-075
AUG 21 2012

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

<p>VILLA & ASSOCIATES INC. ARCHITECTS PLANNERS 7544 SW 48 STREET MIAMI FL 33155 (305) 697-9791</p>	<p>Corporation License #A00000000 Professional Seal JORGEL WILLAVICENCO NO. 00000000</p>	<p>HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4910-003-0050 VACANT LAND ON SW 15TH STREET AND 14TH AVENUE</p>	<p>REVISIONS:</p> <table border="1"> <tr><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION									
NO.	DATE	DESCRIPTION													



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

RECEIVED
 2/12-085
 AUG 13 2012

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

RECEIVED
 PLANNING AND ZONING DEPT.

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

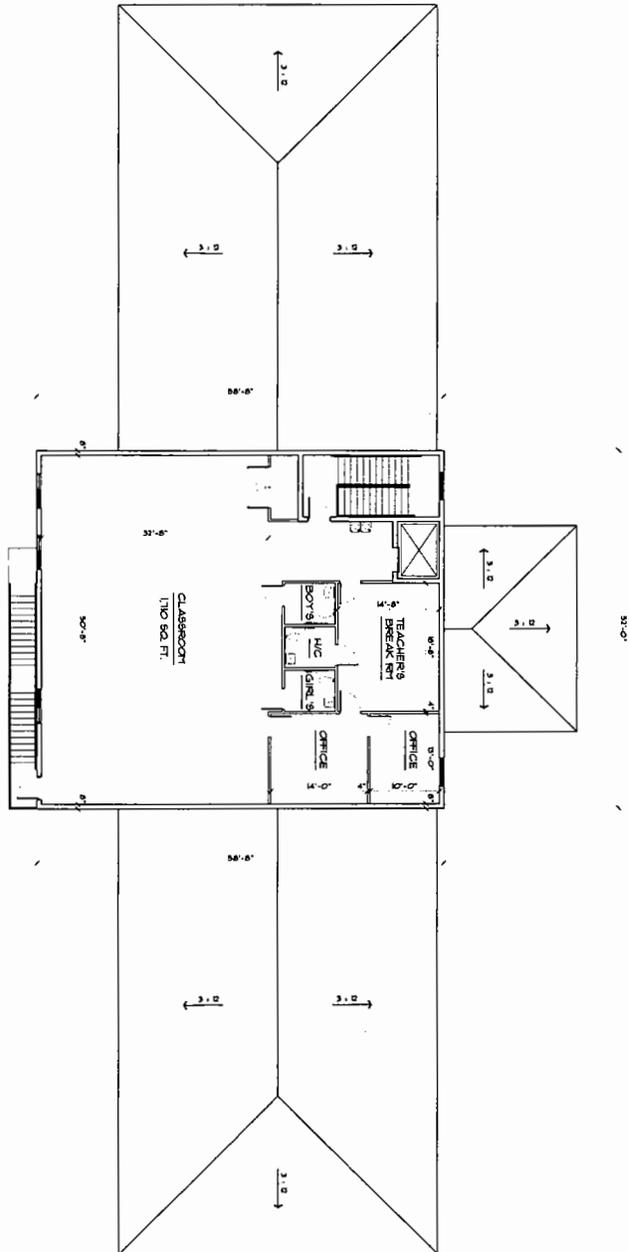


VILLA & ASSOCIATES INC.
 ARCHITECTURE PLANNING INTERIOR DESIGN
 7344 SW 48 STREET MIAMI FL 33155 (305) 561-9581
 CONSULTANT:

Corporation Licence #A48002298
 Architectural Seal
 JORGE L VALLAVICENCIO
 NO. A80012113

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

REVISIONS:



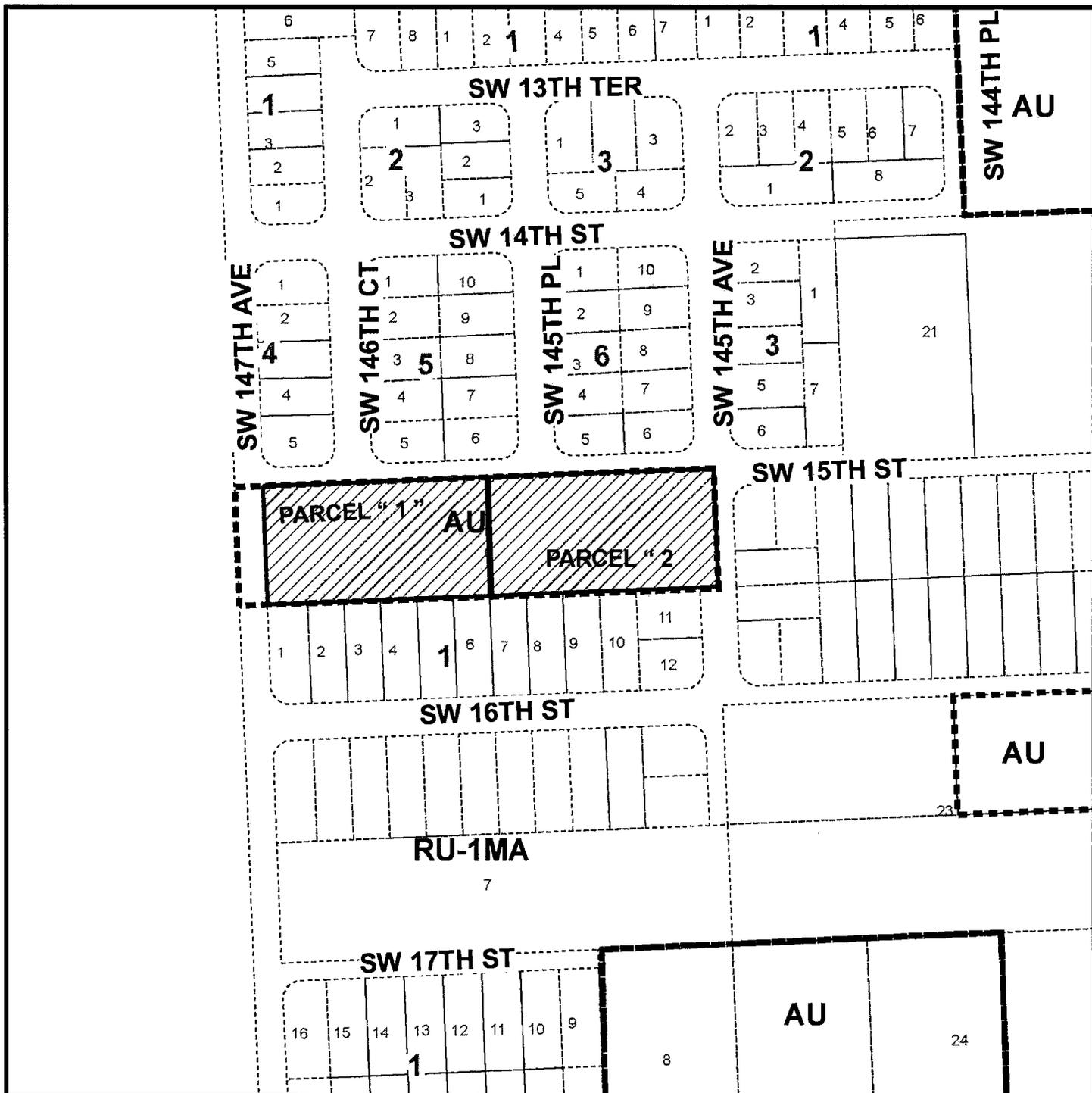
PROPOSED SECOND FLOOR PLAN — 18'-1-1/2"
 3,051 SQ. FT.

RECEIVED
 2/2-085
 AUG 13 2012

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

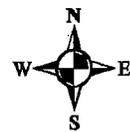
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DRAWING NO: A-5 OF 7	DATE: 08-09-12	SCALE: AS SHOWN		VILLA & ASSOCIATES INC. ARCHITECTURE - PLANNING - INTERIOR DESIGN 7244 SW 48 STREET - MIAMI FL 33155 - (800) 661-8191 CONSULTANT:	Corporation License #A8003258 Architectural Seal JORGE L. VILLAVICENCIO NO. AR0012112	HIGHER LEARNING EDUCATIONAL CENTER AND 6 RESIDENTIAL LOTS FOLIO # 30-4610-003-0050 VACANT LAND ON SW 15th STREET AND 147th AVENUE	REVISIONS:
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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
		37



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z201200085



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

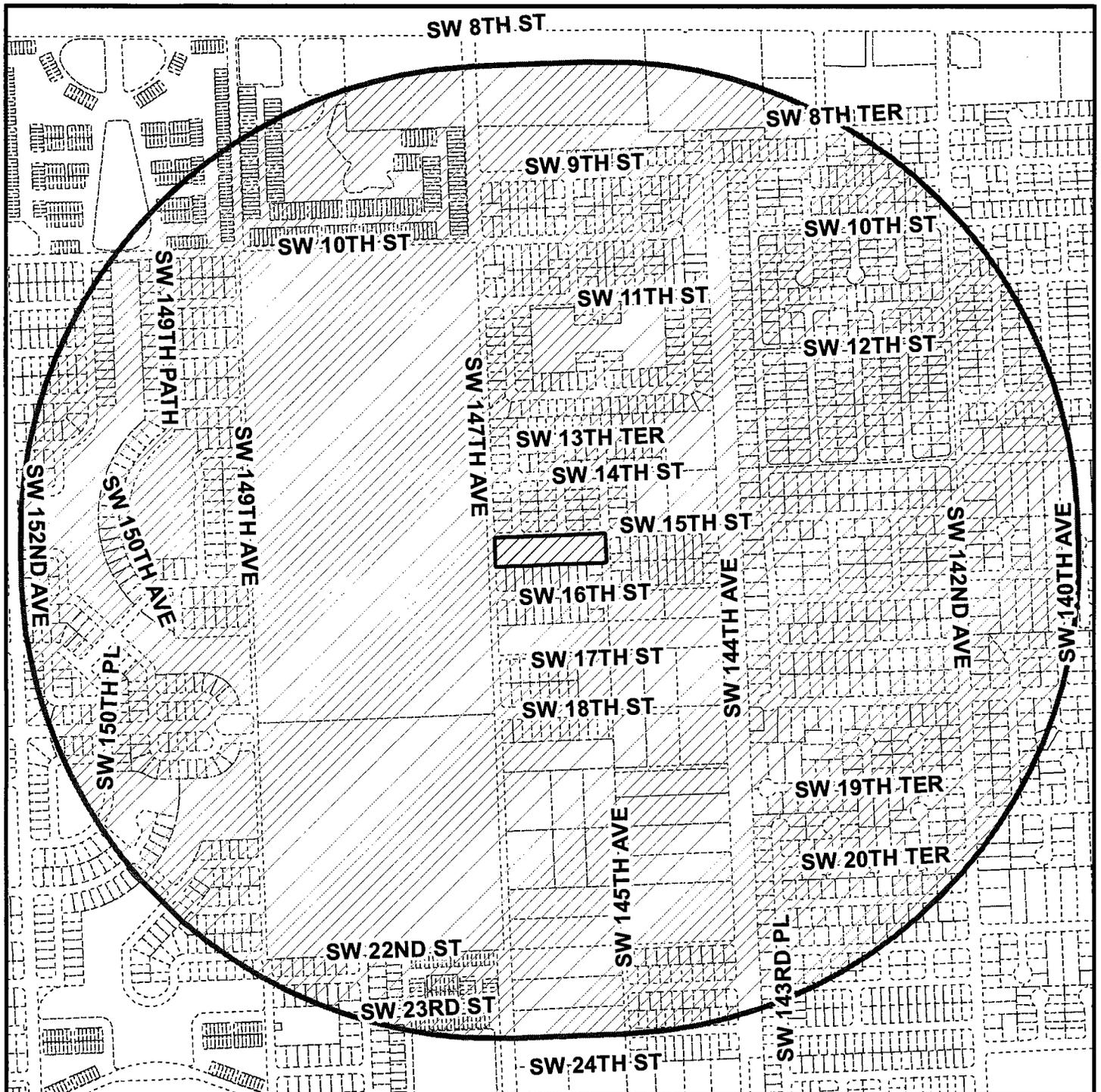
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		38



**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

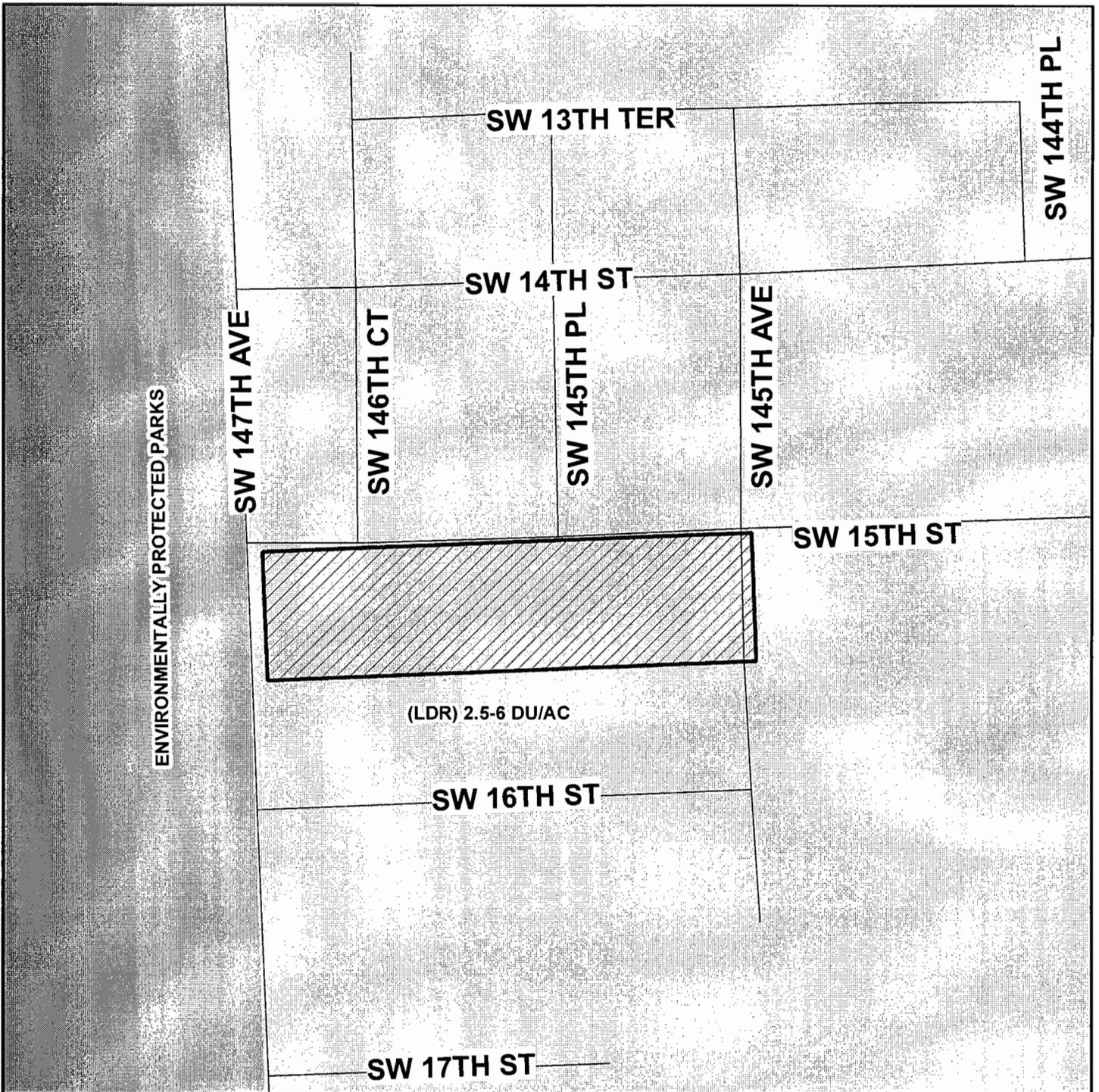
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, June 27, 2012

REVISION	DATE	BY
		39



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

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

Draft
Julmar 147 Investment, LLC
(12-085)
2/19/13

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the undersigned Owner intends to develop the West half of the Property, hereinafter called "Parcel A", as a daycare and school for grades Pre-Kindergarten through Second grade ("School"), and develop the East half of the Property, hereinafter called "Parcel B", as six (6) single family residential lots, and

WHEREAS, the Property is intended to be subdivided into seven parcels and due to the likelihood of separate ownership, the Owner proffers this Declaration with the intent that any future modification to the development plans for Parcel A will only require the consent, joinder and acknowledgement of the then owner(s) of Parcel A, and that any modification to any one of the six single family residential lots within Parcel B will only require the consent, joinder and acknowledgment of the then owner of said single family residential lots within Parcel B, subject to the "Modification, Amendment, Release" paragraph, below;

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

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

Economic Resources, and by reference made a part of this Declaration.

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

(a) The Owner shall install a six (6) foot CBS or prefabricated wall along the South property line of Parcel A prior to the issuance of the first vertical building permit for Parcel A. No openings shall be permitted. The façade of such CBS or prefabricated wall shall be maintained and the Owner shall repair any damage caused by an act of nature or vandalism within three (3) weeks of said act. However, in the event of a hurricane or other catastrophe, the Owner shall have six (6) months to repair any damage.

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

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

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

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

(f) The storage of vehicles in excess of twenty-five (25) feet in length,

(Public Hearing)

including all types of “yellow” school buses is prohibited in the School parking area. The storage of equipment, materials, or other related items is prohibited within the School parking area.

(g) The School shall have a specific point of contact to serve as a conduit for the exchange of information between the School and the neighborhood. The point of contact’s name, email, mailing address, phone, and hours of availability shall be provided via written correspondence to all property owners within five hundred (500) feet of Parcel A. This written notice shall be provided on an annual basis no later than fifteen (15) days prior to the commencement of each academic year.

(h) The use of Parcel A for School activities and/or events shall be prohibited between the hours of 9:00 PM and 6:00 AM, seven days per week.

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

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

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

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

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

3. **School Operational Plan.** The School shall strictly observe, monitor and enforce an Operational Plan among all students, employees, parents/guardians and visitors. The Operational Plan shall be distributed to all parents/guardians and employees prior to enrollment or employment, and shall be executed by all parents/guardians prior to enrollment or employment. At minimum, the

(Public Hearing)

Operational Plan shall provide the following, which by reference made a part of this Declaration:

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

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

(c) All children shall be dropped-off and picked up by parents. Parents may hire private transportation vehicles for their children. All private transportation providers shall receive and adhere to the School's Operational Plan.

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

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

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

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

(g) All School-related special events shall be conducted in a manner, such as staggering classes, to ensure adequate parking capacity and compliance with subparagraph (f). All School-related special events in which the entire student body is permitted to invite parents/guardians or guests shall be located off-site.

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 that duly subdivided parcel of land within the Property (i.e., Parcel A or any of the six lots within Parcel B), including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

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

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

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of

(Public Hearing)

(Space reserved for Clerk)

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

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

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

[Execution Pages Follow]

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

PH: Z12-004 (13-02-CZ10-1)

February 19, 2013

Item No. 1

Recommendation Summary	
Commission District	6
Applicant	AN-PE Enterprises, LLC
Summary of Requests	The applicant is seeking a district boundary change from RU-5A to RU-3M to permit a one-story apartment building and ancillary non-use variances of lot frontage, parking within 25' of the R-O-W and landscaping buffer requirements.
Location	5725 SW 20 Street, Miami-Dade County, Florida.
Property Size	0.438 Acre
Existing Zoning	RU-5A (Semi-Professional Offices 10,000 sq. ft. net)
Existing Land Use	Single-Family 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 District Boundary Change, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval of request #1, approval with conditions of requests #2 and #3, and denial without prejudice of request #4.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from RU-5A to RU-3M.
- (2) NON-USE VARIANCE of zoning regulations to permit a lot frontage 89.88' (100' required).
- (3) NON-USE VARIANCE of zoning regulations to permit parking spaces within 25' of the official right-of-way line of SW 20th Street (not permitted).
- (4) NON-USE VARIANCE of zoning regulation requiring a 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees; to waive same along the North, East and West property lines.

Plans are on file and may be examined in Department of Regulatory and Economic Resources entitled "Proposed 5 Units Apartment Building for AN-PE ENTERPRISES LLC" as prepared by Eusebio M. Mora and dated stamped received 1/17/2012, consisting of 5 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The applicant seeks to rezone a 0.438 acre parcel of land from RU-5A, Semi-Professional Office District to RU-3M, Minimum Apartment House District and develop the site with a one-story five-unit apartment building.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-5A; single-family residence	Low Density Residential (2.5 to 6 dua)

North	BU-2; multi-family residential	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
East	BU-2; commercial building and vacant lot	Business and Office
West	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 0.438 acre site, located along SW 20th Street approximately 110' west of SW 57th Avenue. The subject property is surrounded by single-family residences, an apartment building, a commercial building and a vacant lot.

SUMMARY OF IMPACT:

The approval of this application will allow the applicant to provide the community with additional multi-family 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. 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. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Furthermore, the Land Use Element Interpretive text for this category states that *residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre.* Staff notes that the subject property is located on a block that abuts a section line road. Therefore, the subject property is allowed a maximum residential density of 10.0 units per acre. In accordance with the interpretive text, the approval with conditions of the requests sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Furthermore, staff notes that the subject property is abutted on the north by a four-story apartment building, neighborhood commercial uses to the east, and a single-family residence to the west. Staff opines that the proposed development offers an appropriate transition from the more intensive uses from the north and east to the single-family residential neighborhood to the west. As such, staff opines that the proposed use and subject requests are compatible with the surrounding area and **consistent** with the uses allowed in the Low Density Residential category and the density threshold for this land use category as described in the Interpretive Text, and is consistent with the designation of the site on the CDMP LUP map.

ZONING ANALYSIS:

When request #1, to permit a district boundary change from RU-5A to RU-3M 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 development 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, to permit a zone change to RU-3M is **compatible** with the surrounding area and provides an adequate transition from the abutting commercial properties to the east and north. **Staff therefore, recommends approval of request #1 under Section 33-311, District Boundary Change.**

When requests #2, to permit a lot frontage of 89.88' (100' required), and #3, to permit parking spaces within 25' of the official right-of-way line of SW 20th Street (not permitted), are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the approval of said requests would be **compatible** with the surrounding area, provided that the applicant provide the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the North, East and West property lines, which is the subject of request #4. Staff opines that requests #2 and #3 are germane to the applicant's request to rezone the subject property to RU-3M (request #1) and contingent on of approval of request #1. In staff's opinion, the applicant's request to permit a reduced lot frontage and to permit parking and drives within 25' of an official right-of-way will not have a negative visual impact on passersby along SW 20th Street, provided that the site is adequately buffered from the surrounding neighborhood by the required land use buffer and increased landscaping along the interior side (west) property line, which abuts a single-family residence. In staff's opinion, the reduced lot frontage will still provide 89.88' of lot frontage and the request to permit parking and drives within 25' of an official right-of-way is interior to the site. As previously stated, staff opines that with the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the North, East and West property lines will provide an adequate visual and aural buffer from the subject property to the surrounding area. However, since the subject property abuts a single-family residence to the west, staff recommends as a condition for approval that the applicant provide increased landscaped buffering along the interior side (west) property line to be maintained at a height of 6' in the form of a hedge and buffer trees. Therefore, staff opines that approval with conditions of these requests will not create a negative visual impact along SW 20th Street and will not be intrusive to the surrounding area and would be **compatible** with the same. **As such, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When request #4, to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the North, East and West property lines is analyzed under the Non-Use Variance (NUV) Standard Section 33-311(A)(4)(b), staff opines that approval of this request does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. As previously stated, this land use buffer is needed to provide a visual buffer from the deficiencies of the subject property, which are the subject of requests #2 and #3, to the surrounding neighborhood. Therefore, staff opines that the approval of this request would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. **As such, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING:

The 0.438-acre subject parcel proposes a one-story five-unit apartment building with 11 parking spaces. The site has one (1) ingress and egress drive along the south property line abutting SW 20th Street.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

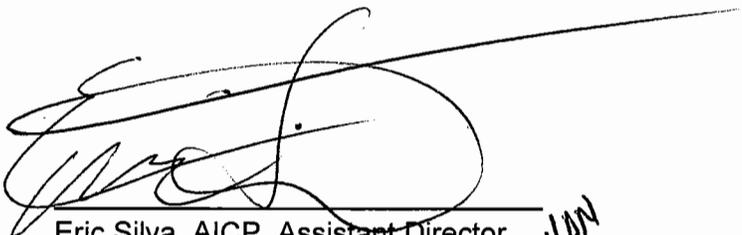
OTHER: Not applicable.

RECOMMENDATION: Approval of request #1, approval with conditions of requests #2 and #3 and denial without prejudice of request #4.

CONDITIONS FOR APPROVAL: (for requests #2 and #3 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 "Proposed 5 Units Apartment Building for AN-PE ENTERPRISES LLC" as prepared by Eusebio M. Mora and dated stamped received 1/17/2012, consisting of 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant provide increased landscaping buffering along the interior side (west) property line to be maintained at a height of 6' in the form of a hedge and buffer trees.
5. 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.
6. 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.

ES:MW:NN:CH:JC



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

NAN

ZONING RECOMMENDATION ADDENDUM

AN-PE Enterprises, LLC.
Z12-004

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. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre.</i></p>
--	--

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</i>
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ZONING RECOMMENDATION ADDENDUM

AN-PE Enterprises, LLC.

Z12-004

	<p><i>whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></p> <p><i>(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p><i>(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p><i>(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<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>

1. AN-PE ENTERPRISES LC
(Applicant)

13-2-CZ10-1 (12-004)
Area 10/District 06
Hearing Date: 02/19/13

Property Owner (if different from applicant) **Elisa Garcia-Prats.**

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?

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>
1982	Vera H. Alliston	- Zone change from RU-1 to RU-5A.	BCC	Approved in Part

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

Memorandum

Date: November 21, 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 #Z2012000004-2nd Revision
AN-PE Enterprises, LLC
5725 S.W. 20th Street
District Boundary Change from RU-5A to RU-3M and Non-Use
Variance of Lot Frontage Requirements
(RU-5A) (0.49 Acres)
12-54-40

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.

Section 24-43.1(3)(a)(iii) of the Code provides that the maximum sewage loading rate for residential land uses other than a single-family residence or a duplex residence shall not exceed 1,500 gallons per day per acre (GPD/acre). The subject property contains 21,360 square feet. The proposed development would generate a wastewater flow of approximately 750 gallons per day. This translates into a sewage loading rate of 1,530 GPD/acre, which would not be in compliance with the above-noted Code requirements. The applicant applied for variances from the aforesaid Code Section before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition subject to the implementation of high efficiency plumbing fixtures in order to reduce the generation of wastewater.

In addition, the subject property has a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only

liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Wetlands

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

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

Tree Preservation

According to the submitted landscape plan entitled "Proposed 6 Unit Apartment Building for: AN-PE Enterprises LLC", dated November 19, 2012, Sheet L1 of 1, prepared by Eusebio Mora, the property contains tree resources that will impacted.

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

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

The applicant is advised to contact the Tree Permitting Program for additional information regarding permitting procedures and requirements prior to site development.

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: AN-PE ENTERPRISES LLC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

14-MAR-12

Memorandum



Date: February 27, 2012

To: Jack Osterholt, Interim Director
Sustainability, Planning and economic Enhancement

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

Subject: Z2012000004: AN-PE ENTERPRISES LLC

Application Name: AN-PE ENTERPRISES LLC

Project Location: The site is located at 5725 SW 20 ST, Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from RU-5A to RU-3M to permit a one-story 5 unit apartment building.

Current Park Benefit District Area Conditions: County-owned local parks that are within two miles of the subject application are described in Table A which lists the name, type and acreage for each park.

**Table A - County Parks (local only)
Within a 2 Mile Radius of Application Area.**

Park Facility	Classification	Acreage
Sunset Heights Park	Mini Park	.32
Schenley Park	Neighborhood Park	2.00
Brothers to the Rescue	Single-Purpose Park	5.70
San Jacinto Park	Mini Park	.92
A.D. "Doug" Barnes Park	Community Park	60.40
Coral Villas Park	Mini Park	.37

Impact and demand: When measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons, the 5 dwelling units would generate the need for approximately .014 acres of local parks.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 2 (PBD2) which has a surplus capacity of 478.06 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP) recommends the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities. The future development plans of the application area should be developed to be consistent this objective.

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

Memorandum



Date: 21-FEB-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000004

Fire Prevention Unit:

APPROVAL
 No objection to site plan date stamped received January 17, 2012.

Service Impact/Demand

Development for the above Z2012000004
 located at 5725 SW 20 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1445 is proposed as the following:

5 <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
N/A <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 1.40 alarms-annually.
 The estimated average travel time is: 6:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 40 - West Miami - 975 SW 62 Avenue
 Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received January 17, 2012. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 09-JAN-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

AN-PE ENTERPRISES LLC

5725 SW 20 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000004

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case opened June 8, 2011 for Illegally storing, parking commercial vehicle and a citation was issued. Violation corrected June 8, 2011. Payment plan was given July 15, 2011 and cvn was paid and closed October 3, 2011. BNC: No open/closed bss cases.

An-Pe Enterprises

**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: An-Pe Enterprises, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Elisa Garcia-Prats</u>	<u>85%</u>
<u>11465 SW 101 Terr</u>	
<u>Miami, FL 33176</u>	
<u>Christopher M Sabina</u>	<u>15%</u>
<u>11465 SW 101 Terr, Miami, FL</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>
<u>CHAS</u>	<u>15%</u>
_____	_____
_____	_____
_____	_____

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>
_____	_____
_____	_____
_____	_____
_____	_____

RECEIVED
212-004
JAN 17 2012

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 7 day of November, 2011
produced _____ as identification.

Affiant is personally know to me or has
RECEIVED
217-004
JAN 17 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

[Handwritten Signature]
(Notary Public)
My commission expires: _____


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

Estimote M. Moore
Landscape Architect

DATE	DESCRIPTION	BY

LANDSCAPE PLAN

5725 Southwest 20 Street, Miami, FL 33176

AN-PE Enterprises LLC.

Proposed 6-Unit Apartment Building for

LEGEND

1. **PLANTING**

2. **IRRIGATION**

3. **PAVING**

4. **LANDSCAPE ARCHITECTURE**

5. **PROPERTY LINES**

6. **EXISTING UTILITIES**

7. **PROPOSED UTILITIES**

8. **PROPOSED BUILDING**

9. **PROPOSED DRIVEWAYS**

10. **PROPOSED SIDEWALKS**

11. **PROPOSED CURBS**

12. **PROPOSED LIGHT FIXTURES**

13. **PROPOSED SIGNAGE**

14. **PROPOSED FURNITURE**

15. **PROPOSED TREES**

16. **PROPOSED SHRUBS**

17. **PROPOSED PERENNIALS**

18. **PROPOSED ANNUALS**

19. **PROPOSED MULCH**

20. **PROPOSED SOIL**

21. **PROPOSED GRASS**

22. **PROPOSED SAND**

23. **PROPOSED ASPHALT**

24. **PROPOSED CONCRETE**

25. **PROPOSED BRICK**

26. **PROPOSED STONE**

27. **PROPOSED TILE**

28. **PROPOSED MARBLE**

29. **PROPOSED GRANITE**

30. **PROPOSED SLATE**

31. **PROPOSED CEMENT**

32. **PROPOSED GROUT**

33. **PROPOSED ADHESIVE**

34. **PROPOSED FINISH**

35. **PROPOSED COLOR**

36. **PROPOSED PATTERN**

37. **PROPOSED TEXTURE**

38. **PROPOSED GLASS**

39. **PROPOSED METAL**

40. **PROPOSED WOOD**

41. **PROPOSED PLASTIC**

42. **PROPOSED RUBBER**

43. **PROPOSED LEATHER**

44. **PROPOSED FABRIC**

45. **PROPOSED PAPER**

46. **PROPOSED CARDBOARD**

47. **PROPOSED GLASS**

48. **PROPOSED METAL**

49. **PROPOSED WOOD**

50. **PROPOSED PLASTIC**

51. **PROPOSED RUBBER**

52. **PROPOSED LEATHER**

53. **PROPOSED FABRIC**

54. **PROPOSED PAPER**

55. **PROPOSED CARDBOARD**

56. **PROPOSED GLASS**

57. **PROPOSED METAL**

58. **PROPOSED WOOD**

59. **PROPOSED PLASTIC**

60. **PROPOSED RUBBER**

61. **PROPOSED LEATHER**

62. **PROPOSED FABRIC**

63. **PROPOSED PAPER**

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65. **PROPOSED GLASS**

66. **PROPOSED METAL**

67. **PROPOSED WOOD**

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69. **PROPOSED RUBBER**

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80. **PROPOSED FABRIC**

81. **PROPOSED PAPER**

82. **PROPOSED CARDBOARD**

83. **PROPOSED GLASS**

84. **PROPOSED METAL**

85. **PROPOSED WOOD**

86. **PROPOSED PLASTIC**

87. **PROPOSED RUBBER**

88. **PROPOSED LEATHER**

89. **PROPOSED FABRIC**

90. **PROPOSED PAPER**

91. **PROPOSED CARDBOARD**

92. **PROPOSED GLASS**

93. **PROPOSED METAL**

94. **PROPOSED WOOD**

95. **PROPOSED PLASTIC**

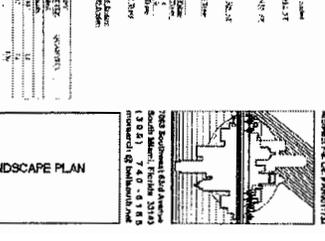
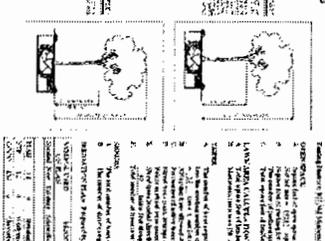
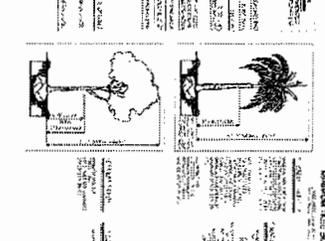
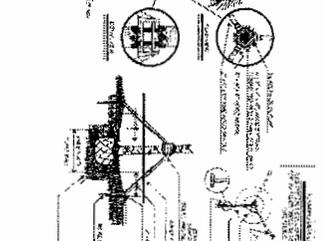
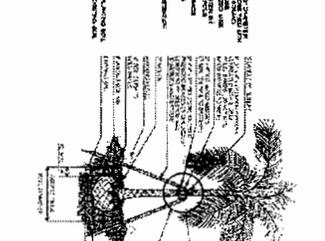
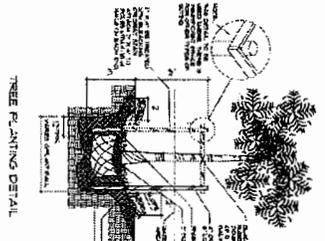
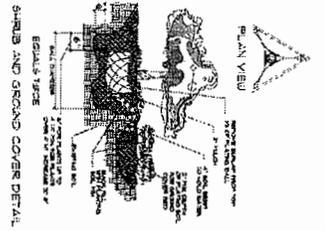
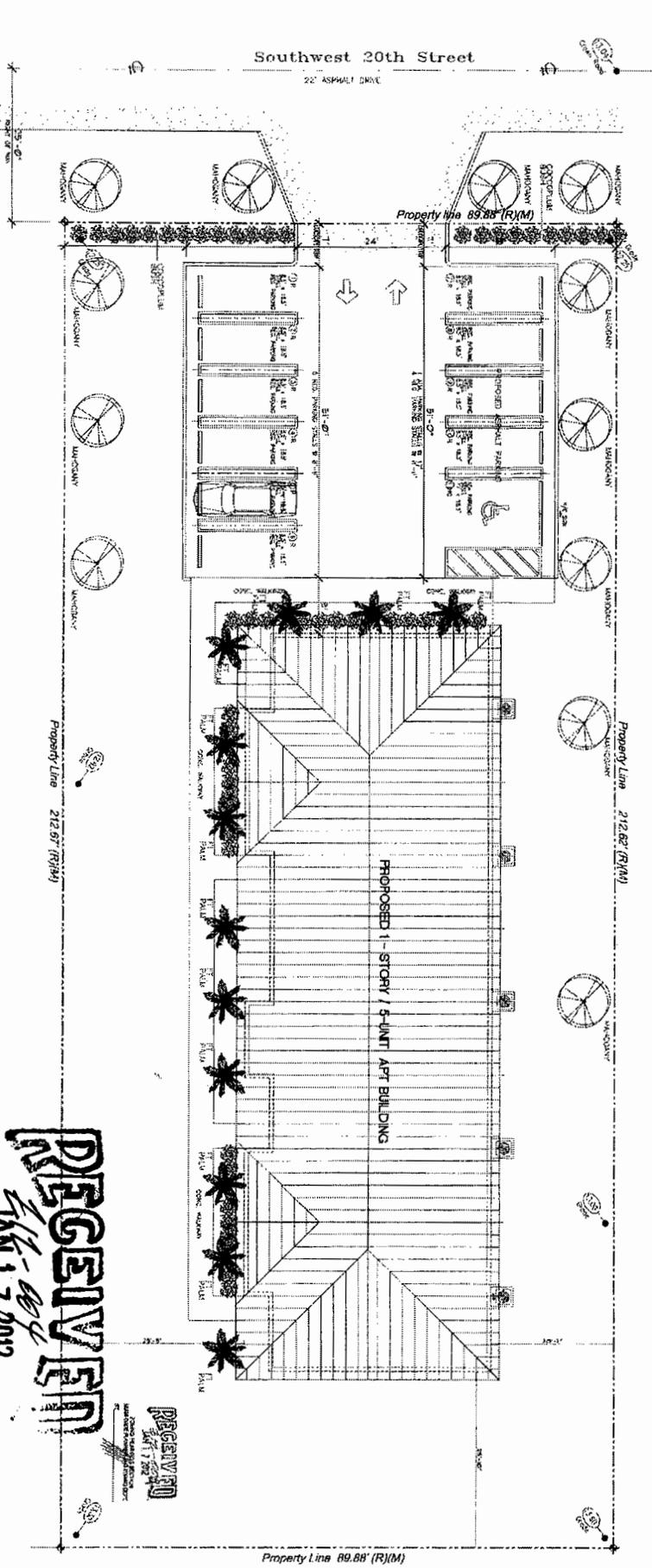
96. **PROPOSED RUBBER**

97. **PROPOSED LEATHER**

98. **PROPOSED FABRIC**

99. **PROPOSED PAPER**

100. **PROPOSED CARDBOARD**



LANDSCAPE PLAN 1/8"

LEGAL DESCRIPTION: ...

BY: [Signature]

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

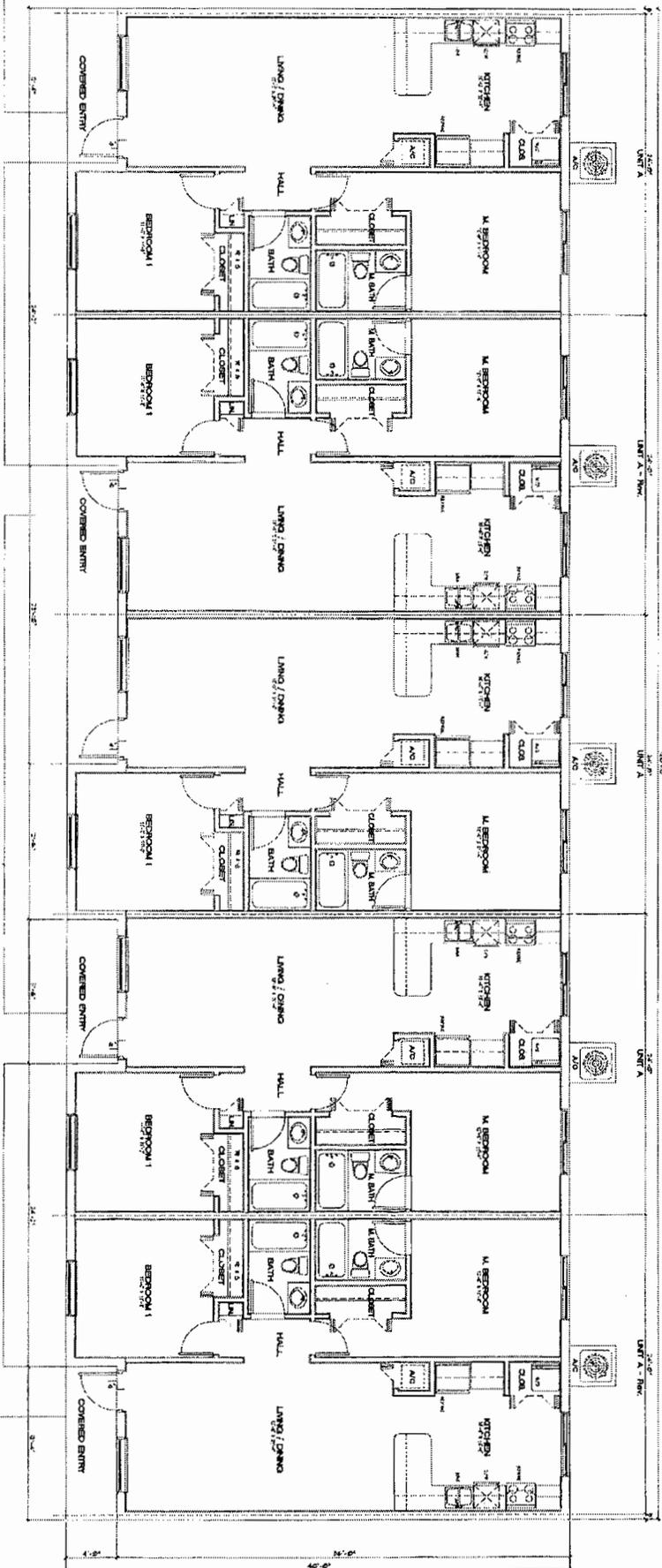
RECEIVED
JAN 17 2012

DATE	DESCRIPTION	BY

Proposed 6-Unit Apartment Building for
AN-PE Enterprises LLC.

5725 Southwest 20 Street, Miami, FL 33176

DATE	DESCRIPTION	BY



FLOOR PLAN 1/4"

UNIT A - 5 - TOTAL (913.00 SF/EACH) 2 Bedrm./2 Bath
Total Building Area = 4893 SF

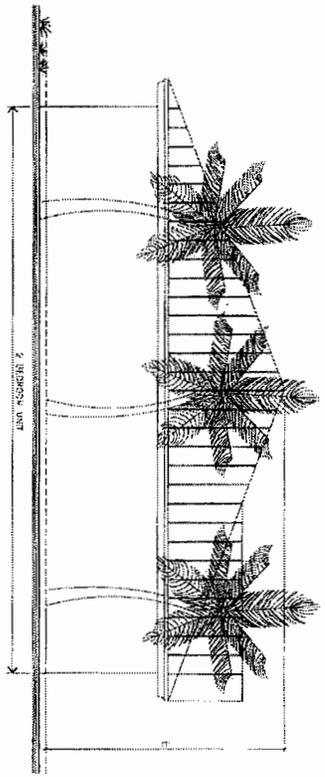
RECEIVED
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 ZONING HEARINGS
 MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED
 JAN 1 2012
 ZONING HEARINGS
 MIAMI-DADE PLANNING AND ZONING DEPT.

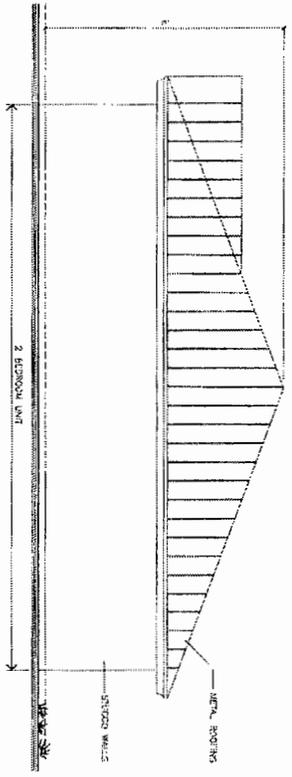
[Handwritten signature]
 1/18/12

TITLE: Proposed 6-Unit Apartment Building for AN-PE Enterprises LLC. PROJECT: 5725 Southwest 20 Street, Miami, FL 33176		NO. REVISIONS:	DATE:	REVISED BY:	PREP.:
DATE: 01/18/12 SCALE: NOTED		FLOOR PLAN			

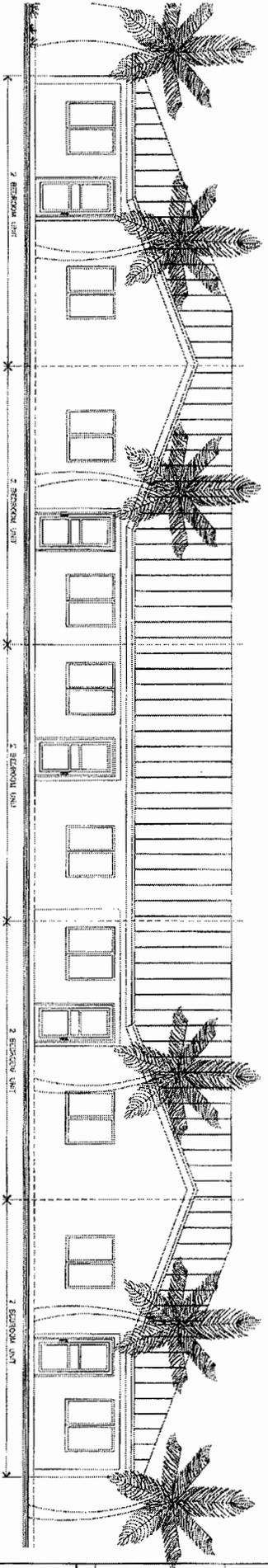
Estelita M. Mora
 Architect
 21



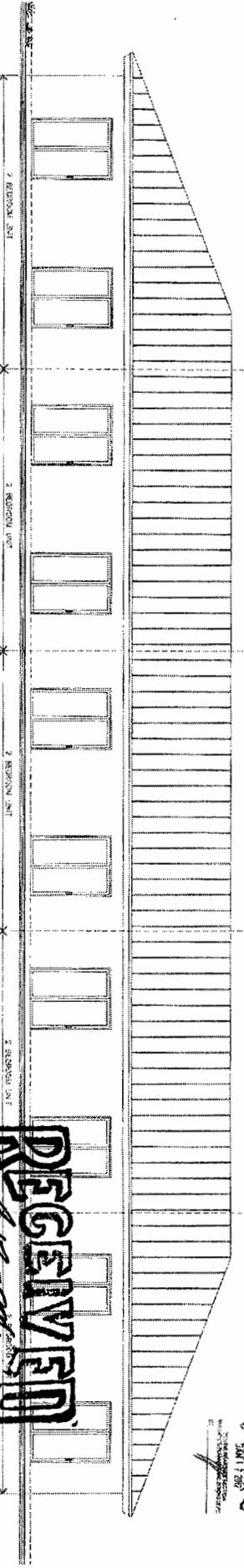
PROPOSED LEFT (SOUTH) ELEVATION 1/4"



PROPOSED RIGHT (NORTH) ELEVATION 1/4"



PROPOSED FRONT (EAST) ELEVATION 1/4"



PROPOSED REAR (WEST) ELEVATION 1/4"

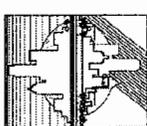
RECEIVED
5/12/12
 JAN 17 2012

RECEIVED
 JAN 17 2012

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

ELEVATIONS 5725 Southwest 20 Street, Miami, FL 33176 AN-PE Enterprises LLC.		NO. RELEASED DATE RECEIVED BY TITLE
PROJECT NO. DRAWING NO. DATE SCALE PROJECT NAME	DRAWN BY CHECKED BY APPROVED BY TITLE DATE SCALE	ELEVATIONS 5725 Southwest 20 Street, Miami, FL 33176 AN-PE Enterprises LLC.

Esabelle M. Mora
Assistant City Administrator



700 South West 20th Ave
Miami, FL 33135
(305) 242-5150
moran@bidsolutions.com

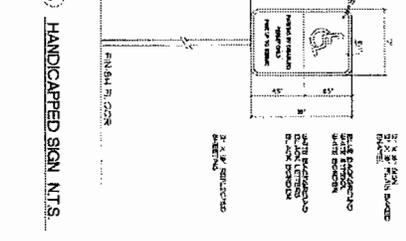
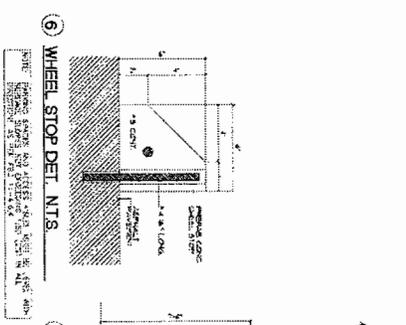
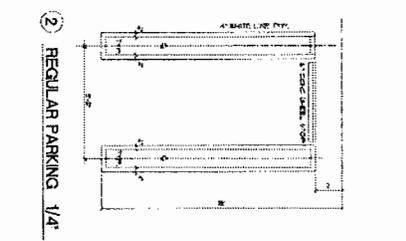
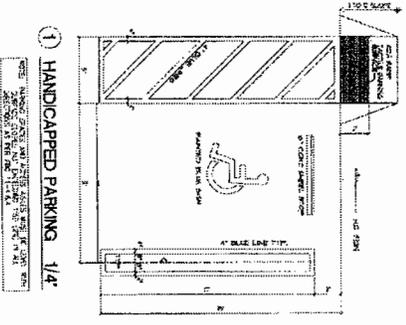
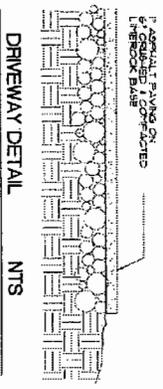
DATE	BY	REVISION

DATE	BY	REVISION

Proposed 8-Unit Apartment Building for
AN-PE Enterprises LLC.
5725 Southwest 20 Street, Miami, FL 33176

DATE: 01/17/12
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

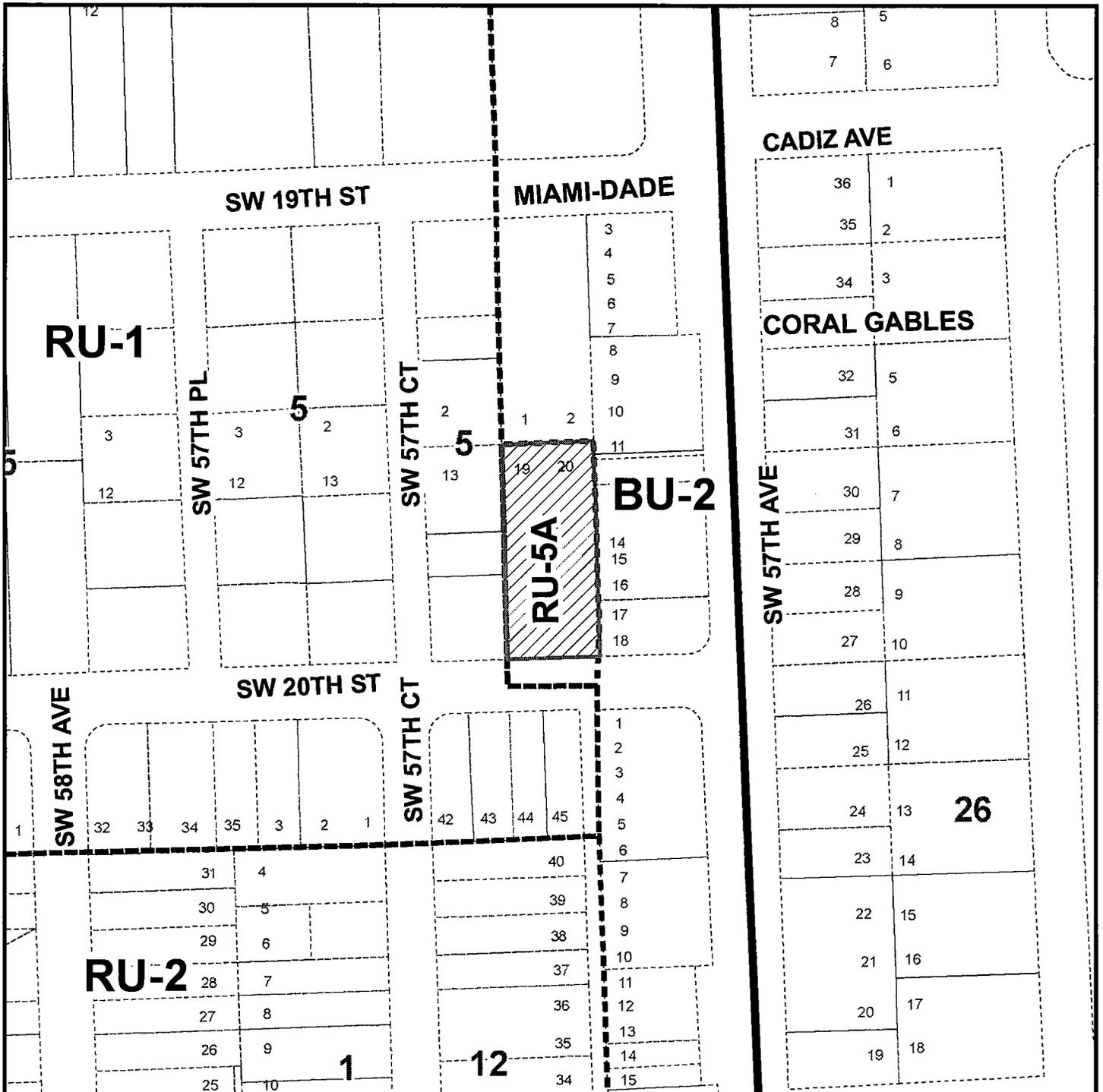
PROJECT NUMBER:
D1 OF 1



RECEIVED
JAN 17 2012

RECEIVED
JAN 17 2012

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



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z2012000004

Section: 12 Township: 54 Range: 40
 Applicant: AN-PE ENTERPRISES LLC
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, January 27, 2012

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z201200004



Section: 12 Township: 54 Range: 40
 Applicant: AN-PE ENTERPRISES LLC
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

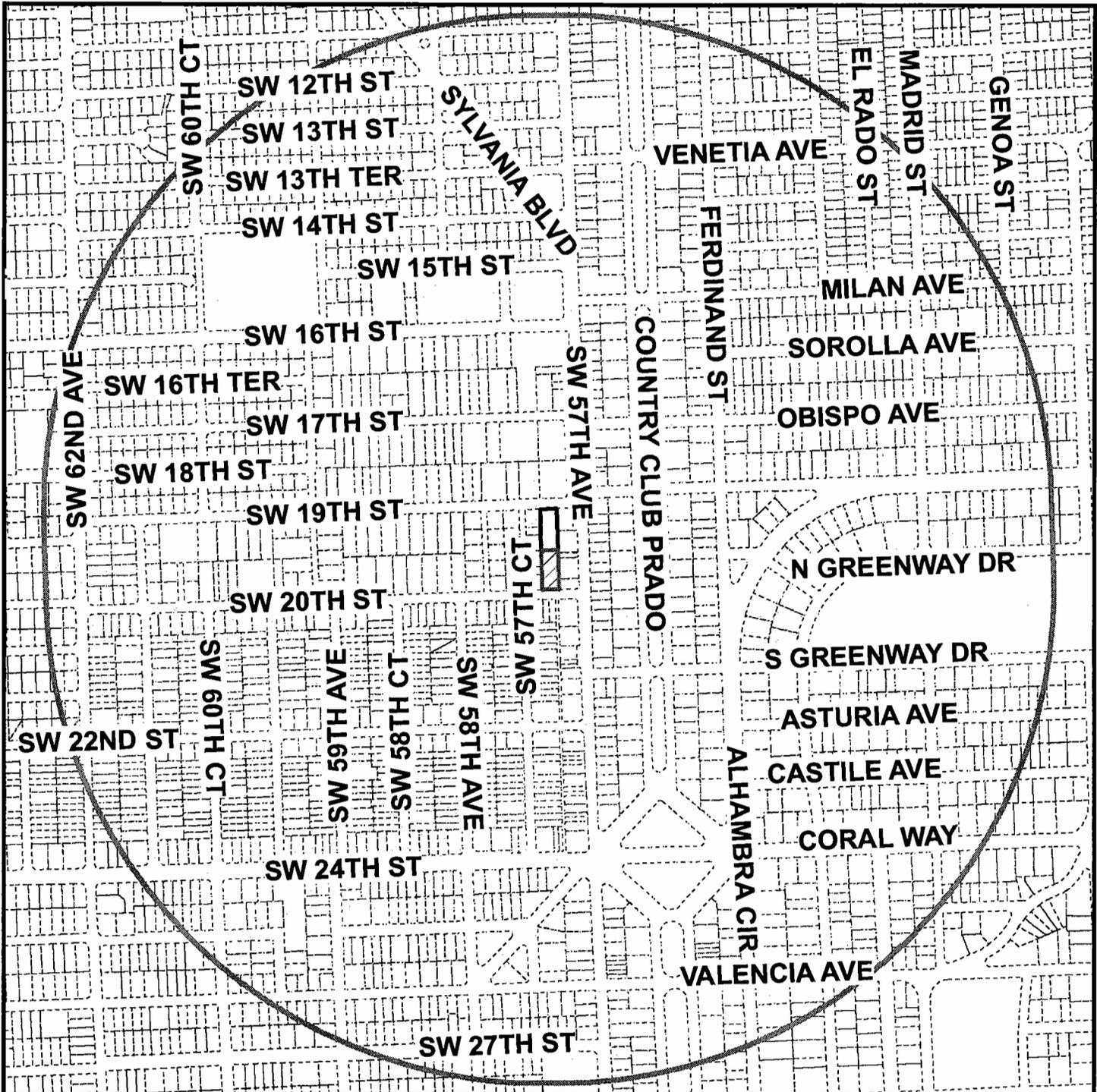
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 Subject Property



SKETCH CREATED ON: Friday, January 27, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000004

RADIUS: 2640

Section: 12 Township: 54 Range: 40
 Applicant: AN-PE ENTERPRISES LLC
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



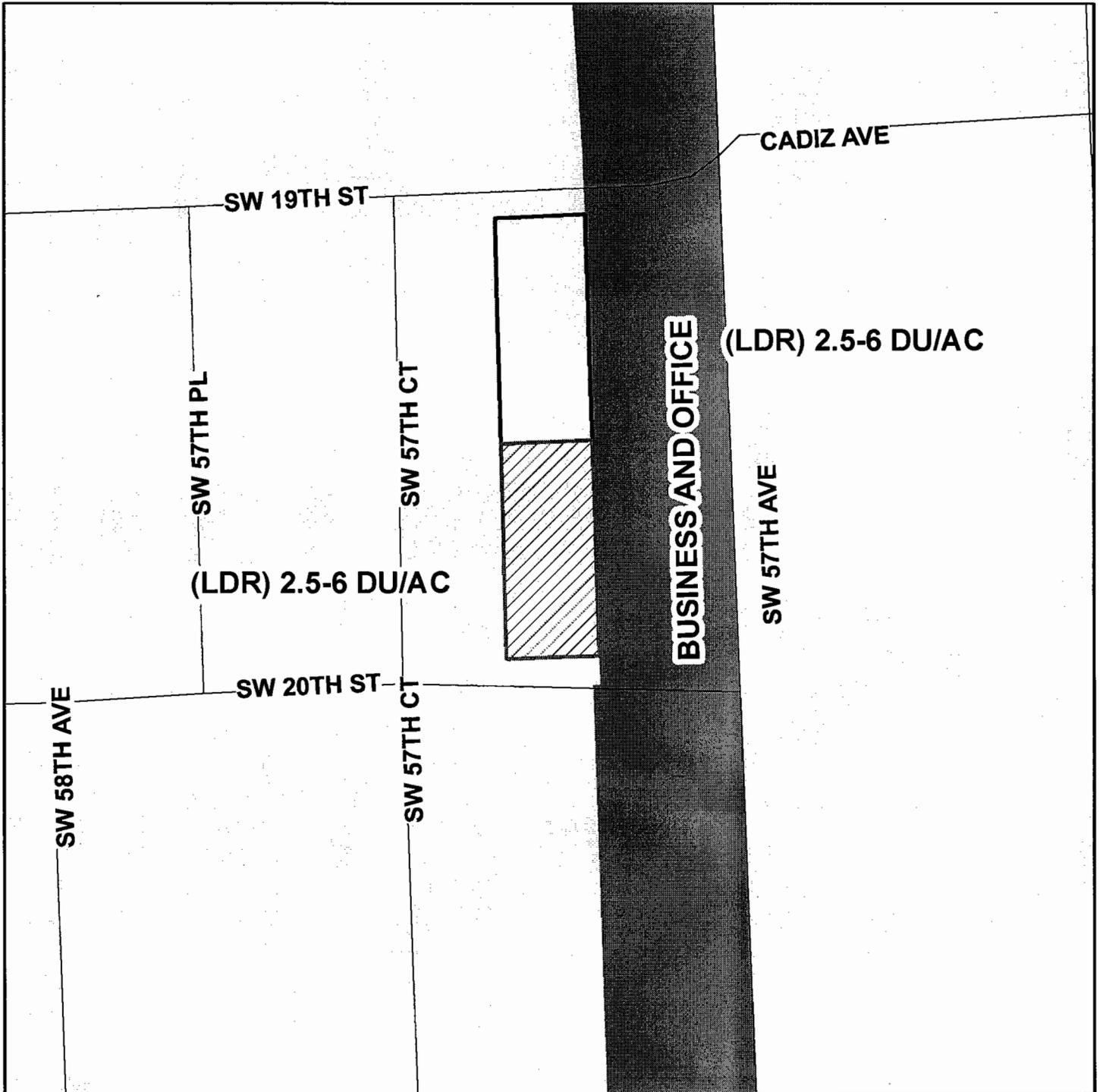
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Friday, January 27, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000004



Section: 12 Township: 54 Range: 40
 Applicant: AN-PE ENTERPRISES LLC
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, January 27, 2012

REVISION	DATE	BY