

KITS

9-23-2008 Version # 1



COMMUNITY ZONING APPEALS BOARD 15
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Tuesday, October 28, 2008 at 7:00 p.m.

CURRENT

1. 08-10-CZ15-1 15101 SW 289 TERRACE LLC, ET AL 07-106 04-57-39 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, OCTOBER 28, 2008

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 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

1. 15101 SW 289 TERRACE LLC, ET AL
(Applicant)

08-10-CZ15-1 (07-106)
Area 15/District 8
Hearing Date: 10/28/08

Property Owner (if different from applicant) **15101, 15121, 15141, and 15161 SW 289 Terrace LLC.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

APPLICANTS: 15101 SW 289 Terrace LLC, Et Al

PH: Z07-106 (08-10-CZ15-1)

SECTION: 4-57-39

DATE: October 28, 2008

COMMISSION DISTRICT: 8

ITEM NO.: 1

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A. INTRODUCTION:

o **REQUESTS:**

- (1) UNUSUAL USE to permit a day care center with after school care.
- (2).Applicants are requesting to permit parking within 25' of an official right-of-way (not permitted).
- (3) Applicants are requesting to permit a building of public assemblage setback 15.58' (25' required) from the side street (west) property line and setback 17' (50' required) from the interior side (east) property line and to be spaced less than 75' from a residence under different ownership to the east.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Lincoln-Marti Educational Center," as prepared by Offerle-Lerner, AIA, Sheets "SP-1" and "L-1," dated stamped received 5/30/08 and the remaining sheets dated stamped received 4/11/07 for a total of 7 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to permit a daycare and after school care center and to permit the daycare and after school care center with less setbacks than required, to be spaced less than required from a residential property and to allow parking within 25' of the right-of-way.

o **LOCATION:** 15101, 15121, 15141 and 15161 S.W. 289 Terrace, Miami-Dade County, Florida.

o **SIZE:** 0.86 acre

o **IMPACT:**

Approval of this application will allow the applicants to provide daycare and after school care services to the community. However, allowing the proposed daycare center to encroach into the setbacks and closer to residential properties and structures than allowed could have a negative visual and aural impact on the adjoining properties. Additionally, the proposal could bring increased traffic to

the area during peak hours and the approval of the request to permit parking within 25' of the official right-of-way may also have a negative visual and aural impact on the surrounding properties.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. **Residential Communities.** 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.
3. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. The intensity of use that may be approved for "daytime service uses" such as **daycare centers** shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.
4. If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses, and daytime service uses such as **day care centers**, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility.
5. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
6. **Policy LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only

where proper design solutions can and will be used to integrate the compatible and complimentary elements and buffer any incompatible elements.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; 4 vacant single-family residences,

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: RU-1; duplex residence
RU-5A; daycare

Low Density Residential, 2.5 to 6 dua

SOUTH: RU-1; vacant lot

Low Density Residential, 2.5 to 6 dua

EAST: RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

WEST: RU-1; private school

Low Density Residential, 2.5 to 6 dua

The subject parcel is located at 15101, 15121, 15141 and 15161 S.W. 289 Terrace. The surrounding area is comprised of a mix of single-family and duplex residences, a school, daycare and vacant land.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Unacceptable

Parking Layout/Circulation:

Unacceptable

Visibility/Visual Screening:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual And New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets,

roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-311(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 applicants that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is located at 15101, 15121, 15141 and 15161 SW 289 Terrace in an area characterized by a mix of single-family and duplex residences, a school, a daycare center and vacant land. Said subject property is comprised of four (4) vacant

single-family residences with a combined area of 0.86 of an acre in size on which the applicants propose to develop the childcare facility. The applicants are seeking approval of an Unusual Use to permit the daycare and after school care center (request #1), to permit parking within 25' of an official right-of-way (request #2) and to permit the day care and after school care center to setback 15.58' from the side-street (west) property line, 17' from the interior side (east) property line and spaced less than 75' (spaced 42') from a residence under different ownership to the east (request #3). The zoning regulations require that buildings used for public assemblage such as the daycare and after school care center be setback a minimum of 25' from the side street property line, 50' from the property line that abuts lots under different ownership and that buildings be spaced 75' from residential buildings on the aforementioned abutting properties. Further, no parking is permitted within 25' of an official right-of-way. The submitted site plans depict the proposed daycare and after school care center on the 4 lots zoned RU-1, Single-Family Residential District, located on a cul-de-sac at SW 289 Terrace. The plans also show the requested setback and spacing variances along with the requested parking variance. Additionally, the landscape plans show the intent of the applicants to mitigate the impact of the requested variances on the abutting residential properties to the east and northeast by providing a continuous hedge consisting of Buttonwood as well as Live Oak and Mahogany trees. Further, the plans depict the play area for the two easternmost buildings that abut the aforementioned single-family residences located 37.5' away from the interior side (east) and rear (north) property lines. The submitted plans also show that the applicants have satisfied the requirements for the number of parking and auto stacking spaces for the daycare and after school care center but show the spaces and drives within 25' of the right-of-way, which is not permitted. Additionally, said plans depict a 60' wide area along the northern side of SW 289 Terrace, in which the applicants propose to place stabilized sod with paver blocks. Further, the plans depict ample playground area that is almost 1.25 times the required size at 3,242 sq. ft. along with adequate classroom space to accommodate the 116 children as listed in the applicants' request. However, staff does not support the proposed daycare and afterschool care center for reasons that are outlined below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM's conditions indicated in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that this application will generate **92 pm** daily peak hour **vehicle trips** to the area. However, said trips will not exceed the acceptable Levels of Service on the area roadways which are currently operating at LOS "B", "C" "and "E". Their memorandum also states that the applicants will have to provide stop signs at both exit driveways from the site as well as an onsite "right turn arrow" pavement marking at the exit driveway onto SW 152 Avenue. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and they indicate that the estimated response time is **6.06 minutes**.

The approval of this application will allow the applicants to provide daycare and after school care services for the community. Their requests include variances to allow the building of public assemblage with reduced setbacks from the side street property line and from an abutting property under different ownership, and to be spaced less than required from the residential building on the previously mentioned abutting property.

Approval would also allow the applicants to park cars within 25' of the right-of-way on the subject property. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated Low-Medium density include single-family homes, townhouses and low-rise apartments. The interpretative text of the CDMP provides that neighborhood and community services, including daycare centers, are permitted in residential areas only when consistent with other goals, objectives and policies of the plan and when compatible with the neighborhood. The CDMP states further that if located in Estate, Low or Low-Medium Density neighborhoods, daytime service uses such as day care centers should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. Staff acknowledges that there have been previous approvals within the immediate vicinity for similar uses. For example, in 1982, a property west of the subject property fronting on half-section line road SW 288 Street was approved for a kindergarten and after school care, pursuant to Resolution #4-ZAB-251-82. Subsequently, in 1985 the property immediately located to the west of the subject property was approved, pursuant to Resolution #4-ZAB-65-85, for a private school, grades 7 to 12. In 1990, a property southwesterly of the subject property but fronting onto half-section line road SW 152 Avenue was approved to also permit a daycare center with the existing church, pursuant to Resolution #4-ZAB-174-90. However, all of the aforementioned private school approvals are located on properties that abut the intersection of SW 152 Avenue and SW 288 Street, which is the section center of this square mile of Miami-Dade County identified as Section 4, Township 57 and Range 39 and therefore, conform to the Guidelines for Urban Form as mentioned above in the interpretative text of the CDMP. The subject property, on the other hand, does not abut the section center. In fact, it is only the westernmost parcel within this proposal located at 15161 SW 289 Terrace that abuts the half-section line road, SW 152 Avenue, which, based on the interpretative text of the CDMP, is an area of accessibility. The remaining 3 parcels extend eastward away from the aforementioned half-section line road, along SW 289 Terrace which is a cul-de-sac that abuts single-family residences to the east and a vacant lot to the south that is zoned for single family residential use. As such, staff opines that the creation of this more intensive use extending away from the aforementioned area of accessibility towards the less intensive residential uses to the east is intrusive and therefore contrary to and **inconsistent** with the interpretative text of the CDMP.

Policy LU-4D of the interpretative text of the CDMP requires that potentially incompatible sites incorporate design solutions that serve to integrate the compatible and complimentary elements and buffer any incompatible elements. The applicants have submitted plans which, in an attempt to maintain the residential character of the surrounding area, have provided abundant buffering in the form of trees and hedges along the interior side (east) property line and partially along the rear (north) property line where the property abuts existing residential properties. Staff opines that the extensive buffering provided by the applicants is insufficient to mitigate the extent of the intrusion of the daycare/after school care facility on the residential properties to the east, south and partially to the north. Additionally, **Policy LU-4A** requires 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. As previously noted, staff opines that the approval of this application would result in the intrusion of these more intensive, incompatible proposed uses with the surrounding residential properties to the east and to the south and partially to the north. Additionally, notwithstanding the fact that the property to the south is currently vacant, staff opines that the approval of the daycare and after school care center on the limited access cul-de-sac is likely to negatively impact any future residential development of these properties with increased traffic circulating in and out of this limited access Terrace during the peak drop-off and pick-up hours for both the day care center and the after school care center. Additionally, the close proximity of the parking and drives to said cul-de-sac will contribute to the negative visual and aural impact on said residences to the east and south. As such, staff opines that the development of the daycare and after school care facility is **incompatible** with the surrounding area and **inconsistent** with the interpretative text of the CDMP.

When analyzing request #1 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the child care facility and after school care on the subject property, staff is of the opinion that the proposal would be **incompatible** with the surrounding community. Staff notes the applicants have attempted to mitigate the negative visual and aural impacts of the proposed day care and after school care center on the residentially zoned properties to the east and north, by providing buffering in the form of continuous hedges interspersed with trees along the interior side (east) and partially along the rear (north) property lines and siting the fenced playground areas away from the aforementioned property lines, which abut existing residential developments. Staff acknowledges that, when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with this area and its development, the daycare and after school care facility would not have a negative impact on the economy of Miami-Dade County or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation or transportation, or tend to create a fire or other equally or greater dangerous hazards, as evidenced by memoranda from the various departments concerned with evaluating this application. The applicants have, however, requested approval of a daycare and after school care use for 116 children on the subject property, which, as previously mentioned, extends eastward away from SW 152 Avenue and includes 4 single family residences along a cul-de-sac, SW 289 Terrace. The property abuts single family residential properties to the south, east and north. Staff opines that the approval of a public assemblage of this size extending into a cul-de-sac that abuts existing residential properties and properties that are currently vacant but zoned for residential use, is likely to have a negative aural impact on both the current and future residential uses in this immediate area. Additionally, staff opines that the buffering provided by the applicant only partially mitigate and not remove the negative aural and visual impacts created by the development due to the smaller than required side street and interior side setbacks and reduced spacing from the residences under different ownership to the east. Further, though staff notes that the RU-1 zoned property to the south is currently vacant, it is the opinion of staff that the future development of these properties with single-family residences would be severely negatively impacted by the traffic entering and leaving the proposed facility along this limited access cul-de-sac.

Additionally, staff's research of the surrounding area identified 4 other similar approvals of public assemblages in the form of daycare centers or schools within less than a quarter mile of the subject property. The properties immediately located to the west and southwest of the subject property, across SW 152 Avenue, were approved pursuant to Resolution #4-ZAB-65-85, in 1985 and Resolution #4-ZAB-174-90, in 1990, for a private school and a daycare center. Further, the property located at 15290 SW 288 Street, further to the west of the subject property, was approved for an Unusual Use to permit a daycare and kindergarten in 1982, pursuant to Resolution #4-ZAB-251-82. Additionally, a property located to the south of the subject property at 28940 SW 152 Avenue, was approved for a daycare center pursuant to Resolution #4-ZAB-174-90, in 1990. Staff opines that the approval of this application to permit yet another daycare center within this vicinity, in addition to the 4 other public assemblage uses that were previously approved within less than a quarter square mile, would create a proliferation of these and other similar public assemblage uses, leading to increased traffic during the peak hours, which could have a negative impact on the surrounding residential properties to the north, east and south. Staff therefore opines that regardless of the attempts by the applicants to mitigate the potential negative visual and aural effects of the proposal, the approval of the request to permit the daycare and after school care center would disrupt the overall welfare, tranquility and privacy of the neighborhood. Based on the aforementioned, staff recommends denial without prejudice of request #1 the unusual use to permit the daycare and after school care center under Section 33-311(A)(3).

When request #2, to permit parking within 25' of the right-of-way and request #3, to permit a day care and an after school care center to setback 15.58' (25' required) from the side-street (west) property line, 17' (50' required) from the interior side (east) property line and spaced less than 75' from a residence under different ownership to the east, are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding community. Staff acknowledges that research of properties surrounding the subject property found that there was an approval for similar variances for parking within 25' of the right-of-way and of setbacks and spacing on the properties to the north and west of the subject property. Specifically, in 1982, pursuant to Resolution #4-ZAB-251-82, a property at 15290 SW 288 Street, further to the west of the subject property across SW 152 Avenue, was approved a variance to the setback regulations to allow a building of public assemblage setback 25' from a property under different ownership and to permit parking within 25' of the right-of-way for a kindergarten and afterschool care center. Similarly, the property immediately west of the subject property was approved for variances to the setback regulations as applied to a building for public assemblage and the parking requirements, in 1985, pursuant to Resolution # 4-ZAB-65-85. However, as previously mentioned, this application for an Unusual Use to permit a daycare and after school care center on the subject property to which these requests are germane, is intrusive to the residential neighborhoods to the east, south and northeast, which when combined with the requests for variances to allow parking and driveways within 25' of the rights-of-way and reduced setbacks and spacing for the buildings of public assemblage proposed herein, are too intensive and thereby visually and aurally intrusive to the surrounding residential properties. Furthermore, staff notes that the applicants are attempting to retrofit 4 existing single family residences that are located side-by-side into the proposed day care complex and that the nearest home to the east is in close proximity (16.99') to the east property line, and that, with a setback of less than 17', is only providing 34% of the required setback distance of 50' for this

building of public assemblage. In addition, this same structure does not comply with the Zoning Code requirement that all buildings of public assemblage be spaced 75' from houses under separate ownership on abutting properties, as it is located approximately 42' from the next nearest home to the east, which is only slightly more than half of the 75' distance required by the Zoning Code. As such, staff opines that the approval of the setback and spacing variances in request #3 would be too intensive for the surrounding neighborhood and would negatively impact the existing single-family residences on the property to the east and that the parking and drives including the auto stacking spaces within 25' of the side street (SW 152 Avenue) and the cul-de-sac right of way of SW 289 Terrace will be too intensive for the surrounding neighborhood and will negatively impact any future development of single-family residences on the property to the south. Based on the aforementioned, staff recommends denial without prejudice of requests #2 and #3 under the Non-Use Variance (NUV) Standards.

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the RU-1 zoning regulations, staff is of the opinion that requests #2 and #3 cannot be approved under the ANUV Standards and should be denied without prejudice under same.

Accordingly, staff is of the opinion that the approval of the request to permit a daycare and after school care center with the requested encroachments is **incompatible** with the area and is **inconsistent** with the CDMP. Accordingly, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses); and the denial without prejudice of request #2 and #3, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice

J. CONDITIONS: None

DATE INSPECTED: 12/18/07
DATE TYPED: 09/16/08
DATE REVISED: 09/23/08; 09/24/08, 09/29/08, 10/17/08
DATE FINALIZED: 10/17/08
MCL:MTF:LVT: CH



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

Memorandum



Date: July 16, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: C-15 #Z2007000106-Revised
15101 S.W. 289th Terrace, LLC, et al
15101, 15121, 15141 and 15161 S.W. 289th Terrace
Unusual Use to Permit a Daycare
(RU-1) (0.86 Acres)
04-57-39

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

Wellfield Protection

The subject property is located within the basic wellfield protection area for the Leisure City Wellfield. The site is situated within the 100-day travel time contour of the said wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code. Since the subject request would permit nonresidential 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 DERM for this proposed development order.

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

accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

Chapter 24-43 of the Code also regulates stormwater disposal methods within public water supply wellfield protection areas. The Code requires that all stormwater runoff shall be retained on-site utilizing only infiltration or seepage type drainage systems on that part of the wellfield protection area that is beyond the 30-day travel time contour, and infiltration only for that part comprehended between 100 feet from the wells to the 10-day travel time contour. The Code prohibits the disposal of stormwater within 100 feet of the wells. Accordingly, all stormwater collected within this area shall be diverted from the same, via concrete swale. Oil and grease interceptors will be required at all catch basins preceding the exfiltration systems.

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

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

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

Operating Permit

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that, due to the nature of some land uses permitted in the underlying zoning district, operating permits from DERM may be required. It is, therefore, suggested that the applicant contact DERM concerning operating requirements.

Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at (305)372-6700.

Wetlands

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

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

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

DERM has found no open or closed enforcement record for the subject properties.

Concurrency Review Summary

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

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

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

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:15101 SW 289 TERR LLC, ET AL

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

Stop signs are required at both exit driveways from the site.

An onsite "Right Turn Arrow" pavement marking is required at the exit driveway onto SW 152 Avenue.

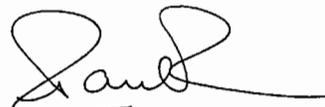
The specific design of the parking area designated along SW 289 Terrace as "paver blocks" will be reviewed at the time of Paving and Drainage Plans review.

Should you need additional information, please contact Mr. Muhammed Khan at 305-375-2030, or via e-mail at khanm@miamidade.gov

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 92 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
9860	SW 157 Ave. s/o SW 272 St.	B	B
F-8	S. Dixie Hwy. s/o SW 232 St.	E	E
9846	SW 152 Ave. n/o SW 288 St.	B	B
9930	SW 288 St. w/o SW 147 Ave.	C	C
F-545	S. Dixie n/o SW 308 St.	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

30-JUN-08

Memorandum



Date: 10-SEP-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000106

Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated June 17, 2008.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped May 30, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

Service Impact/Demand:

Development for the above Z2007000106
 located at 15101, 15121, 15141, 15161 S.W. 289 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2557 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	6,984 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 4.68 alarms-annually.
 The estimated average travel time is: 6:06 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 6 - Modello - 15890 SW 288 Street
 Rescue, BLS Tanker, Battalion.

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped May 30, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

15101 SW 289 TERR LLC, ET AL

15101, 15121, 15141, 15161 S.W.
289 TERRACE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000106

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Case 200801004119 was opened based on enforcement history request and inspected on 6-11-08.
No violations were observed and case was closed.

DISCLOSURE OF INTEREST*

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

LLC Name
CORPORATION NAME: 15101SW 289 Terr LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Demetrio Perez, 904 SW 23 Avenue, Miami Florida 33135</u>	<u>100%</u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: N/A

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>

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ZONING & PLANNING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY:

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

NAME OF PURCHASER: N/A

<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 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 12 day of March, 2007. Affiant is personally known to me or has produced _____ as identification.

[Handwritten Signature]
 (Notary Public) *Claudette L. Waters*
 My Commission DD193398
 Expires March 13, 2007

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

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

DISCLOSURE OF INTEREST*

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

^{LLC}
CORPORATION NAME: 15121SW 289 Terr LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Demetrio Perez, 904 SW 23 Avenue, Miami Florida 33135</u>	<u>100%</u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: N/A

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>

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ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY J

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

NAME OF PURCHASER: N/A

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

Date of contract: _____

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

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

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

Signature: *Mustis Perry*
(Applicant)

Sworn to and subscribed before me this 12 day of March, 2007. Affiant is personally known to me or has produced _____ as identification.

Claudette L. Waters
(Notary Public)
 Claudette L. Waters
 My Commission DD193308
 Expires March 13, 2007

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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LLC
CORPORATION NAME: 15141 SW 289 Terr LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Demetrio Perez, 904 SW 23 Avenue, Miami Florida 33135</u>	<u>100%</u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME: N/A

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

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PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>

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

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NAME OF PURCHASER: N/A

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

Date of contract: _____

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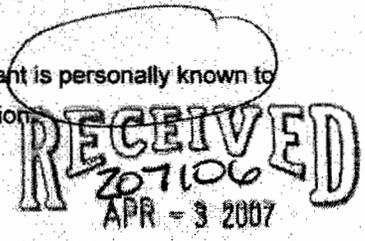
Signature: _____
(Applicant)

Sworn to and subscribed before me this 12 day of March, 2007. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



Claudette L. Waters
My Commission DD193366
Expires March 13, 2007



My commission expires _____
Claudette L. Waters
My Commission DD193366
Expires March 13, 2007

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

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~~CORPORATION~~ NAME: 15161 SW 289 Terr LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Demetrio Perez, 904 SW 23 Avenue, Miami Florida 33135</u>	<u>100%</u>
<u> </u>	<u> </u>

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TRUST/ESTATE NAME: N/A

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

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PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>

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ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: S

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

NAME OF PURCHASER: N/A

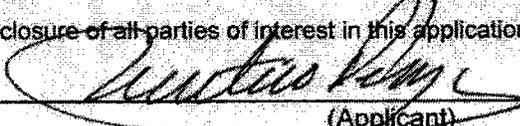
<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>

Date of contract: _____

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

Signature: 
(Applicant)

Sworn to and subscribed before me this 12 day of March, 2007. Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

My commission expires _____
Claudette L. Waters
My Commission DD2123306
Expires March 13, 2007

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

School Name: LINCOLN - MARTI Educational Center

School Address: 15101/21/41/61 SW 289th TER Tax Folio # 30 - 7A04-024-0040/30/20/10

1. Is this an expansion to an existing school? Yes No If yes, indicate the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: 167 1/2 x 226 1/2 = 37,704 + 43,560 sq. ft. = .86 acres
3. Number of children or students requested: 116 Ages: 3-5 years
4. Number of teachers: 8 number of administrative & clerical personnel 4106
5. Number of classrooms: 12 Total square footage of classroom area: 4106 sq. ft.
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): _____
7. Amount of exterior recreation /play area in square footage: 3242 sq. ft.
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 8 employed vehicles, 1 transportation
9. Number of parking spaces provided for staff, visitors, and transportation vehicles: 11 parking spaces provided 9 parking spaces required by Section 33-124 (L)
10. Indicate the number of auto stacking spaces: 5 provided 5 required
11. Proposed height for the structure(s): _____ See Section 33-151.18(g)
12. Size of identification sign: N/A x _____ = _____ sq. ft. See Section 33-151.18 (c). Signage will require a separate permit. Contact the Permit Section at 786-315-2100.
13. Days and hours of operation: Mon. - Fri. 8am - 4pm
14. Does the subject facility share the site with other facilities? Yes No (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to Section 33-151.16.)
15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans.) N/A

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

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

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

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery / kindergarten, preschool and after school care
35 sq. ft. x 116 (number of children) = 4060 sq. ft. of classroom area required.
 - b. Elementary Grades 1 - 6
30 sq. ft. x _____ (number of children) = N/A sq. ft. of classroom area required.
 - c. Junior High and Senior High School (Grades 7-12)
25 sq. ft. x _____ (number of children) = N/A sq. ft. of classroom area required.
- TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 4060 ft²
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 4106 ft²

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x 116 (1/2 of children) = 2610 ft²
- b. Grades 1 - 6
500 sq. ft. x _____ (first 30 children) = N/A
300 sq. ft. x _____ (remaining children) = _____
- c. Grades 7 - 12
800 sq. ft. x _____ (first 30 children) = N/A
300 sq. ft. x _____ (next 300 children) = _____
150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 2610 ft²
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 3242 ft²

TREES: See Section 33-151.18(h), and the Planning Division for additional requirements (12th floor).

- a. 28 trees are required per net acre. Trees required: 24 Trees provided: 31
- b. Ten shrubs are required for each tree required. Shrubs required: 240 Shrubs provided: 372
- c. Grass area for organized sports/ play area in square feet: N/A
- d. Lawn area in square feet (exclusive of organized sports/ play area): 5,507 ft²

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 APR - 3 2007

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: _____

School Address: 15101 / 21 / 41 / 41 SW 289th TERR. Zip Code: 33080

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

Signed, sealed, executed and acknowledged on this 8th day of MARCH, 2007 at Miami-Dade County, Florida.

WITNESSES:

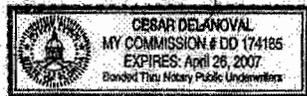
[Signature]

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 8th day of MARCH, 2007, before me personally appeared AIDAN D. LENNER, 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:

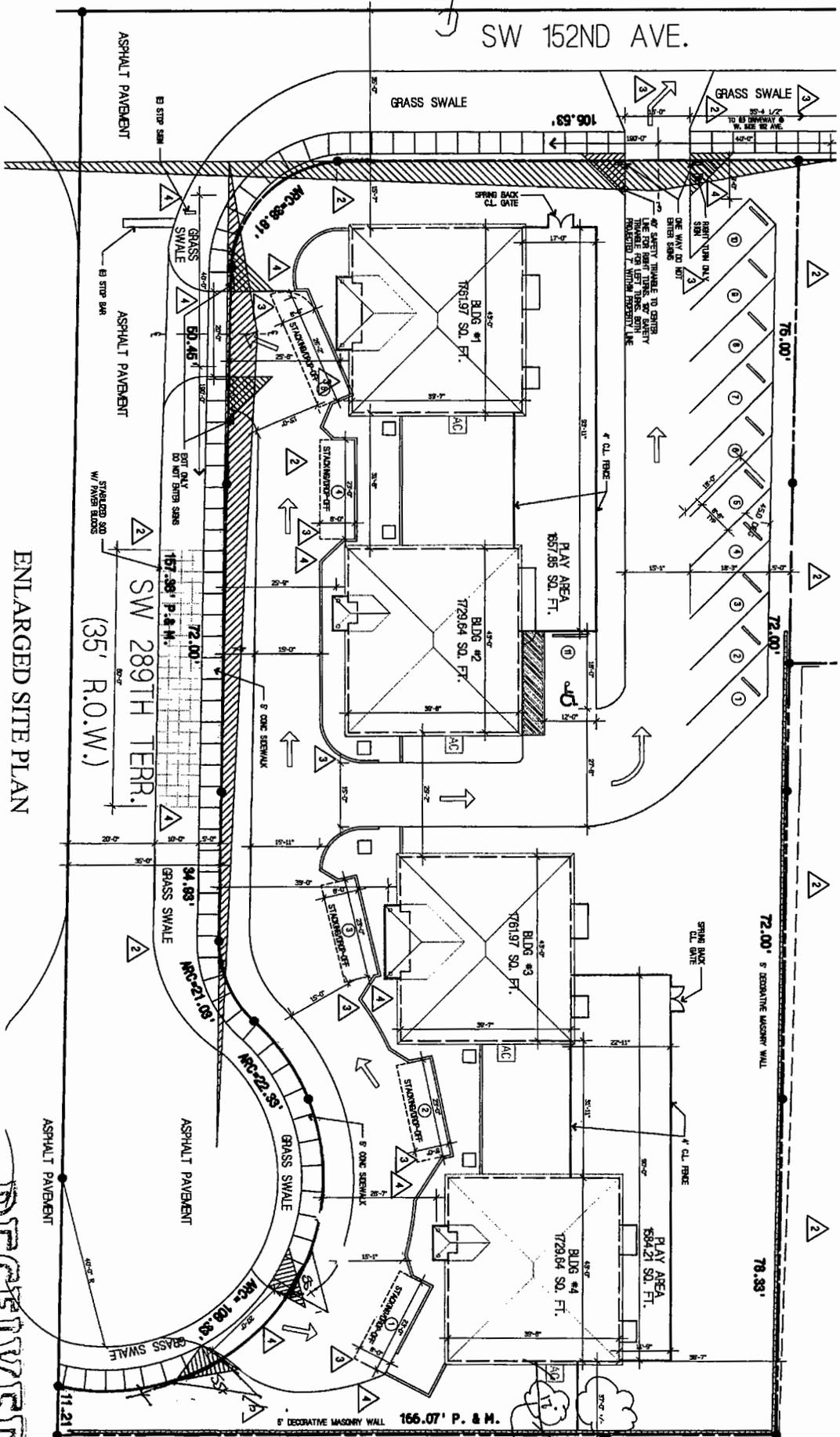
[Signature]



3/14/07
[Signature]
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APR - 3 2007

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

SW 152ND AVE.



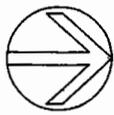
ENLARGED SITE PLAN

SW 289TH TERR. (35' R.O.W.)

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



715' reg'd
11' reg'd
50' reg'd

LANDSCAPE LEGEND INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN
 ZONING DISTRICT: RL-1 NET LOT AREA: 0.66 ACRES 37,704 S.F.

- DESIGN NOTES:**
1. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
 2. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
 3. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
 4. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
 5. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
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 9. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
 10. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.

SYMBOL USED ON SITE PLAN	PLANT NAME	NATIVE SPECIES	QUANTITY	HEIGHT	COUNTRY OF ORIGIN	QUANTITY
Symbol 1	Palmetto	Yes	10	10'	USA	10
Symbol 2	Swamp Cypress	Yes	10	10'	USA	10
Symbol 3	Live Oak	Yes	10	10'	USA	10
Symbol 4	Hamamelis	No	10	10'	China	10
Symbol 5	Japanese Maple	No	10	10'	Japan	10
Symbol 6	Shade Tree	No	10	10'	USA	10
Symbol 7	Shade Tree	No	10	10'	USA	10
Symbol 8	Shade Tree	No	10	10'	USA	10
Symbol 9	Shade Tree	No	10	10'	USA	10
Symbol 10	Shade Tree	No	10	10'	USA	10

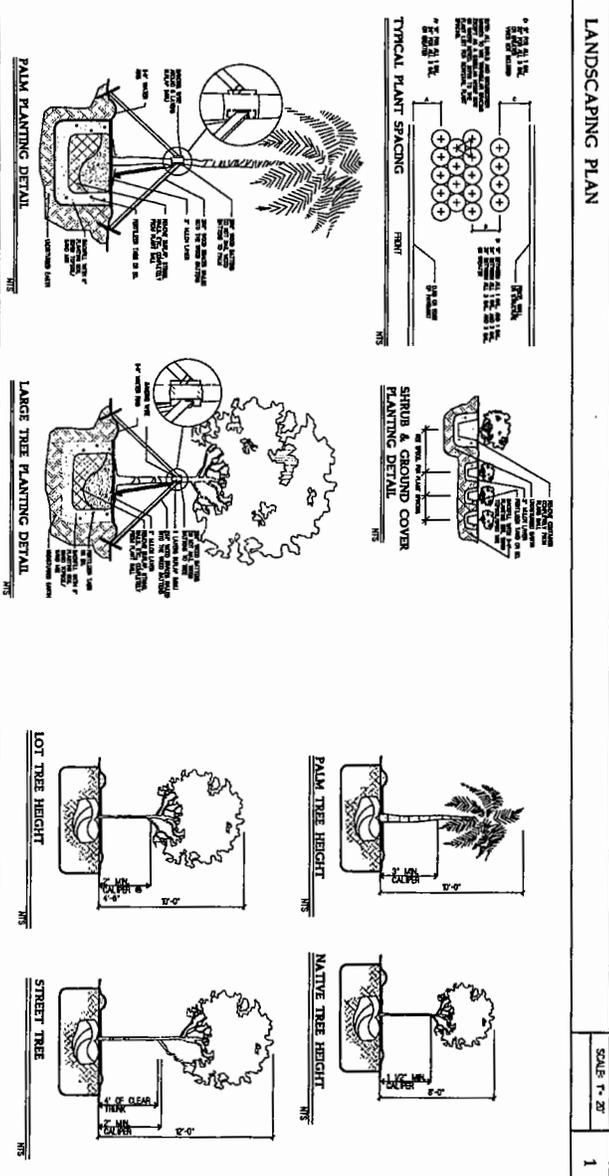
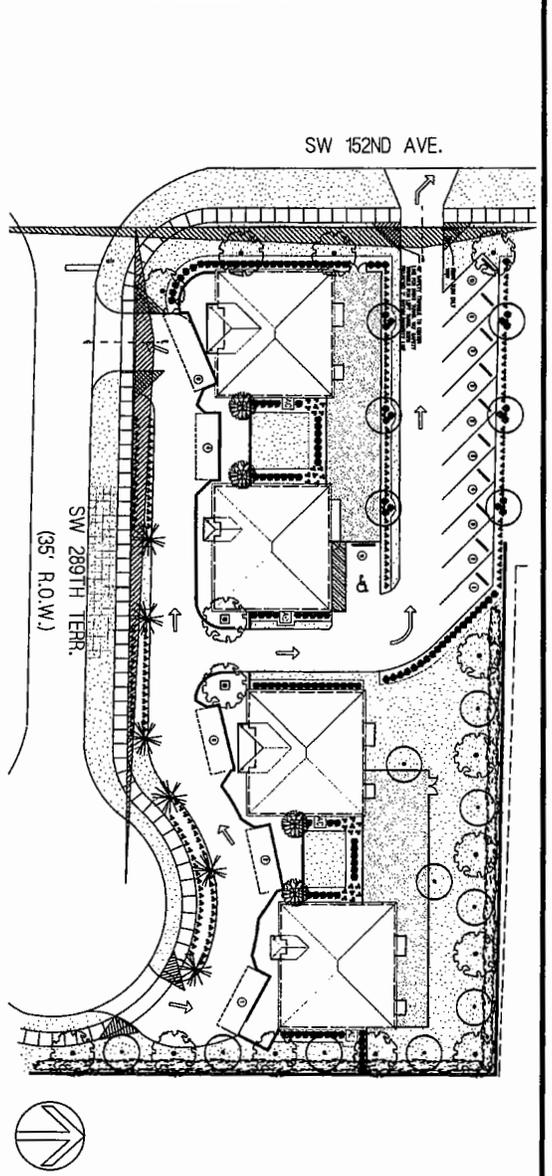
NOTES:

1. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
2. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
3. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
4. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
5. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
6. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
7. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
8. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
9. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.
10. ALL PLANTINGS TO BE INSTALLED BY OWNER AS NOTED ON SITE PLAN.

LANDSCAPING PLAN LEGEND AND NOTES

LINCOLN MARTI EDUCATIONAL CENTER

DATE: 07-04
 PROJECT: LANDSCAPE PLAN
 DRAWING NO.: L-1
 SHEET: 01



Offerle-Lerner, AIA
 ARCHITECTS AND PLANNERS

LINCOLN MARTI - EDUCATIONAL CENTER

3700 SW 34TH ST SUITE 208
 MIAMI, FL 33109
 305-365-7000
 141-0000333

5302/24461 S.W. 289TH TERRACE
 MIAMI, FLORIDA 33175

DATE: 07-04
 DRAWN BY: AIA
 CHECKED BY: AIA

DATE: 07-04
 DRAWN BY: AIA
 CHECKED BY: AIA

DATE: 07-04
 DRAWN BY: AIA
 CHECKED BY: AIA

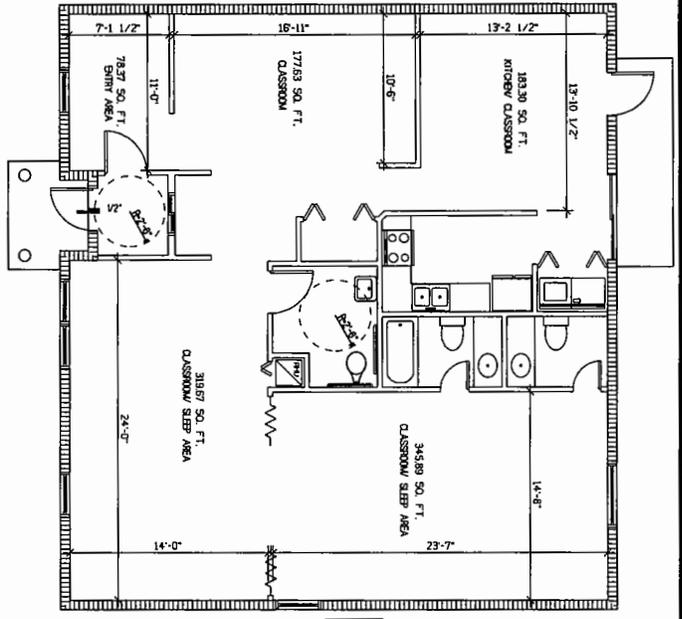
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY _____

RECEIVED

APR 11 2007

ZONING HEARINGS SECTION
 WILMINGTON PLANNING AND ZONING DEPT.

RECEIVED
 WILMINGTON PLANNING AND ZONING DEPT.



INDOOR SPACE

1. TOTAL GROSS FLOOR AREA SHALL BE THE TOTAL NUMBER OF FLOORS...
 2. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...
 3. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...
 4. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...

OUTDOOR SPACE

1. TOTAL GROSS FLOOR AREA SHALL BE THE TOTAL NUMBER OF FLOORS...
 2. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...
 3. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...
 4. GROSS FLOOR AREA SHALL BE THE TOTAL AREA OF ALL FLOORS...

STAFF (PARKING) ANALYSIS

TYPE	NUMBER	AREA	TOTAL
STAFF	1	100	100
PARKING	2	200	200
TOTAL	3	300	300

FLOOR PLAN NOTES

1. LINCOLN MARTI EDUCATIONAL CENTER

2. OFFERLE-LERNER, AIA

3. SCALE: 1/4" = 1'-0"

4. WEST ELEVATIONS

5. EAST ELEVATIONS

6. NORTH ELEVATIONS

7. SOUTH ELEVATIONS

8. SCALE: 1/4" = 1'-0"

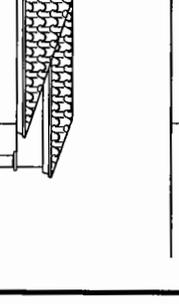
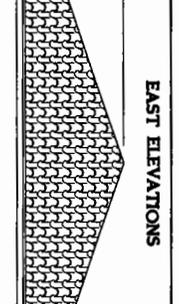
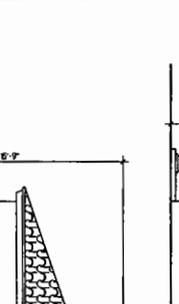
9. WEST ELEVATIONS

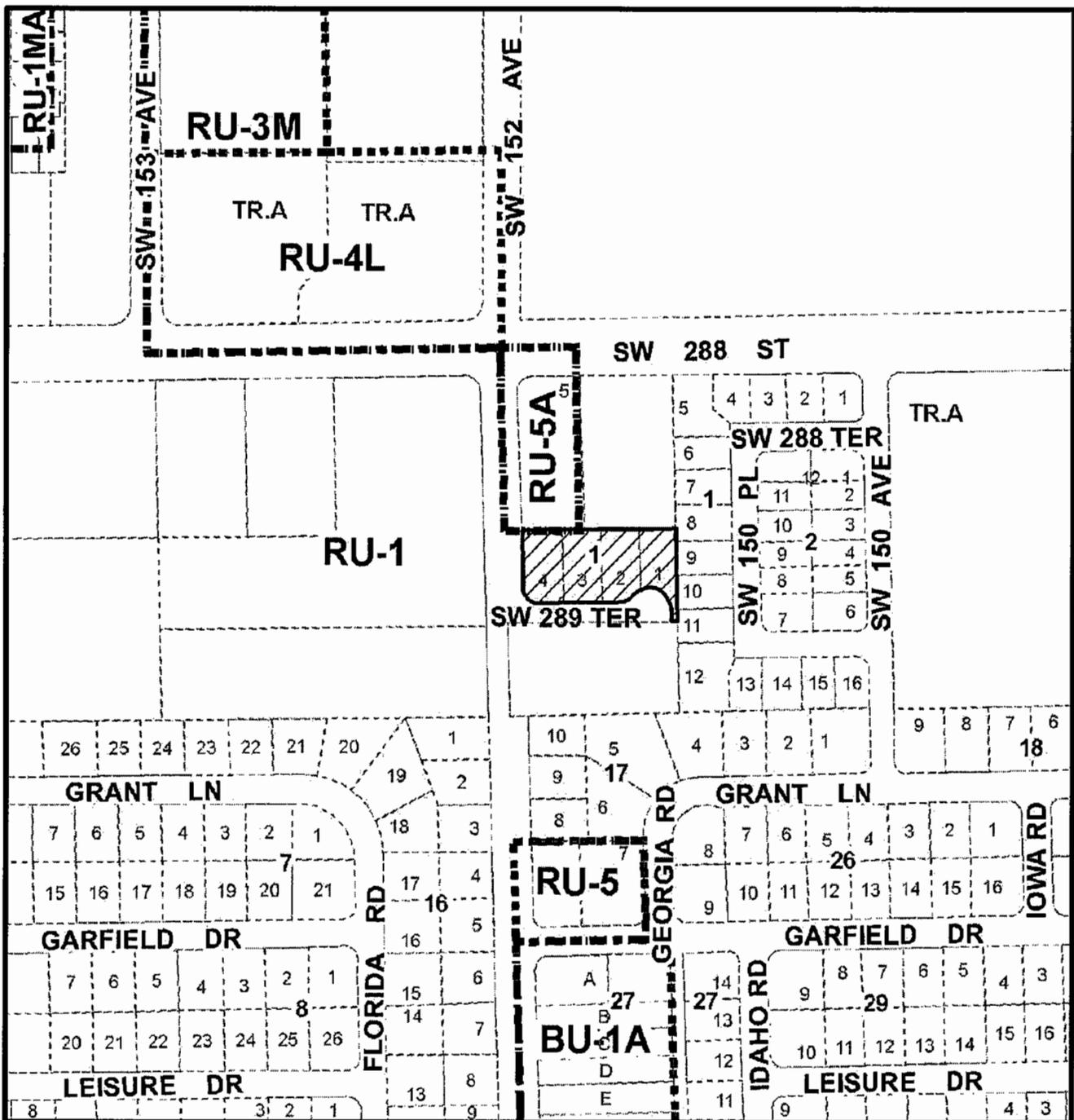
10. EAST ELEVATIONS

11. NORTH ELEVATIONS

12. SOUTH ELEVATIONS

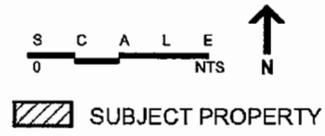
13. SCALE: 1/4" = 1'-0"





MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-106



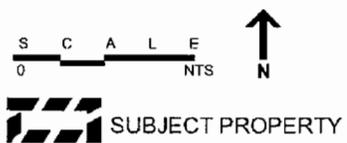
Section: 04 Township: 557 Range: 39
 Process Number: 07-106
 Applicant: 15101 SW 289 TERR LLC, ET AL
 Zoning Board: C15
 District Number: 8
 Cadastral: JEFFER
 Scale: NTS





MIAMI-DADE COUNTY
AERIAL

Process Number
07-106



Section: 04 Township: 557 Range: 39
 Process Number: 07-106
 Applicant: 15101SW 289 TERR LLC, ET AL
 Zoning Board: C15
 District Number: 8
 Cadastral: JEFFER
 Scale: NTS

