



**ZONING MEETING**  
**Board of County Commissioners**  
**April 26, 2007**

Prepared by: Nelson Diaz

**EXHIBITS LIST**

<b>NO.</b>	<b>DATE</b>	<b>ITEM #</b>	<b>DESCRIPTION</b>
1	4/26/2007		Order of the Day
2	4/26/2007		Memorandum from Commissioner Heyman re: absence from the meeting
3	4/26/2007		Memorandum from Commissioner Sosa re: late arrival to meeting
4	4/26/2007		Zoning Action Sheet
5	4/26/2007	A-1	Declaration of Restriction
6	4/26/2007	A-2	Colored photographs of the property from different angles.
7	4/26/2007	1-A	Declaration of Restriction
8	4/26/2007		Speaker's Card
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**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**ORDER OF THE DAY**

**THURSDAY, APRIL 26, 2007**

**9:30 A.M. CALL TO ORDER**

**ROLL CALL**

**MOMENT OF SILENT MEDITATION**

**PLEDGE OF ALLEGIANCE**

**RECONVENE BCC MTG**

- **ITEM 7 G**

**ZONING HEARING**

**SWEARING IN OF WITNESSES**

**SWEARING IN OF TRANSLATOR**

**DEFERRALS OR WITHDRAWALS**

**BCC CARRYOVER ITEMS**

**2:00 P.M. METROPOLITAN PLANNING ORGANIZATION**



MEMORANDUM  
BOARD OF COUNTY COMMISSIONERS  
COMMISSIONER SALLY A. HEYMAN  
DISTRICT 4

TO: Honorable Bruno A. Barreiro, Chairman  
and Members of the Board of County  
Commissioners

FROM: Sally A. Heyman  
Commissioner  
District 4

DATE: April 11, 2007

SUBJECT: **Absence from Regular BCC Meeting,  
April 24, 2007 and Zoning & MPO  
Meeting, April 26, 2007**

Please be advised that I will not be attending the April 24<sup>th</sup> Regular BCC Meeting nor the April 26, 2007 Zoning and MPO Meetings, I will be attending the Jay Malina ITC Business Development Mission to South Africa. Please excuse my absence for said meetings.

Cc: Honorable Carlos Alvarez, Mayor  
George Burgess, County Manager  
Murray A. Greenberg, County Attorney  
Harvey Ruvim, Clerk of the Courts  
Kay Sullivan, Clerk of the Board  
Diane Davis, Agenda Coordinator  
Subrata Basu, Interim Director  
Jose Luis Mesa, Director, MPO  
Irma San Roman, MPO





MEMORANDUM  
BOARD OF COUNTY COMMISSIONERS  
COMMISSIONER REBECA SOSA

---

TO: The Honorable Chairman Bruno A. Barreiro  
and Members of the Board of County  
Commissioners

DATE: April 26, 2007

FROM: The Honorable Rebeca Sosa, *Rebeca Sosa*  
Commissioner, District 6 *SOZA*

SUBJECT: Late arrival to the Zoning/BCC meeting

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Please be advised I will be arriving late to the Zoning/BCC meeting scheduled for Thursday, April 26, 2007 because I will be attending a previously scheduled event with Amigos for Kids. Therefore, I respectfully request that any of my pull items be done later in the meeting.

Thank you for your attention to this matter.

Cc: George Burgess, County Manager  
Murray Greenberg, County Attorney  
Kay Sullivan, Clerk of the Board  
Diane Davis, Agenda Coordinator

**ZONING ACTION**

**MEMORANDUM**

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



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

**ITEM: A.**

**APPLICANT:** Rene Miguel Valdez

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

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

**DATE:**    **#Z-**

**ITEM:**

**APPLICANT:**

**MOTION:**

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				
Edmonson				
Gimenez				
Heyman				
Martinez				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				

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

**ITEM: 1.**

**APPLICANT:** Aspira of Florida

**MOTION:** Approved the application with acceptance of the proffered covenant.

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

**DATE:**    **#Z-**

**ITEM:**

**APPLICANT:**

**MOTION:**

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				
Edmonson				
Gimenez				
Heyman				
Martinez				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				

This instrument was prepared by:  
Name: Simon Ferro  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
(305)579-0500

RECEIVED  
for the  
APR 26 2007  
Exhibit A  
Meeting BCC ZONING

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIONS**

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

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of **Public Hearing No. 2005-364** will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by G.J.R. Architects entitled, "Proposed RU-5A Zoning for Rene Miguel Valdes, dated the 22 day of April, 2004 said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement ("Site Plan"). ✓
- (2) Parking space #10 in the Site Plan shall have 5 feet of aisle end back-out, and all landscaping and fences shall comply with safe-site distance triangle requirements. ✓
- (3) The Property shall be used solely as an architect's office. ✓

**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.

Exhibit "A"  
Zoning



## Declaration of Restrictions

Page 2

Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

(Space reserved for Clerk)

**ACKNOWLEDGMENT INDIVIDUAL**

Signed, witnessed, executed and acknowledged on this 7 day of January, 2007.

**WITNESSES:**

Leyla M Lucas  
Signature

Leyla M Lucas  
Print Name

[Signature]  
Signature

Simon Ferrn  
Print Name

\* Rene m. Valdes

Individual Signature

**RENE M. VALDES**

8225 SW 56 St.  
Miami, FL 33155

\* Mariana Valdes

Individual Signature

**MARIANELA VALDES, HIS WIFE**

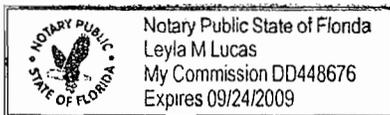
8225 SW 56 St.  
Miami, FL 33155

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by **RENE M. VALDES** who is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 7 day of January, 2007, in the County and State aforesaid.



Leyla M Lucas  
Notary Public-State of FLORIDA

Print Name

My Commission Expires:

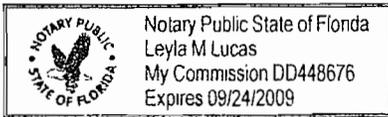
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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by **MARIANELA VALDES**, who is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 7 day of **January, 2007** in the County and State aforesaid.



*Leyla M Lucas*  
\_\_\_\_\_  
Notary Public-State of FLORIDA

\_\_\_\_\_  
Print Name

My Commission Expires:

EXHIBIT "A"  
LEGAL DESCRIPTION

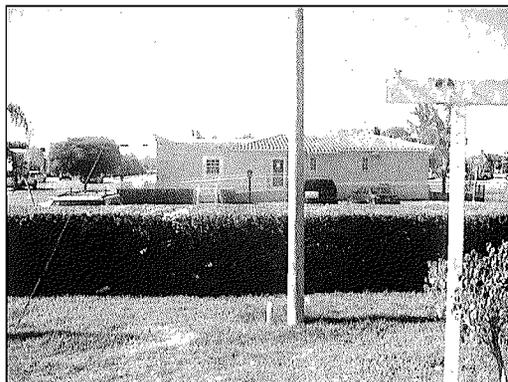
Lot 4 Block 8 CORAL WAY HOMESITES PB 46, PG 21.



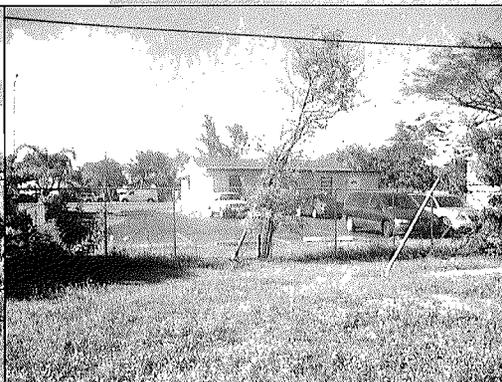
**RECEIVED**  
By the Clerk for the record.

APR 26 2007

Item A  
Exhibit A-7  
Meeting BCC ZONING



North – Front yard



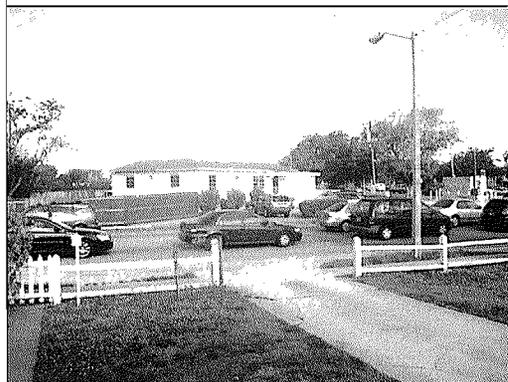
North - Backyard



East - Backyard



South - Backyard



Cars stacked in front of property



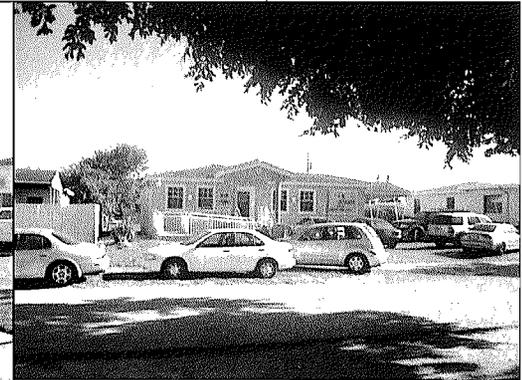
Cars stacked in front of property



Cars in front of property



Across from property



Office on frontage rd



Office on frontage rd



Community Res. Home to south







This instrument was prepared by:  
Name: Tracy R. Slavens, Esq.  
Address: Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

**RECEIVED**  
By the Clerk for the record

APR 26 2007

Item 1  
Exhibit I-A  
Meeting BCC ZONING

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned owner, **ASPIRA OF FLORIDA, INC.**, a Florida not for profit corporation (the "Owner"), holds the fee simple title to that certain 3.53± acre parcel of land in Miami-Dade County, Florida (the "County"), located at 13330 SW 288<sup>th</sup> Street, and which is legally described in Exhibit "A," attached hereto (the "Property");

*WHEREAS*, the Owner submitted to the Miami-Dade County Planning and Zoning Department (the "Department") an application for a special exception to permit the development of a charter school facility on the Property, known as **ASPIRA SOUTH CHARTER SCHOOL** (the "Charter School"), under zoning hearing application no. 07-027 (the "Application");

*NOW THEREFORE, IN ORDER TO ASSURE* the County that the representations made during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

1. That a site plan be submitted to and meet with the approval of the Director of the Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and a special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be further modified at the public hearing on the Application (the "Plan").
3. The Charter School use shall be limited to kindergarten through eighth grades with six hundred (600) students.



4. The Charter School shall have a minimum of two dismissal times, separated by a minimum of thirty (30) minutes, with a maximum of 400 students per shift. The last dismissal time will be no later than 3:30 p.m. The Owner shall provide written notice of any modifications to the arrival and departure times to the directors of the Planning and Zoning Department (the "Department") and the Public Works Department; said modifications shall be subject to the approval of the directors.
5. A westbound left-turn bay shall be provided at the driveway entrance on SW 288<sup>th</sup> Street into the site in order to accommodate the entering school buses, at the expense of the Owner.
6. Phase I of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year.
7. The modular structure shall be removed from the Property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first.
8. The County shall design and install the flashing signals and implement school speed zones required along the surrounding roadways. Upon the installation of the flashing signals, the Owner shall reimburse the County for the expenses and costs related to the design and installation of said improvement.
9. That signage for the charter school shall comply with the Zoning Code regulations, not to exceed one sign of a maximum of 24 square feet in area.
10. The Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
11. The Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
12. To the extent that they do not conflict with local and state requirements for educational facilities, the Owner shall implement the water saving practices recommended by the Miami-Dade County Water and Sewer Department, attached hereto as Exhibit "B," in the design and construction of the Charter School facilities.
13. No outside loudspeakers shall be permitted on the Property.
14. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

15. The waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
16. If the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:
  - (a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
  - (b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
  - (c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
  - (d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.
17. In addition to the foregoing provisions, the Owner shall comply with all of the applicable conditions, requirements, recommendations, requests, and other provisions of the various departments, as contained in the departmental memoranda, as set forth in the Developmental Impact Committee Recommendation to the Board of County Commissioners, dated March 7, 2007, and those conditions agreed to at the Developmental Impact Committee Executive Council meeting held on March 7, 2007 (the "DIC Meeting"), all of which are part of the record for the Application and incorporated herein by reference. It is provided, however, that to the extent any conditions agreed to at the DIC Meeting, as reflected herein, differ from the memoranda, the conditions agreed to at the DIC Meeting and the provisions herein shall govern the development and use of the Property.
18. Miscellaneous:

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions

contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

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

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

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

[SIGNATURE PAGE(S) FOLLOW]





Rev.

RECEIVED  
207-027  
FEB 12 2006  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
SAH

EXHIBIT "A"

Legal Description:

The West 425.00 feet of the East 725.00 feet of that portion of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 2, Township 57 South, Range 39 East lying North of the Right-of-Way of State Road 579 (Biscayne Drive) as described in Quit Claim Deed No. 244 from Model Land Company dated May 28, 1943, Less the North 35.00 feet thereof and less that portion described as follows: Begin 325.00 feet West and 35.00 feet South of the Northeast corner of the Southwest 1/4 of Section 2, Township 57 South, Range 39 East, thence run West 250.00 feet, South 150.00 feet, East 250.00 feet and North 150.00 feet to the Point of Beginning.

ALSO KNOWN AS:

Tract "A" of the Plat of FALCON MOTOR INN recorded in Plat Book 131, Page 32, of the Public Records of Miami-Dade County, Florida, PLUS the following:  
A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2 TOWNSHIP 57 SOUTH, RANGE 39 EAST, LYING NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THAT PORTION OF BISCAYNE DRIVE, FORMERLY KNOWN AS STATE ROAD 579 ACCORDING TO QUIT CLAIM DEED NO. 244, DATED MAY 28, 1943 AS RECORDED IN OFFICIAL RECORDS BOOK 2294, PAGE 434 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND SOUTHERLY OF A LINE LYING 35.00 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY "METES AND BOUNDS" AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE S89°04'28"W ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR 300.01 FEET TO AN INTERSECTION WITH A LINE BEING 300.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S0°24'17"E ALONG SAID PARALLEL LINE FOR 35.00 FEET TO AN INTERSECTION WITH A LINE BEING 35.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH SAID NORTH LINE, SAID PARALLEL LINE BEING THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF S.W. 288TH STREET, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE S0°24'17"E ALONG SAID PARALLEL LINE OF THE AFOREMENTIONED EAST LINE FOR 539.89 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BISCAYNE DRIVE (FORMERLY STATE ROAD 579), SAID INTERSECTION BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND BEARING S14°09'50"W FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1088.28 FEET AND A CENTRAL ANGLE OF 1°18'49" FOR 24.49 FEET TO A NON-TANGENTIAL INTERSECTION WITH THE EAST LINE OF "FALCON MOTOR INN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN AT BOOK 131 AT PAGE 32 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID EAST LINE ALSO BEING 325.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, SAID INTERSECTION BEARING S15°26'39"W FROM THE CENTER OF SAID CURVE; THENCE N0°24'17"W ALONG THE EAST LINE OF SAID PLAT OF "FALCON MOTOR INN" FOR 383.24 FEET TO THE NORTHEAST CORNER OF SAID "FALCON MOTOR INN"; THENCE N0°55'32"W FOR 150.00 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE N89°04'28"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 25.00 FEET TO THE POINT OF BEGINNING.

LYING IN SECTION 2, TOWNSHIP 57 SOUTH, RANGE 39 EAST;

CONTAINING 3.5328 ACRES NET AREA, MORE OR LESS,  
FOLIO NUMBER 30-7902-003-0010 (Folio for Platted Parcel)  
FOLIO NUMBER 30-7902-000-0172 (Folio for 25 foot parcel adjacent East).  
O. R. BOOK 14833 PAGE 13525  
PROPERTY ADDRESS (PER TAX ROLL) 13330 SW 288th STREET

ASPIRA SOUTH

**EXHIBIT "B"**  
**(Page 1 of 4)**

**WATER CONSERVATION**

Miami-Dade County is currently developing recommendations for new development that would achieve higher water use savings than currently required by code.

The following is a list of water saving practices to be used as a guide to achieve additional water savings above current code requirements. These recommendations are targeted at new commercial and institutional construction projects and are based on the following principles:

- Use waterless technologies where available
- Maximize use of on-site sources of water
- Choose equipment that is water and energy efficient
- Install automatic shut offs, solenoids and controllers to turn water off when not in use
- Install flow restrictors when possible
- Eliminate once-through cooling

**Plumbing Fixtures and Practices**

Toilets and Urinals

- Ensure all water closets use no more than 1.3 gallons per flush, high efficiency toilets (HETs) can achieve 20 to 25% water use savings.
- Use toilets included the Uniform North American Requirements (UNAR) certified list.
- Consider waterless urinals

Faucets

- Install hand washing faucets or aerators that use no more than 1.0 gallons per minute
- Install sensor controls on hand washing faucets in public restrooms
- Install showerheads that use no more than 1.5 gallons per minute

Plumbing Design

- Use tankless water heating or other devices that reduce water wasted waiting for the water to get hot where possible

**EXHIBIT "B"**  
**(Page 2 of 4)**

- Post prominent signs in all restrooms and other water using areas listing telephone numbers to promptly report leaks and other plumbing problems.

**Metering and Sub-Metering**

- Install a separate meter and keep monthly records of all major water-using function such as cooling towers and individual buildings.

**Heating Ventilation and Air Conditioning Equipment**

Cooling Towers

- Eliminate all once-through cooling
- On cooling towers, install both makeup and blowdown meters
- Equip cooling towers with overflow sensors on the overflow pipes to alert the operator to problems that can waste thousands of gallons daily
- All cooling towers should achieve at least (5.0) cycles of concentration

Boilers

- Equip boilers with makeup meters and conductivity controllers for blowdown control
- Reuse or return steam condensate to the boiler wherever possible
- Install makeup meters on all recirculating closed water loops used for heating and cooling systems so that leaks in the recirculating systems can be easily detected.

**Food Service**

Equipment Selection

- Eliminate all water cooled equipment using once-through cooling
- All water-cooled equipment should be eliminated unless it uses chilled water or cooling tower loop. This includes ice makers, refrigeration equipment, and ice cream machines.

Dishwashing Equipment

- Dishwashers should use less than 1.2 gallons per rack for fill-and-dump machines and less than 0.9 gallons per rack for all other types of machines. For under the counter machines, water use should not exceed 1.0 gallons per rack for high-temperature machines and 1.7 gallons per rack for low-temperature machines and 1.7 gallons per rack for low temperature machines.
- Pre-rinse spray valves that use 1.6 gallons per minute and have a shot off valve

**EXHIBIT "B"**  
**(Page 3 of 4)**

Food Preparation

- Use connectionless steamers. They do not need either a water supply or a wastewater drain.
- Select ice machines that use no more than 20 gallons per hundred pounds of ice made.

**Efficient Landscape Irrigation**

Water can be conserved through the use of a properly designed and managed landscape irrigation systems, and choice of plant material.

Irrigation controllers

- Moisture sensing shut-off switch equipment for automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

Irrigation equipment and design

- Use drip irrigation or microsprinklers for planting beds (once plants are established, irrigation is not usually needed)
- Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or using micro or drip irrigation.
- Create hydrozoned areas, with beds and turf watered separately (plant beds may not need irrigation after plants are established)
- Design systems to maintain manufacturer-recommended pressure to prevent misting and unnecessary pipe wear

Soil

- Terrace any area that exceeds a 3:1 slope
- Do not add soil on top of tree roots

Mulch

- Use organic, preferably locally derived mulch, such as pine bark, dyed landscape mulch, or enviromulch. Avoid cypress mulch which encourages deforestation of natural areas.
- Limit use of rock mulch due to increased heat and reflection

**EXHIBIT "B"**  
**(Page 4 of 4)**

- Mulch should be 3-4 inches deep over the root zone and several inches away from the base of plants

Plant Selection

- Use low-maintenance (drought tolerant) species. The Extension Service's Florida Yards and Neighborhoods Program list these in a publication for South Florida. <http://miami-dade.ifas.ufl.edu/programs/fyn/publications/dtol.htm>
- Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities. Select plants that are drought and freeze tolerant.
- For areas with limited soil space such as parking lots, use naturally small stature trees or use palms. Information for small stature trees for restricted spaces, such as narrow swales and limited space residential lots where canopy and roots can become problem can be found at <http://miami-dade.ufl.edu/programs/urbanhort/publications/PDF/Small%20Trees%20for%20Miami-Dade.pdf>
- Xeriscape or Florida-friendly landscape principles should be applied. These principles conserve water and protect the environment and include efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. (Ref. 373.185 F.S.)

# 4341732\_v4

AGAINST

for the record.

APR 26 2007

# Speaker's Card

(For Appearance Before the Board of County Commission)

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Appl. \_\_\_\_\_

Today's Date 17-26-07 BCC Mtg. Date \_\_\_\_\_ Agenda Item # 06-10.CZ10-2/05-364

Subject: Change of zoning from Residential to  
Semi-prof

Name: ANASTASIA Montiel

Address: 8231 S.W 25th Miami, FL 33155

**Lobbyist Information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes:  No:

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board? Yes:  No:  OUR SIGNATURES

# AGAINST

Metropolitan Dade County

APR 26 2007

## Speaker's Card

(For Appearance Before the Board of County Commission)

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Appl. \_\_\_\_\_

Today's Date 4/26/07 BCC Mtg. Date \_\_\_\_\_ Agenda Item # 06-10-CZ10-2/05-364

Subject: ZONING CHANGE

Name: STELLA E. TOBIN

Address: 2411 S.W. 84 AVE

**Lobbyist Information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes:  No:

If yes, please list name: Westchester Neighbors /  
Organization Firm Client

Have you registered with the Clerk of the Board? Yes:  No:

AGAINST

Received by the Clerk  
for the record.

APR 26 2007

Speaker's Card

(For Appearance Before the Board of County Commission)

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Appt. \_\_\_\_\_

Today's Date 04-26-07 BCC Mtg. Date \_\_\_\_\_ Agenda Item # 06-10-C210-2/05-364

Subject: Zone change from a single-family Residential to semi-professional office district.

Name: MARIA L. CABALS

Address: 2920 SW 80 AVE MIAMI, FL. 33155

**Lobbyist Information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes:  No: \_\_\_\_\_

If yes, please list name: Westchester neighborhood  
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: \_\_\_\_\_ No: \_\_\_\_\_